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MAR 20 1916

GIFT OF PUBLISHER

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 1 NEW YORK, WEDNESDAY, JANUARY 2, 1935 TEN CENTS

Code Changes On Selective Buys Looming

Campi Legal Committee Working on Plan

Campi's legal committee is working on an amendment to the code covering selective contracts. Because of the loose interpretation of the clause, codists cannot tell whether selective pictures must be released by the exhibitor 21 days after downtown runs complete playdates or three weeks after availability.

Much confusion has arisen on this question and it is stated that under the present system a competiting exhibitor waiting for rejections by the purchaser of a selective pact can be "forced out of business."

Code Authority at the last session mulled over the clause, but decided to wait for developments at Friday's

(*Continued on page* 17)

Erpi to Introduce Engineers' Service

A complete theatre engineering service covering advisory functions on sound, projection, building maintenance and light, power and heat has been prepared by Erpi and will be inaugurated within the next few weeks, L. W. Conrow, who will be in charge of the new Erpi service in the east, said Monday.

Under the plan a staff of engineers will be maintained in district offices at New York, Chicago and Los Angeles

(*Continued on page* 2)

Favors Holding of U. S. Ticket Taxes

SALT LAKE CITY, Jan. 1.—Congressman Samuel B. Hill, a member of the House Ways and Means Committee, has informed friends here that he favors continuance of the theatre ticket tax for the coming year. He estimated that improvement in business would raise the collections by $6,000,000 to $10,000,000.

Fred Stone Signed To Paramount Pact

Paramount has signed Fred Stone to a long term contract and the actor plans to leave for the coast early next month.

Stone's last appearance on the legitimate stage was in "The Jayhawker." His first screen vehicle has not yet been chosen.

The Headline Parade of 1934

The significant industry news events of 1934, as culled from the day-to-day headlines of *Motion Picture Daily* throughout the year, are presented for review on pages 6, 13, 14 and 16 of this issue.

Outstanding in the headlines is the evidence they present of widespread financial improvement throughout the industry during the year, both in the improved earnings statements of all important companies and the definite progress toward rehabilitation of those organizations which experienced receivership or bankruptcy during the preceding year. Also vying in significance with these developments are the experiences of the industry in the first year of its attempt at self-regulation under the NRA code; the development of the church decency campaign to influence the moral tone of films and its resultant strengthening of the Production Code Administration.

The year was also marked by a minimum of internal conflict within the industry and fewer changes in top executive positions than have occurred in many years.

Wired Houses Now 15,645 On Continent

Total sound theatres in 20 countries on the Continent as of Dec. 1, 1934, numbered 15,645, according to a compilation made by Fred W. Lange, Continental general manager for Paramount, now in New York on his annual visit. Germany leads the list with 4,674 wired houses and France is second with an aggregate of 2,714.

Third in line is Spain, which has 1,528, followed by Italy with 1,079. Sweden is next with 800 installations, and Czechoslovakia rating sixth place with 777. The Baltic countries have a total of 185 sound theatres, of which Lettland has 77; Estonia, 56, and Lithuania, 52. There are no available

(*Continued on page* 17)

Film Will Be Shown 12,000 Feet in Air

Films will soar to new heights—12,000 feet above New York, to be exact about it—today when "Baboona," jungle picture made from the air by the Martin Johnsons, will be screened for newspaper publishers and reporters in the transcontinental Douglas special which recently broke the cross-country record with Capt. Eddie Rickenbacker at the controls.

In the evening, the Johnsons will

(*Continued on page* 2)

Quality Will Hike With Grosses—Katz

HOLLYWOOD, Jan. 1.—Sam Katz, former power in Paramount Publix and now executive assistant to Louis

(*Continued on page* 16)

Film Stocks Outstrip All Other Lines

What the financial ticker did and did not do during 1934 is covered in full statistical array on page 18 today.

By FINANCIAL OBSERVER

Raising fractions to more than 20 points during 1934, film issues outstripped all other groups on the New York Stock Exchange and gave a cheerful hue to the industry's outlook for 1935.

Bonds of the industry and stocks listed on the New York Curb Exchange kept pace with the Big Board

(*Continued on page* 18)

Anthony Lucchese of Philadelphia Passes

PHILADELPHIA, Jan. 1.—Anthony Lucchese, one of the oldest independent exchange men in the country, died here Sunday night after an illness of many months. The funeral will be held tomorrow.

Lucchese was one of the first men in the film business on Vine St. and he stayed there for more than 20 years. He operated the Gold Medal and Majestic exchanges here and in Washington.

Stoneham-Fox Suit Set for High Court

BOSTON, Jan. 1.—No settlement of the David Stoneham-Fox Film suit is in sight, according to Thomas Mahony,

(*Continued on page* 2)

Washington's Code Struggle Draws Nearer

Congressmen Promising An Investigation

By CLARENCE LINZ

WASHINGTON, Jan. 1.—Interests opposed to the code are massing their forces here for conferences with members of Congress upon whom they will rely to push their fight and are said already to have been assured that an investigation of the agreement will be sought.

It is not believed, however, that the opening days of Congress will see the question raised, but that, rather, the matter will be held in abeyance until President Roosevelt sends the legislation for perpetuation of the NRA to his lieutenants in the House and in the Senate.

While it has not been divulged whether any effort will be made to attack the code in the House, it has

(*Continued on page* 17)

Treasury Ponders "Ecstacy" Import

WASHINGTON, Jan. 1.—Treasury officials are spending the year's end wondering what to do about the Czechoslovakian picture, "Ecstacy," entry of which is being sought by Eureka Prod., officials of which claim that all the majors are bidding for the opus.

The picture stars a woman known as Hedy Keisler, who in private life is the wife of Fritz Mandel, a leading Austrian munitions manufacturer. It

(*Continued on page* 2)

Buffalo May Drop Clearance Schedule

BUFFALO, Jan. 1.—A meeting has been called by the local clearance and zoning board next week to take action on a schedule for this territory. Campi has been studying the plan and is understood to have voted it down in favor of individual protests.

Recently, the Chicago board threw out its schedule after Campi rejected it for a second time and adopted the individual method of clearing protests on clearance. It is likely this may also be done in the local area.

Cleveland Two-Year Clearance Pact Ends

CLEVELAND, Jan. 1.—The Cleveland protection agreement, entered into between the local exhibitors and all of

(*Continued on page* 17)

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Sherman Funeral Here

HOLLYWOOD, Jan. 1.—Lowell Sherman's body will be sent from here to New York for burial. Private funeral services will be held there.

Close friends will pay final tribute to Sherman's memory here and many prominent in the industry have been named as honorary pall bearers. They are: Carl Laemmle, Jr., W. I. Gilbert, James Starr, Maurice Revnes, Tiffany Thayer, Charles Richman, Fred Stanley, Robert Warwick, Charles Boyer, Kenneth MacGowan, Merian C. Cooper, Scott Dunlap, George Frank and Edmund Jones.

Bury Dr. Myron Scudder

Funeral services were held Monday morning at the First Presbyterian Church, Fifth Ave. and 12th St., for Dr. Myron T. Scudder, who up to his death had served as treasurer of the National Board of Review. Dr. Scudder died at his home Friday morning. He was 74.

E. G. Tunstall Buried

MINNEAPOLIS, Jan. 1.—Funeral services were held late last week for Edward G. Tunstall, 51, manager of the Metropolitan, who died at his desk. He was a veteran showman here. A widow, a son, Edward W., and two sisters and two brothers survive.

Financial on Page 18

Final day's stock market quotations appear on page 18 today.

Erpi to Introduce Engineers' Service

(*Continued from page* 1)

to furnish the advisory engineering service. In addition to the eastern office under Conrow, there will be a central office in charge of Stanley Hand, and a western office in charge of Harry Dodge. H. M. Wilcox, Erpi vice-president, will supervise the new service. No theatre parts or equipment, other than those involved in sound service, will be sold, distributed or recommended under the new service, according to Conrow.

International Projectionist, which published in its current issue the report that Erpi would launch the new service, stated that RCA Photophone would also enter the field with a similar service. Officials of RCA Photophone could not be reached on Monday for verification because of the New Year holiday.

Film Will Be Shown 12,000 Feet in Air

(*Continued from page* 1)

match notes through the ether from Station WABC with Admiral Byrd, the idea being that the former were first to make a jungle film from the air while the latter was first to fly over the South Pole. That makes a sort of community of interests.

It's all part of an exploitation plot thought up and engineered by Roger Ferri who is handling "Baboona" on special assignment at Fox.

U. A. Gets "The Battle"

United Artists, which held an option on "The Battle," has closed with Leon Garganoff, producer, to distribute the French made picture in the U. S. Other companies, including Paramount, Fox and RKO had been dickering for the film before U. A. signed the contracts.

The title will be changed to "Thunder in the East."

Saenger Plan Approved

The plan of reorganization for Saenger Theatres and Saenger Realty Corp. was approved by Referee John E. Joyce on Monday in a report to Federal Judge Alfred C. Coxe. If the latter approves the plan, it will go to the Federal court at New Orleans where it must be approved also before becoming effective.

Ampa Invites 1st Div.

Ampa's meeting on Jan. 17 will be devoted to First Division. Executives of the company, as well as *Time* officials, are expected to make speeches.

Tomorrow's session will be closed. Reports of the annual Christmas party held at the Astor last week will be made.

Universal Drops Wyler

HOLLYWOOD, Jan. 1.—Dissatisfied with the time spent by William Wyler on "The Good Fairy," Universal has dropped the director from its payroll. He and his bride, Margaret Sullavan, will leave shortly on an extended European honeymoon.

Delay Allied Session

BOSTON, Jan. 1.—The scheduled meeting of New England Allied units has been postponed indefinitely from Jan. 8.

Treasury Ponders "Ecstacy" Import

(*Continued from page* 1)

is a sprightly tale of a woman who goes in swimming and loses her clothes.

The picture was shown in Vienna at the second International M. P. Exhibition. The Pope attacked and condemned it and, through the efforts of Mandel, who apparently doesn't approve, it has been barred from practically all Europe. It is said that Mussolini was on the verge of according the film a medal as the best picture of the year, but was dissuaded, the award going to Gaumont British's "Man of Aran," which has been imported.

The film was secretly screened at a local theatre last Saturday before an audience including Ely Frank, counsel for the Customs Division; Herbert Oliphant, Treasury counsel; Hunting Carns, morals adviser to the Treasury, and others.

If banned, the picture would be excluded under the indecency provision of the Tariff Act.

Stoneham-Fox Suit Set for High Court

(*Continued from page* 1)

who, with Robert Bushnell, is attorney for Stoneham. The plaintiff recently won a $75,000 verdict before a jury in Middlesex Superior Court. Fox has taken an appeal to the Supreme Court.

The case has dragged for several years. It is an outgrowth of a deal for acquisition of a theatre site in which Stoneham acted as agent during the days when Fox was expanding its theatre holdings.

Fox Met Plan to Court

The plan of reorganization developed for Fox Metropolitan Playhouses by the principal bondholders' committee, details of which were published in MOTION PICTURE DAILY of Dec. 20, will be submitted to Federal Judge Julian W. Mack on Jan. 9.

Fox to Do Cohan Play

HOLLYWOOD, Jan. 1.—Winfield Sheehan, Fox production head, will produce "The Song and Dance Man," noted George M. Cohan stage play. Alice Faye and James Dunn will be starred.

S. R. Kent Goes West

S. R. Kent, president of Fox, left for the coast Monday. He'll be gone about two weeks.

Purely Personal

JANET GAYNOR plans to make a quick trip here shortly from the coast to see "The Farmer Takes a Wife." She is scheduled for a role in the film version of the play with Fox producing.

TUTTA ROLF, Scandinavian stage, screen and opera star, recently signed by Fox, arrives here Jan. 7 on the *Drottingholm*. She will leave for the coast immediately after landing.

CHARLES C. MOSKOWITZ gave a luncheon party to Loew district managers and home office executives at the M. P. Club on Monday.

FIFI D'ORSAY starts work today at the Brooklyn Vitaphone studio in a two-reel musical comedy.

JOHN CURTIS, First Division vice-president, is back from a flying trip to the coast.

ARTHUR MAYER spent Monday and Tuesday in Baltimore.

HAROLD RODNER leaves for the coast the middle of next month.

"Clouds" at Rialto Gets $10,000 Gross

"Murder in the Clouds" garnered $10,000 for the week at the Rialto. "I Sell Anything" took in $7,300 at the Mayfair and for the 20 days of "Babes in Toyland," the Astor take was $30,000.

"Charlie Chan in Paris" will succeed "I Am a Thief" at the Mayfair next week and "Helldorado" will replace "A Wicked Woman" at the Astor.

Roxy Sets New Marks

Setting a new record for the house, the Roxy is now averaging between 90,000 to 115,000 patrons a week, Howard S. Cullman, trustee, states. For Christmas week, the admission tally was 135,000.

Olmstead in Studio Job

HOLLYWOOD, Jan. 1.—Ed Olmstead, formerly in charge of exploitation in the home office, has succeeded Hubert Voight as studio publicity head at Columbia.

William Collier Weds

William Collier, Jr., was married Monday in Greenwich, Conn., to Marie Stevens.



Superfine Merchandise

POWERS CINE-COLOR CARTOONS

Real Headline Attractions

CELEBRITY PRODUCTIONS, INC.

723 Seventh Ave.
New York, N. Y.

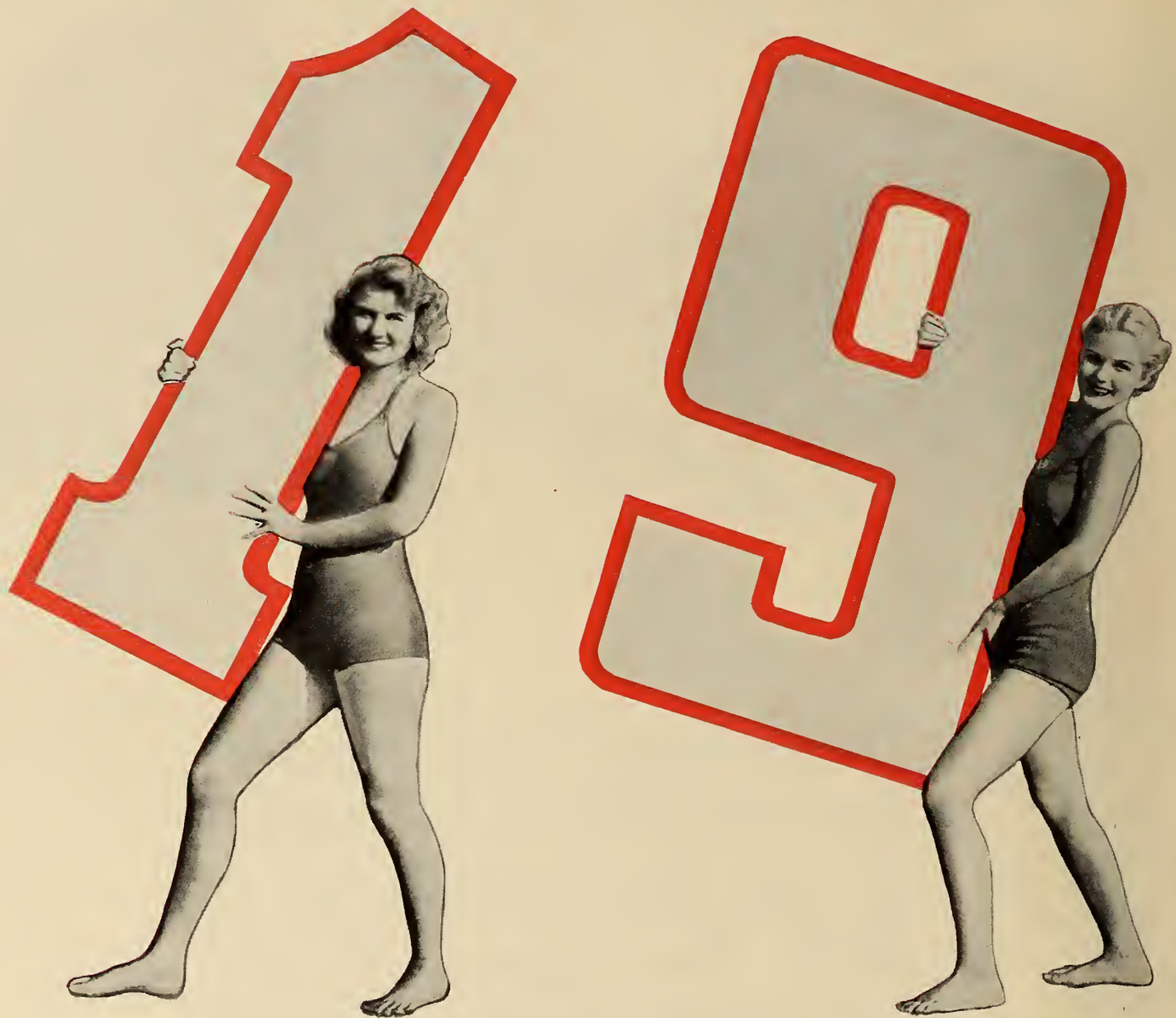
Cable:
"Celebrity"



Those New Year's chimes you heard were in honor of the first smash hit of 1935. The biggest M-G-M success in many years of many successes. That's "FORSAKING ALL OTHERS."

Joan Crawford, Clark Gable, Robert Montgomery in "Forsaking All Others" with Charles Butterworth, Billie Burke, Frances Drake, Rosalind Russell Directed by W S Van Dyke Produced by Bernard H Hyman

USHERING IN THE GRANDEST SH



THE YEAR OF "THE BIG S

PAUL MUNI in **"BORDERTOWN"**
With BETTE DAVIS
and hundreds of others, directed by Archie Mayo.

●

JAMES CAGNEY and
PAT O'BRIEN in
"DEVIL DOGS OF THE AIR"
The stars of "Here Comes the Navy" in a Cosmopolitan Production directed by Lloyd Bacon with the cooperation of the U. S. Marine Corps.

●

KAY FRANCIS in
"LIVING ON VELVET"
With GEORGE BRENT and WARREN WILLIAM
Directed by Frank Borzage.

IRENE DUNNE in **"SWEET ADELINE"**
With Jerome Kern-Oscar Hammerstein II songs, Bobby Connolly dances, and a 12-star cast directed by Mervyn LeRoy.

●

RUDY VALLEE in **"SWEET MUSIC"**
With ANN DVORAK
And Helen Morgan, The Connecticut Yankees, Frank and Milt Britton's Band and many others. Songs by 6 famous Warner composers. Dances by Johnny Boyle and Bobby Connolly. Directed by Alfred E. Green.

●

"THE RIGHT TO LIVE"
By the author of "Of Human Bondage", starring
JOSEPHINE HUTCHINSON
GEORGE BRENT
And a noted cast including Colin Clive and Peggy Wood, directed by Wm. Keighley.

OW YEAR OF YOUR YOUNG LIFE-



HOTS" FROM WARNER BROS.

"GOLD DIGGERS OF 1935"°
With a 12-star cast headed by
DICK POWELL
The elaborate Warren & Dubin song numbers and the entire production exclusively directed by Busby Berkeley.

●

AL JOLSON and RUBY KEELER in "GO INTO YOUR DANCE"°
By the author of "42nd Street". With Warren & Dubin songs and Bobby Connolly dances. Directed by Archie Mayo.

●

PAUL MUNI in "BLACK FURY"°
With KAREN MORLEY
And a cast that includes 32 other speaking parts. Directed by Michael Curtiz.

MAX REINHARDT'S
"A MIDSUMMER NIGHT'S DREAM"
With a remarkable all-star cast including
JAMES CAGNEY—DICK POWELL—JOE E. BROWN
JEAN MUIR—VERREE TEASDALE—IAN HUNTER
Directed by Max Reinhardt and William Dieterle.

●

"OIL FOR THE LAMPS OF CHINA"
From the famous best-seller by Alice Hobart, starring
GEORGE BRENT and
JOSEPHINE HUTCHINSON
Directed by Mervyn LeRoy.

●

ROBT. DONAT in "CAPTAIN BLOOD"°
by RAFAEL SABATINI

°A First National Picture. Vitagraph, Inc., Distributors.

Headlines of 1934 Go on Parade

January

Jan. 2.—M-G-M, Loew's and Fox seen ready to follow United Artists' lead in restoring salary cuts.

Jan. 3.—Grosses in 17 key cities spurt with holiday improvement.

Jan. 4.—Industry to be given additional time to sign assents to code. Sam Dembow, Jr., elected vice president, Paramount Theatres Service Corp.

Jan. 5.—Period for signing code assents extended to Jan. 31. Paramount theatre heads launch move to effect closer bonds between operating partners in field and home office.

Jan. 6.—Carl Laemmle and J. R. Grainger reveal Universal's improved financial condition has eliminated option on company held by Sam Katz and Richard A. Rowland.

Jan. 8.—Publicizing of nominations for local code boards begun by Code Authority prior to naming of boards' personnel.

Jan. 9.—S. L. (Roxy) Rathafel resigns as managing director of Radio City Music Hall, effective Feb. 16. Grosses for New Year off to excellent start nationally. U. S. Circuit Court of Appeals in New York denies motion for removal of Paramount Publix trustees in bankruptcy.

Jan. 10.—Erpi puts telephonic broadcasting experiment to practical test in New York hotel.

Jan. 11.—Code assents exceed 2,500 in first two days of signing period. Special Master Thomas D. Thacher completes taking of testimony on $18,000,000 creditor claims against RKO.

Jan. 12.—M. H. Aylesworth names advisory board to operate Music Hall. Independent New York exhibitors launch move to form new organization.

Jan. 13.—NRA launches minute inquiry on industry salaries.

Jan. 15.—St. Louis subsequent runs present first runs with plan for ending double featuring.

Jan. 16.—U. S. Department of Commerce report shows 1,577 decrease in world theatres at end of 1933. New estimate of world total 60,347 houses.

Jan. 17.—Film Boards of Trade report 1,260 fewer closed theatres in U. S. at end of year, with 4,635 dark of 18,371 total.

Jan. 18.—Division Administrator Rosenblatt rules code's cancellation provisions retroactive to product released after Dec. 7. Federal Judge William Bondy in New York withdraws from case involving applications for Paramount Publix bankruptcy administration fees aggregating $250,000 after scoring attorneys for delays.

Jan. 19.—Reorganization of Fox West Coast nears completion.

Jan. 20.—Major companies to oppose Rosenblatt ruling making cancellation under code effective as of Dec. 8 even though contracts were signed prior to that date. Warners report net of $105,752, bringing company into black for first quarter since 1930.

Jan. 22.—Allied States files suit in New York Federal court to test legality of industry code.

Jan. 23.—Federal court in New York, characterizing Radio City Music Hall and Center rents as "excessive," directs RKO receiver to seek better leasing terms with Rockefeller Center.

Jan. 24.—Major companies ask Code Authority for definite ruling on effective date for cancellations. Rosenblatt, in Hollywood, concedes distributors' right to test legality of his ruling but declares it remains as is in the meantime.

Jan. 25.—Code Authority plans 32 clearance, zoning boards and 32 grievance boards established by Feb. 9. Paramount's new theatre plan, headed by national advisory committee of six, ratified by partners.

Jan. 26.—End of first year of Paramount's rehabilitation proceedings, in receivership and bankruptcy, find company on way toward solution. Chase Bank's holdings of Loew's common reported sold in open market.

Jan. 27.—RKO improves capital and earnings position during first year of equity receivership. Allied States meet adjourns with plans for establishing units in every state.

Jan. 29.—Code Authority requests NRA to extend period for filing assents to code to Feb. 28. J. J. McCarthy, head of M.P.P.D.A. Advertising Advisory Council, predicts all objectionable advertising matter involving major companies will be out of circulation by April 1. Allied reported cooperating with M. P. Research Council, activities of which are widely regarded as inimical to industry.

Jan. 30.—NRA grants extension to Feb. 28 of period for assenting to code. M-G-M seen retaining new season production schedule at 52.

Jan. 31.—See selection of membership of local code boards retarded by new assent deadline.

February

Feb. 1.— Motion Picture Daily presents complete list of 870 names nominated for 352 local code board posts.

Feb. 2.—Percentage or royalty plan of remuneration for talent seen possibility as Rosenblatt continues Hollywood meetings.

Feb. 3.—Merian C. Cooper resigns as Radio's executive producer to become independent producer. Discussions of I.M.P.P.A. and Federation of M. P. Industry merger regarded definitely ended.

Feb. 5.—Dr. A. H. Giannini of Bank of America, Nat'l Ass'n. calls industry one of best for legitimate capital investments. United Artists schedules 36 for new season.

Feb. 6.—Rosenblatt returns from Hollywood to study data collected before acting on salaries, ratings and other production subjects. Code assents pass 6,900. Columbia plans 32 for new season. U. S. Supreme Court rules claims for future rent filed against a bankrupt are not provable. Decision seen benefitting Paramount Publix and bankrupt theatre subsidiaries which have approximately $14,000,000 of such claims pending.

Feb. 7.—Delaware Supreme Court rules long-standing differences between Vitaphone and Erpi must be settled by arbitration, as stipulated in original contract.

Feb. 8.—Code not worth a rap unless administered by honest local boards, says R. H. Cochrane. Campi member and vice president of Universal. Radio plans 52 features.

Feb. 9.—Code Authority proposes own nominations for appointments to local boards in addition to those submitted. First tentative board appointments disclosed.

Feb. 10.—Kentucky passes five per cent admission tax. New York state proposes two per cent sales tax.

Feb. 13.—Washington hears Division Administrator Rosenblatt's ruling making cancellation provisions effective as of Dec. 8 has been upheld by NRA. Warners schedule 60 for new season. Settlement of Chase Bank's $20,000,000 claim against General Theatres Equipment Corp. ready for inclusion in company's reorganization plan.

Feb. 14.—Harry M. Warner advocates continuance of salary agreements with talent in preference to royalty arrangements.

Feb. 15.—Many local code board appointees decline posts. NRA invites suggestions for code changes at Washington meetings of code authorities of all industries, March 5-8.

Feb. 16.—J. R. McDonough, general manager and vice chairman of board of RKO, slated for presidency of RKO Radio Pictures, and Ned E. Depinet as president of RKO Distributing Corp., M. H. Aylesworth declares. B. B. Kahane, whom McDonough relieves, to become president of RKO Studios. Circuit representatives advise theatre service employes' union no exclusive labor contract will be made.

Feb. 17.—NRA makes formal ruling upholding Division Administrator Rosenblatt's ruling on effectiveness of code cancellation provisions as of Dec. 8, even though contracts were signed prior to that date.

Feb. 19.—Official Code Authority appointments of 208 to 42 boards in 21 cities reveals only minor changes from list published by Motion Picture Daily Feb. 9.

Feb. 20.—Nathan Yamins, Code Authority member, files complaint against local board appointments declaring all M.P.T.O.A. members representate affiliated theatres.

Feb. 21.—Industry attacks mark Congressional bearing on alien talent bill at Washington.

Feb. 23.—New York learns Allied is withdrawing its suit against Code Authority. Abram F. Myers, general counsel, denies. M.P.P.D.A. denies direct interest in film boards during Federal court hearing in New York of Rembusch anti-trust suit against majors.

Feb. 24.—NRA seen ready to extend code assent period again, from Feb. 28 to March 31. M.P.T.O.A. makes final plans for national convention at Los Angeles, April 10-12.

Feb. 26.—Adolph Zukor sees new era of cooperation developing in Hollywood. Code assents pass 9,000.

Feb. 27.—Local code boards for five additional cities named.

Feb. 28.—Major distributors announce intention of resisting NRA and Rosenblatt ruling making code cancellation provisions effective after Dec. 7 on contracts signed prior to that date, Code Authority names 10 additional local boards, bringing total completed to 52.

March

March 1.—Increase in double featuring throughout country seen resulting in production of 400 fewer short subjects during coming season. I.T.O.A., New York, votes not to sign code; 60 theatres, members of I.T.O.A., file anti-trust actions against Erpi and affiliates through Milton C. Weisman, counsel.

March 2.—New York Federal court dismisses Rembusch anti-trust suit against majors.

March 3.—Allied asks changes in membership of Code Authority and local boards in brief filed at NRA public hearings in Washington.

March 5.—Theodore Lindenberg claims invention of radically new sound reproduction system, being tried at Columbus, O.

March 6.—Code Authority lists gains in industry under NRA in brief filed with Administrator Hugh S. Johnson but states time for judging code has not yet arrived. Brief estimates improvement of 12 to 15 per cent in grosses under code and other improvements.

March 7.—That 89.5 per cent of code is beneficial to independents is contended in M.P.P.D.A. analysis submitted to NRA Washington conference in answer to Allied brief. Skouras Brothers scheduled to withdraw from St. Louis Sept. 1 with taking over of Skouras-operated houses thereby F. & M. on that date.

March 8.—New York Federal court approves new RKO leasing agreement with Rockefeller Center for two Radio City houses, with maximum annual rentals, based on percentage of receipts, limited to $953,972.

March 9.—Exhibitors fight for NRA ban on free admissions to radio broadcasts from theatres.

March 10.—Leading distributors indicate intention of complying with Rosenblatt cancellation ruling, despite disagreement with interpretation.

March 12.—Expect public hearings in May on revision of code.

March 13.—Cooperative buying combine discussed by 300 New York exhibitors.

March 14.—Code Authority completes naming of all local boards but New York and Philadelphia. Leading creditors discuss reorganization plan for RKO.

March 15.—Fox Film reports 39-week profit of $1,410,793. See possibility of 34-hour week for Hollywood studios.

March 16.—Detroit theatres in agreement on H. M. Richey plan for increasing admissions five to 10 cents throughout city. Newsreels handicapped in shipments by curtailment of air service following withdrawal of government air mail contracts.

March 17.—Katharine Hepburn, Charles Laughton lead sixth annual awards of Academy of M. P. Arts & Sciences. Warners plan 60 for new season.

March 19.—M-G-M lists 50 features, 200 shorts for 1934-'35 season. Nicholas M. Schenck, answering queries concerning reports Loew's would take over Poli New England circuit, reveals company has bad control for more than a month.

March 20.—Close of Washington hearings on Patman bill for Federal commission to control films and end block booking indicates measure dead for current session of Congress. David J. Chatkin, former Publix executive, now independent theatre operator in Middle West, scores system of centralized circuit operation.

March 21.—Federal court sets precedent in disallowing future rent claims against Paramount Publix, in bankruptcy, with ruling affecting millions in claims. Reorganization started for Fox theatre units. U. S. Senator Pat Harrison reported ready to recommend U. S. tax repeal.

March 22.—Senate Finance Committee rejects Senator Harrison's recommendation for elimination of Federal admission tax, with levy extended to July 1, 1935.

March 23.—K-A-O sets up Proctor houses as entity in move seen dictated by M. J. Meehan, heavy K-A-O stockholder.

March 24.—Fox-Hearst conferences on future of Fox Movietone and Hearst Metrotone reels tie-up begin.

March 26.—Code Authority considers recommendations for increasing New York's clearance, zoning board to 12 members.

March 27.—National Recovery Review Board, Clarence Darrow, chairman, opens Washington bearings with indications it may ask reopening of film code in interests of small, independent operators.

March 28.—Code Authority prepares policy to be pursued before National Recovery Review Board at Washington hearings.

March 29.—First official meetings of local code boards set in several key cities.

March 30.—Division Administrator Rosenblatt's ruling on cancellations under code upheld by eight to two vote of Code Authority. Fox-Hearst seen ending newsreel deal with Hearst Metrotone developing own. Otto H. Kahn, senior partner in Kuhn, Loeb & Co. and factor in the Paramount Publix reorganization, dies.

March 31.—NRA rules non-assentors to code are eligible to cancellation provisions.

April

April 2.—Distributors renew discussions on establishing 20-cent minimum admission. Two and one-half per cent increase in British film quota becomes effective and results in estimated increase of 25 films which American distributors in England must produce or acquire there during ensuing year. Joseph M. Schenck says financial aid should not be given independent producers fostering double and triple featuring.

April 3.—Ed Kuykendall, M.P.T.O.A. president, challenges theatre union expansion. N. Y. Federal court decision upholding price fixing under N.I.R.A. seen aiding establishment of 20-cent minimum.

April 4.—National Recovery Review Board's report on film code hearings scheduled to go to President Roosevelt by April 15. Out-of-court settlement of anti-trust suit against Erpi and affiliates by Stanley Co., Duovac and General Talking Pictures predicted.

April 5.—Major companies' position under code defended in brief filed with National Recovery Review Board by Harold S. Bareford of Warners.

April 6.—Dissension by National Recovery Review Board seen leading to its early dissolution. Monogram votes 50 per cent production budget increase and schedules 20 features, eight westerns for new season.

April 7.—Code Authority names local boards for New York and Philadelphia. M.P.T.O.A. prepares for 400 delegates at annual convention in Los Angeles. Monogram's production budget for new season is $2,500,000.

April 9.—Code Authority's annual budget set at $360,000, with production and distribution to contribute half and exhibition half. Reelection of Ed Kuykendall as president of M.P.T.O.A. expected.

April 10.—Universal's domestic sales contracts show $1,800,000 increase over preceding year, Carl Laemmle reports. Kuykendall reelected president of M.P.T.O.A.

April 11.—Increases in film rentals seen resulting in new season from higher industry costs under NRA. Reorganization of Paramount Publix held inadvisable prior to settlement of $200,000,000 claims with many months' work still to be done. Kuykendall predicts separation of production and exhibition affiliations in M.P.-T.O.A. convention address.

April 12.—Local code boards in 31 cities expected to be in operation in two weeks. Louis B. Mayer scores exhibitor critics of production in M.P.T.O.A. talk.

April 13.—A. T. & T. disposes of half its block of 260,000 shares of Loew's, Inc., in open market. Agreement expected on method of assessing exhibitors for their $180,000 share of Code Authority's budget. Jack Miller hits theatre labor provisions of code and Walter Vincent replies to Mayer, scoring producers at M.P.T.O.A.

April 14.—Major companies' brief filed with National Recovery Review Board denies code aids monopolies or oppresses small enterprises. Campi names Hollywood agency committee of 10. Increased can-

(*Continued on page* 13)

PARAMOUNT STARTS THE NEW YEAR WITH A THREE MONTHS' CELEBRATION



THREE MAGNUMS OF ENTERTAIN



MENT TO START THE NEW YEAR WITH

"THE LIVES OF A BENGAL LANCER"

"Is Paramount's best in years." — *Hollywood Reporter*

"The picture's a natural. Should establish record attendance everywhere." — *Motion Picture Daily*

"A big attraction destined for big money. Swaggering, exciting melodrama with lusty box-office prospects." — *Hollywood Variety*

"THE GILDED LILY"

"Is just what the customers of 1935 are looking for. Fresh and sparkling as this week's New Yorker." — *Hollywood Reporter*

"'The Gilded Lily' will prove box office everywhere." — *Hollywood Variety*

"Dramatic romance, sparkling with comedy, lively wit, colorful action and dialogue, destined for certain popularity." — *Motion Picture Daily*





"AND 14 MORE TO FOLLOW IN THE NEXT THREE MONTHS"

WHAT A CELEBRATION



JANUARY 4th
"ENTER MADAME"
with
ELISSA LANDI
and CARY GRANT
Lynne Overman • Sharon Lynne • Richard Bonelli
Nina Koshetz
Directed by Elliott Nugent

JANUARY 11th
"PRESIDENT VANISHES"
with
Edward Arnold • Paul Kelly
Arthur Byron • Andy Devine
Janet Beecher • Edward Ellis
A Walter Wanger production
directed by William A. Wellman

JANUARY 18th
"ONCE IN A BLUE MOON"
A Hecht-MacArthur production
with
JIMMY SAVO
Written, Directed and Produced by Ben Hecht and Charles MacArthur

FEBRUARY 1st
"WINGS IN THE DARK"
starring
MYRNA LOY
and CARY GRANT
with Roscoe Karns • Hobart Cavanaugh • Dean Jagger
Directed by James Flood

FEBRUARY 22nd
"RUGGLES OF RED GAP"
with
Charles Laughton • Mary Boland • Charlie Ruggles
ZaSu Pitts • Roland Young
Leila Hyams
Directed by Leo McCarey

MARCH 1st
"MISSISSIPPI"
with
BING CROSBY
W. C. FIELDS
JOAN BENNETT
Queenie Smith • John Milan
Gail Patrick • Fred Kohler
Claude Gillingwater and The Cabin Kids
Directed by Edward A. Sutherland

MARCH 8th
"WIN OR LOSE"
(Tentative Title)
with
Joe Morrison • George Burns and Gracie Allen
Dixie Lee • J. C. Nugent
Lee Kohlmar
Directed by Elliott Nugent

MARCH 15th
SECOND
MARLENE DIETRICH
PICTURE
with
Lionel Atwill • Cesar Romero
Edward Everett Horton • Don Alvarado • Alison Skipworth
Directed by Josef von Sternberg

!.. AND NO HEADACHES!



"THE LIVES OF A BENGAL LANCER"

GARY COOPER • RICHARD CROMWELL • FRANCHOT TONE • SIR GUY STANDING

C. Aubrey Smith • Monte Blue • Kathleen Burke • *Directed by Henry Hathaway*

They took their love where they found it and dared death with a kiss. The Bengal Lancers... devil-dogs of daring... sons of Britain's finest... they come from the four ends of the earth... to live and die... love and hate in the tropic midst of Mysterious India... land of romance and rebellion... riot and revolt!

Romance



"THE LIVES OF A BENGAL LANCER"

Revealing that mystic world of exotic ri[illegible]s and barbaric beauty... which is India! Military pageantry... charging Lancers on parade... lavish scenes of princely splendor in palaces of Indian potentates, sloe-eyed nautch dancers in shrouded, scented seraglios! Here is all the witchery of Asiatic enchantment and allure!

Spectacle



"THE LIVES OF A BENGAL LANCER"

Into the jaws of death... into the mouth of hell rode the Bengal Lancers... a handful of reckless, courageous men... facing rebel hordes on the world's wildest frontier... fighting always... surrendering never... they blazoned their glorious deeds on a mighty background of Empire! The heart-filling story of three gallant comrades-in-arms... and the regiment they led to glory!

Thrills



Paramount Pictures

IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOWN IN TOWN

Highlights of an Eventful Year

(*Continued from page 6*)

cellation under code is urged by M.P.-T.O.A. Jack L. Warner urges convention to war on double featuring.

April 16.—M.P.T.O.A. convention records opposition to double featuring and asks curtailment of production. E. B. Hatrick, Hearst representative, sets separation of Hearst Metrotone and Fox Movietone reels for September.

April 17.—M.P.T.O.A. sets up machinery for forwarding exhibitor views on product direct to producers.

April 18.—M.P.P.D.A. officials discuss reorganization of film boards, many now inactive with functioning of code boards.

April 19.—Major producers consider contractual clause as means of ending duals.

April 20.—Attorney General of Kansas rules "bank nights" in violation of state lottery laws. First grievance ruling by code board made in Milwaukee with Saxe Amuse. Co.'s complaint against Ashley Theatres Corp. and Vitagraph upheld.

April 21.—Theatre service employes' strike deferred for checkup of union's representation after conference with Division Administrator Rosenblatt.

April 23.—M-G-M to produce and distribute its own trailers after Jan. 1, 1935. "Phase Shift," new Erpi recording development, being tried quietly in Hollywood. John Flinn, Campi secretary, to hold four meetings in field with local board secretaries.

April 24.—Legislative sessions in 47 states near end with industry only slightly affected despite introduction of 300 adverse measures.

April 25.—Sidney Kent to head reorganized Fox West Coast with Charles Skouras continuing as operator. S.M.P.E. convention favors reel lengths at 2,000 feet.

April 26.—Paramount Publix trustees start suit against company's' 1931 and 1932 directors to recover up to $12,237,071 said to have been expended for repurchase of stock at guaranteed prices for acquisition of theatres.

April 27.—E. V. Richards set as head of new Saenger Theatres.

April 28.—New York theatre representatives protest city levy of one-twentieth of one per cent of gross receipts.

April 30.—Fox to have 50 features, including four from Gaumont British. Increases planned in New York City theatre licenses would cost circuits alone $208,400 annually.

May

May 1.—M.P.T.O.A. to campaign against double featuring, giveaways and 10-cent admissions in carrying out program adopted by convention. Fox Film control believed not involved in Chase Bank's stock sales to British investors.

May 2.—Ralph A. Kohn, veteran Paramount executive and director, resigns. Southern California exhibitors' mass meeting votes to end double featuring.

May 3.—Fox reports 13 weeks' net of $805,376. Federal circuit court approves extension agreement with RKO noteholders which avoids foreclosure on company's assets. Universal plans 36 features.

May 4.—Large distributors discuss plans for curbing double featuring through restrictive clauses in new season's contracts. First code protest to New York grievance board involves overbuying complaint.

May 5.—Canadian exhibitors organize opposition to score charge.

May 7.—George J. Schaefer, vice-president and general manager of Paramount, elected to posts vacated by resignation of Ralph A. Kohn. Film companies in process of financial rehabilitation await enactment of new bankruptcy law for corporate reorganizations.

May 8.—New period for code signing may be approved by Campi. Cleveland exhibitors seek way to ban double featuring. Los Angeles grievance board directs Fox West Coast to relinquish 20 features after hearing overbuying complaint.

May 9.—Ed Kuykendall, M.P.T.O.A. president, favors double feature ban through contract provision. Samuel and Nathan E. Goldstein resume operation of G. B. Circuit, New England, as Paramount theatre partners. Warners eliminate double featuring on Saturdays in Philadelphia.

May 10.—Paramount bondholders' committee advocates early reorganization. Repeal of newsreel censorship measures in five states gives reels complete "freedom of press" throughout country. Organization of Catholic Legion of Decency and attack on morality of some films by bishop of Detroit diocese called unfair and unwarranted by Detroit exhibitors. Independents build defense of double features.

May 11.—Local code boards' rulings in overbuying and protection complaints seen influencing better picture deals for independents. St. Louis theatres feel effects of Catholic Legion of Decency crusade against objectionable pictures.

May 12.—Campi upholds Milwaukee grievance board in overbuying ruling involving release of 30 Warner features to complainant. Protestant churches join Legion of Decency campaign in Detroit. Division Administrator Rosenblatt to answer charges against code made by Darrow Review Board. Bondholders see Paramount reorganization plan based on reduction of creditors' $282,000,000 of claims to between $50,000,000 and $60,000,000.

May 14.—Plan for settlement of Para. mount's $2,000,000 claim against Fox West Coast completed, with new long-term leases on Pacific coast theatres included.

May 15.—Carl Laemmle defends exhibitor's right to double feature. Eddie Cantor, elected to presidency of new Screen Actors Guild, describes Academy of M. P. Arts & Sciences as "company union," says it must be destroyed.

May 16.—Industry borrowing from new government recovery agencies expected. Omaha independents ask to withdraw code assents.

May 17.—Darrow Review board's report asks reorganization of Code Authority and local boards, elimination of block booking and extension of code privileges to non-signers. Michael Shea, pioneer exhibitor, dies at Buffalo. Checkup shows small percentage of New York circuits' employes are members of theatre service union.

May 18.—Clare Boothe Brokaw named as government representative on Campi. Russians plan English versions for American market.

May 19.—Metro-Goldwyn Pictures reports 28-week net profit of $3,037,698. Three outside bidders for Fox Metropolitan Playhouses expected when reorganization plan goes before court May 26, Warners and Walter Reade among them. Jay Emanuel to file Federal court suit in Philadelphia against distributors for contract ban on double featuring.

May 21.—Administrator Hugh S. Johnson charges Darrow board's report on film code is "not in good faith." Adolph Zukor says admissions must be raised.

May 22.—White House reports indicate end of Darrow Review board by May 31, but no change in code seen. Reorganization proposal for Fox Metropolitan Playhouses makes provision for Fox Film interest with Sidney Kent as one of three voting trustees. Approval of Paramount's $2,000,000 claim settlement against F.W.C. seen clearing way for speedy reorganization of latter. Gaumont British to have own sales organization here. Columbia reports 39-week net profit of $739,338.

May 23.—RKO report shows consolidated profit for first quarter before income taxes, of $498,131. Failure of service union's strike against RKO and Loew's New York houses seen leading to dissolution of local.

May 24.—Campi orders local boards to suspend publication of clearance, zoning schedules pending instructions. Division Administrator Rosenblatt's reply to Darrow Review Board's report attacked in Senate by Nye of North Dakota. Early settlement of Vitaphone-Erpi litigation expected.

May 25.—Washington sees possibility of NRA overhauling and revision of many codes.

May 26.—Protests of non-assentors to code on clearance, zoning will be heard. Warners report six months' operating net of $38,855.

May 28.—Independent producers expected to make between 140 and 160 features next season. Campi releases names of 215 theatres which have taken cancellation rights but have not signed code.

May 29.—Fox to release 58 features next season. Appeals from local boards swamp Campi; see new provision coming for handling them.

May 31.—New unfair radio competition with theatres seen in offering of prizes on 88 national air programs.

June

June 1.—Fox decides to include no foreign-made product in new season schedule.

June 2.—Campi rules neither it nor local boards has power to fix admission prices or change contracts.

June 4.—Warners to release 60 features, 130 shorts during new season; United Artists a minimum of 22.

June 5.—Warner executives pledge aid to any effort to end double featuring. U.A. reiterates stand its pictures are not subject to code's 10 per cent cancellation provisions because each picture, it contends, is sold separately.

June 6.—I.T.O.A. files Federal court suit in New York to compel Campi and local boards to accept cases filed by non-assentors to code. Cardinal Mundelein, Archbishop of Chicago, describes production code of morals as "scrap of paper" in address urging moral censorship of films by Catholics.

June 7.—Reorganization plan for Saenger Theatres relieves circuit of interests in North Carolina, Florida and Texas. NRA wants fair practice provisions set up for actors and writers by June 16.

June 8.—New bankruptcy amendment providing for reorganization of corporations with intervention by creditors signed by President Roosevelt, with Paramount Publix, RKO and Roxy Theatre Corp. immediately availing themselves of it to speed rehabilitation. U.A. forms Mundus Pictures to distribute British-made product here. Saenger reorganization reduces theatre holdings from 160 to 45.

June 9.—Cardinal Dougherty orders Philadelphia Catholics to boycott objectionable films as church crusade reaches national proportions.

June 11.—Large distributors including provisions for cancellation of long-term contracts and franchises in event of elimination of score charge prior to expiration of the contract, giving rise to conjecture on probability of charge being eliminated within year or two. I.T.O. of Southern California votes for elimination of duals and admission price increases.

June 12.—Cleveland M. P. Exhibitors Ass'n. furthers plan for ending duals; distributors offer Kansas City exhibitors cancellation privileges for agreement to ban double bills. Autumn appeal to U. S. Supreme Court on Circuit Court ruling upholding validity of William Fox's American Tri-Ergon double print patents expected.

June 13.—David O. Selznick predicts increased American production in England on return from London.

June 14.—Stanley B. Waite, Paramount divisional sales manager, dies suddenly in office. Capitol and Paramount theatres ready pooling agreement; Capitol would drop stage shows and have pick of Paramount pictures on Broadway.

June 15.—More rigid censoring in advance of production to come as result of church morality campaign, Joseph M. Schenck predicts, admitting producers have "overstepped the line from time to time" in past. No general ban on double features to be included in new sales contracts.

June 16.—Cleveland double feature ban effective with signing of agreement by Loew's and Warners. Allied drops production tie-up plan when theatre accounts fail to materialize. Loew's discusses theatre invasion of Northern California as reports circulate M-G-M has been unable to close new season contracts with large circuits there.

June 18.—Industry reorganizes enforcement machinery for production code of morals with full authority to pass on production material given to Studio Relations Committee, headed by Joseph I. Breen of M.P.P.D.A. Only appeal to be to board of directors of Hays organization in New York. Vatican letter reveals Pope's interest in film morals situation. Paramount Publix trustees report cash on hand of $3,226,836, as of June 9. Paramount to release 64 next season; RKO, 50.

June 19.—M. H. Aylesworth, RKO board chairman, pledges company to clean films.

June 20.—I.T.O.A. files action in N. Y. Supreme Court to restrain Campi and local boards from hearing complaints against non-signers of code until non-signers are permitted to file complaints.

June 21.—Loew's and Warners make joint bid of $4,000,000 for Fox Metropolitan Playhouses at Federal court reorganization hearing. M-G-M schedules 52, 181 shorts and 104 issues of newsreel next season.

June 22.—Cincinnati conference of Catholic Bishops' Committee on films approves industry's new plan of production regulation but asserts Legion of Decency will be maintained. Warners and Erpi conclude settlement of all pending royalty litigation, with Warners receiving $4,000,000 and other considerations.

June 23.—Maury Silverstone named head of United Artists' foreign operations. California independents plan national campaign to protest double featuring. Revision of code seen as possibility under NRA's plans for eliminating unworkable provisions from all codes.

June 25.—Reorganization plan for Paramount Publix provides for $2 assessment on stockholders to create $5,000,000 cash fund for settlement of $13,200,000 bank group claim.

June 26.—Paramount's theatre operating contracts made for short terms to expire shortly after company is reorganized, thus permitting new deals by new company. Protestants active in church campaign.

June 27.—Department of Justice investigates possibilities of anti-trust law violation in acquisition of Fox Met by Loew's and Warners, as bondholders committee of circuit continues indecisive on $4,000,000 offer. France extends quota laws six months, allowing 94 "dubbed" films during period.

June 28.—Studio activities slowed by new production code enforcement. M.P.T.O.A. urges elimination of duals by local exhibitor campaigns to get prohibiting clauses in sales contracts. Loew's drops plan of Northern California theatre invasion.

June 29.—Violations of production code of ethics to be punishable by $25,000 fines in cash.

June 30.—Kansas City clearance and zoning schedule nears completion.

July

July 2.—Consolidated Film becomes influential in RKO financial affairs with purchase of company's $1,800,000 gold note issue.

July 3.—Paramount plans no sale of product to 10-cent houses next season.

July 5.—Stanley-Warner considers closing of 75 Philadelphia theatres as protest against Catholic Church boycott there.

July 6.—London hears quota act may be amended to include designations fixing quality provisions for quota pictures. Harry Arthur to oversee St. Louis theatre operations for Fanchon & Marco.

July 7.—Court allows additional time for revising Loew-Warner's $4,000,000 bid for Fox Metropolitan Playhouses.

July 9.—Church Decency League puts ban on all films in St. Louis. Will H. Hays reports studios rejecting many scripts submitted for production.

July 10.—Loew's opens negotiations for one-third stock interest in up-state circuit developed by the late M. A. Shea.

July 11.—Federal court continues Charles D. Hilles, Eugene W. Leake and Charles E. Richardson as trustees of Paramount under new bankruptcy reorganization laws.

July 12.—M.P.P.D.A. member companies authorize cancellation of pictures released prior to July 15 to which a "genuine protest" has been made on moral grounds, as new Production Code Administration prepares to operate in response to church campaign.

July 13.—I.A.T.S.E. exercises emergency rights in taking over Local 306 to solve internal difficulties, with George Browne, International president, heading local's affairs.

July 14.—Protestant church organizations advance clean film activities with distribution of pledges to remain away from pictures found objectionable.

July 16.—Foreign-made pictures must be approved by new eastern office of Production Code Administration to receive distribution or exhibition by M.P.P.D.A. company-affiliates.

(*Continued on page 14*)

Events are listed in the order in which they appeared in MOTION PICTURE DAILY and not always in their chronological sequence.

Cheerier Note Found Prevailing

(*Continued from page* 13)

July 17.—Release dates to be met despite church decency campaign. San Francisco general strike closes all theatres there.

July 18.—Rift looms between RKO and Loew's over product as Universal and Columbia product goes to Loew's.

July 19.—New York houses return to triple features in bid for juvenile patronage.

July 20.—Indefinite suspension of code's salary provisions recommended in report of Division Administrator Rosenblatt which finds star's worth gauged by what public is willing to pay.

July 21.—Poor judgment of producers blamed for industry's financial condition in Division Administrator Rosenblatt's NRA report.

July 23.—M.P.T.O.A. gathers exhibitor reactions to films for forwarding to producers as guide. Bondholders seek reorganization of Fox Metropolitan Playhouses under new bankruptcy law.

July 24.—Division Administrator Rosenblatt, in denying appeal to review Code Authority grievance decision, establishes precedent which recognizes Campi findings as final.

July 25.—NRA discloses assessment schedule for support of Code Authority.

July 26.—Will H. Hays reports new enforcement measures for Production Code of Ethics are successful.

July 27.—Fifty features, 52 shorts and four serials approved by Production Code Administration in first 11 days of strengthened operation.

July 28.—Exhibitors marshal national opposition to increased music taxes demanded by Ascap.

July 30.—Campi reveals preference for settling clearance and zoning by hearing complaints rather than establishing new schedules. Marie Dressler dies.

July 31.—Gaumont British deal for Roxy Theatre discussed. Exhibitors agree on plan of action against increased music taxes. Industry given two weeks in which to file objections to code assessments.

August

Aug. 1.—Clearance set in 23 cities. M.P.-T.O.A. views Ascap as restraint of trade. Court slashes Paramount fees by $63,000.

Aug. 2.—Cancellation of Ascap pacts threatened. Seasonal decline in key grosses checked in July. Agreement reached to end duals in New Jersey Sept. 3.

Aug. 3.—Samuel Zirn's Paramount appeal delays moves on F.W.C. See no chance of agreement in music tax row. Majors plan protest on schedule of code costs. Loew 40-week profit more than doubled. Dual problem to be aired before Campi.

Aug. 4.—Bid for Fox Met withdrawn by Loew's and Warners. Half-year profit for Fox jumps to $1,199,241.77. I.T.O.A. of New York denied injunction against Campi. Theatres may join broadcasters in action against Ascap.

Aug. 6.—New Fox Met bid seen possible. Gaumont may produce in U. S., says Jeffrey Bernerd. RKO receiver bill pruned to $105,000. Cancellation rows fail to reach code boards.

Aug. 7.—Warners may make bid for Fox Met. Legal fight on Ascap to be set today. Deal to end New Jersey duals may be set back. Long small-town clearance favored.

Aug. 8.—Dual bill ban spreads. Little hope seen for new Fox Met bids. Premium ban in Kansas City stirs talk of suits. Majors to end duals, raise prices in Kansas City in three weeks.

Aug. 9.—M.P.T.O.A. duals stand to come up in Chicago this month. U.A. loses in first vote on cancellations. New York I.T.O.A.'s move to drop duals meets setback. Mid-summer grosses hit new low.

Aug. 10.—Campi rules against clearance dual penalty. Paramount reports reveal $180,000 in claims wiped out. RKO drive for theatres in New York ended. Theatres must hike scales, says Al Lichtman.

Aug. 11.—Campi grants cancellation on U.A. list. Philadelphia complains on new contracts, alleging code violation. Shorts down but features gain for 1934-35, M-G-M survey shows. Paramount deal with Louis Marcus goes to court for approval.

Aug. 13.—Code costs protested by 30 concerns. Allied to let units act on dual stand. Relief shows worry theatres. United Artists to seek court test on cancellations.

Aug. 14.—New Fox Met plan before court today. Quickies hurt business, Louis B. Mayer holds.

Aug. 15.—Revision of code charges looms as result of protests. M-G-M profit for 12 weeks $1,566,072. Laboratory code cost attacked in Washington.

Aug. 16.—Independents to ask aid of Campi on morals code. Industry welcomes clean films drive, says R. H. Cochrane. Complaints on cancellations heard in Kansas City. Joseph M. Schenck and Darryl Zanuck report gains abroad. Talks on duals on in St. Louis.

Aug. 17.—Loew's ready to join deal to end duals. Campi ruling forbidding discrimination against exhibitors showing duals called aid to little fellow by NRA. Court to sign Fox Met bankruptcy order today. Accord reached on laboratory code.

Aug. 18.—Producer code budget rejected by NRA. Broadway picks up. Only judge's order needed in Fox Met bankruptcy.

Aug. 20.—Church and industry in accord on decency drive. NRA charges not to affect code. Code changes on gross income basis likely.

Aug. 21.—Test cases planned in Ascap fight. New York I.T.O.A. to push duals war. Church drive not hurting films, says M.P.T.O.A.

Aug. 22.—Independents swing to M.P.P.D.A. clean film seals. Pathe clears finance patb to expansion. Chicago favors higher scales. Allied of New Jersey to put Sidney Samuelson on salary basis.

Aug. 23.—May reorganize Paramount by Oct. 1. Independents accept M.P.P.D.A. seals. Ask reorganization for Fox Theatres. Foresee legal check on labor unions.

Aug. 24.—Skouras and Randforce circuits may stay with Fox Met. Fight weekly payment plan with shorts. Ask $721,204 for 14-month fees in Paramount case. Campi holds cancellation includes United Artists.

Aug. 25.—Current zoning may remain to prevent sales stalemate. Probe of code by Congress asked at Allied meeting, Atlantic City. United Artists to sue over Campi cancellation ruling. Code denounced by southeastern independents.

Aug. 27.—Film finance figures in Pathe reorganization plans. Duals ban in New Jersey heads for fadeout. Fox Midwest to label films. Paramount circuit reduced from 1,800 to 1,230 houses.

Aug. 28.—Grosses spurt throughout nation. General price boost seen coming by Al Lichtman. Fight fees sought in Paramount case. Total of 58 features approved by Joseph I. Breen. Reorganization of Paramount by Oct. 1 looms stronger.

Aug. 29.—One hundred and three films approved by Production Code Administration in east. J. D. Williams dies. Royalties plan an NRA matter, Campi says.

Aug. 30.—U. S. offers $33,000,000 credit for theatre improvements. Chicago to spend $500,000 for theatre repairs. Fund to fight Ascap pledged by 8,000 houses. Exhibitors at large may be allowed to determine zoning. Setback seen in Paramount revamping.

Aug. 31.—U. S. begins anti-trust action against Ascap. Distributors threaten to quit Mexico over rentals tax. Campi asks industry to help push zoning.

September

Sept. 1.—Ascap going ahead with tax increase. Fox Midwest aims to establish film quality. New York I.T.O.A. favors conciliation with unions. Loew expansion in New York reported over for present.

Sept. 4.—Sales tax set in Ohio. Loew-RKO peace looms in New York. Appeal hearing on Los Angeles zoning schedule set back. Campi may act on again reopening assents.

Sept. 5.—NRA's future coming up at meeting of code authorities in New York, Sept. 14. Broadway takes soar sharply. Exhibitors to press action on music tax. Retention of Federal ticket tax to be asked in Congress.

Sept. 6.—Circuits may pay cost of fight on Ascap. Middle West outlook good despite drought. Upton Sinclair wants California to make and exhibit films. "Jack Rabbit" shows seen harming industry.

Sept. 7.—RKO realigns theatre subsidiaries. Fox Met bond groups offer to withdraw reorganization plan. United Artists decides not to sue over Campi cancellations ruling. Columbia 1933 net $1,008,834.

Sept. 8.—NRA's future under Hugh S. Johnson on scales. Shift looms in Fox Met legal tangle. Houses open generally as business rises.

Sept. 10.—RKO-Fox product deal awaits Sidney Kent's return from coast. Twenty holdouts delay end of New Jersey duals. Construction revived in Philadelphia.

Sept. 11.—Campi rules code clearances void contract. Sam Dembow, Jr., quits Paramount to join National Screen. Grosses reach May level in August revival. Ticket taxes in 1933 off to $14,613,414.

Sept. 12.—NRA revision to copy setup of U. S. government system. New operating pact for Fox Met in offing. Monogram sales up 25 per cent, says W. Ray Johnston. British film imports slip 66 per cent in Canada.

Sept. 13.—Court orders new Fox Met plan Nov. 12. Theatre suit on Ascap frowned upon. Robert F. Sisk made assistant to J. R. McDonough at Radio studio.

Sept. 14.—Revamping of Paramount nears. New Jersey Allied sets Oct. 3 as dual deadline. New regional labor board setups due Sept. 22.

Sept. 15.—Campi adopts clearance based on prices. President to decide on NRA future. Mill strikes hit theatres in many spots.

Sept. 17.—Pathe's return to producing held possible. Universal sales up $2,000,000, says Carl Laemmle.

Sept. 18.—Dates set for protests on eight clearances. Old directors seek squashing of Paramount suit. Expect new plan to be ready in three weeks. Nicholas S. Ludington and William Fiske, 3rd, buy into First Division. Exhibitor action on Ascap depends upon speed of Federal anti-trust move.

Sept. 19.—Paramount's six-month net was $3,883,856. First Division plans 12. RKO to keep five houses in new deal with Loew's.

Sept. 20.—Code assents extension to force code change. Foreign exchange gains for majors $8,350,000. No assessment looked for on Paramount stock.

Sept. 21.—Court urges Fox Theatres and Fox Met to merge. More houses reopening over country. Hope for fast Federal move in Ascap case. Bars seen to British film import taxes.

Sept. 22.—Exhibitor code assessments to be revised. Church ready to relax drive on films for "watchful waiting" policy.

Sept. 24.—Adolph Zukor remaining as head of Paramount under new setup. Fox and Hearst reels set for split Oct. 2. September grosses rise to October, 1933, levels.

Sept. 25.—Paramount's new plan delayed again. Expect early resignation from Hugh S. Johnson as NRA administrator.

Sept. 26.—Gaumont and British International reported in London deal. New Jersey dual ban believed doomed. New Fox Met plan aims to avoid sale. Paramount bank action again faces delay. Hugh S. Johnson quits NRA.

Sept. 27.—Sol A. Rosenblatt may resign NRA post. Federal loans on equipment to be sought. Herschel Stuart named Columbia advertising and publicity head.

Sept. 28.—Deal for Sam Katz to join M-G-M near in studio post decision. European film outlook improving, says A. H. Giannini. NRA placed under a board by President.

Sept. 29.—Agents' rules call for full public record. Gaumont does not plan U. S. production, says Michael Balcon, production head. Sam Katz-M-G-M deal closed; becomes L. B. Mayer's assistant.

October

Oct. 1.—Lease clause may be taken from code. Grosses only yardstick for pay, says Eddie Cantor. Russians to make 80 for next season, asserts Maurice Rapf. M.P.T.O.A. fight on duals to continue.

Oct. 2.—Grosses on level of last autumn. Paramount claims up to $154,047,735. Hope gains for averting Mexican tax.

Oct. 3.—London reports British International buying Gaumont British. Ascap ready to consider compromises. Reorganization of F.W.C. to proceed in two weeks. Philadelphia agog over story of sale of Pennsylvania-Publix Theatres to Harry M. Warner.

Oct. 4.—Film workers up 33 1/3 per cent as expenses drop. Dismissal of Fox Theatres case sought. See music seat tax agreement of about 25-30 cents. Sam Katz to be studio assistant, says Louis B. Mayer of M-G-M.

Oct. 5.—Code revision looked for by Ed Kuykendall. Loew-RKO product dispute in New York settled. F.W.C. assets sale set for Los Angeles, Nov. 1. National body formed to make family films. Jeffrey Bernerd says British International-Gaumont British deal off.

Oct. 6.—Joseph M. Schenck sees Upton Sinclair as film menace. Allied now in 32 states. No new lease on New York Music Hall anticipated.

Oct. 8.—Deal between British International and Gaumont British said to hang on $2,000,000. RKO payments of accumulated maturities held in abeyance pending court action.

Oct. 9.—Supreme Court refuses Tri-Ergon patent review. Ascap's new tax schedule compromised. All majors for new code assessment plan.

Oct. 10.—Report new Fox Met bid of $4,500,000. Loew's expected to net over $4 per share on year. Fox moves in patent fight now awaited. Talk of ending three New York code advisory boards. All groups to be represented on new Paramount directorate. Columbia net outlook same as last year.

Oct. 11.—Will Hays predicts continued use for production code. Protestants' film drive near windup. Aim at quick action on Paramount reorganization. Mark Ostrer reveals he and brother, Isidore, hold control of Gaumont British stock.

Oct. 12.—Ask Fox Met operators to change deal for circuit. Fox Midwest to pool with two circuits.

Oct. 13.—Assessments again turned down by NRA. Competition to determine protection, Campi holds. Harry M. Warner calls refusal of U. S. Supreme Court to grant rehearing in Tri-Ergon case peril to theatres.

Oct. 15.—May meet patent issue via discs. Pathe's reorganization plan seen set. NRA draws up own schedule of code dues. Hint government check on production.

Oct. 16.—Campi vote on lease clause at 6-4. Court allows $40,000 of Fox Met receivers' fees. Eastern production code approvals up to 150. Agency code hearing delayed to Oct. 31.

Oct. 17.—Erpi assures theatres of defense in patent suits. Distributors put curb on Long Island buying pool. Censorship called futile by Sol A. Rosenblatt. Approval foreseen for new code cost plan. Hayden, Stone & Co. Fox Met bid rejected.

Oct. 18.—William Fox files double printing patent suits against, Universal, M-G-M, Columbia, Consolidated, First Division. NRA approves new code cost plan details. British International-Gaumont British off.

Oct. 19.—William Fox files five more double printing patent suits. Allied heads lay Congress campaign plan. Universal scores scoop with films of King Alexander's slaying. Episcopalians ask Federal film rule.

Oct. 20.—Dicker on to cut E. V. Richards' interest in Saenger. RKO secures extension on six per cent notes.

Oct. 22.—Erpi seen bucking William Fox by "hill-dale" sound. Move afoot to combine about 50 New York independents. Fate of New York code advisory boards near. Talks start in New York on new F.W.C. setup. Tri-Ergon files additional double printing patent suits.

Oct. 23.—New code cost plan called unfair by W. Ray Johnston. U. S. Supreme Court refuses to review clearance appeal. Chrysler air-conditioning for theatres ready; F. B. Warren on sales. Petition for reorganization of Fox Theatres withdrawn.

Oct. 24.—First flywheel patent suits filed by William Fox. Warners to label films in Philadelphia. Six more double printing patent suits filed by Tri-Ergon. Business need to guide new steps in Paramount.

Oct. 25.—Distributors hit clearance set on prices. Capital sees acceptance of new code cost plan. Theatres fear heavier radio competition.

Oct. 26.—Expect Equity compromise on Screen Actors' Guild rule. Elimination of "bank night" clause from code looked for. Screen Actors' Guild can join A. F. of L. only via union under Equity. Decide New York code advisors remain.

Oct. 27.—Reorganization of RKO started. William Fox wins new move in probe of Fox Theatres Corp. Warners may adopt film labelling policy generally. Actors' Equity-Screen Actors' Guild deal provides for autonomy. RCA Victor may remove all flywheels from sound equipment.

Oct. 29.—New season contracts get full approval of Campi. Premiums gain in New York. Charges M. P. Council aims hit theatres.

Oct. 30.—Damages granted in Pennsylvania Tri-Ergon case. NRA may hold hearing

(*Continued on page* 16)

Booked by
LOEW
WARNER
R. K. O.
CIRCUITS

M.H. HOFFMAN
presents

no RANSOM

SUGGESTED BY
"THE BIG MITTEN"
by
DAMON RUNYON

"Clean humorous bill of entertainment . . . . . unique situations and clever dialogue sustain interest throughout."
—MOTION PICTURE DAILY

"Smart screen writing, a strong cast, good direction and plenty of production value.... should please any man's audience."
—SCREEN WORLD

"Amusing travesty on kidnapping, developed with freshness and having an excellent story basis for its comedy."
—VARIETY

"A very splendid photoplay for any theatre."
— FILMOGRAPH

WITH
LEILA HYAMS
PHILLIPS HOLMES
JACK LARUE
ROBERT McWADE
HEDDA HOPPER — EDDIE NUGENT
VINCE BARNETT

directed by
Fred Newmeyer



Screen Story by
ALBERT DEMOND
RECORDED BY RCA VICTOR SYSTEM

LIBERTY PICTURES CORP.

M. H. HOFFMAN, *President*
Pathe Studios
CULVER CITY, CALIF.

BUDD ROGERS, *Gen'l Sales Manager*
1776 Broadway, NEW YORK

'34 Signs Point to Better '35

(*Continued from page* 14)
on dues schedule. Plan to amalgamate British International and Gaumont British not to be revived, says Mark Ostrer.

Oct. 31.—Paramount delays on new setup annoy court. Jack G. Leo reported slated to head Tri-Ergon. Probe of alleged use of propaganda by industry in defeating Upton Sinclair for California governorship up to makeup of new Congress.

November

Nov. 1.—Sidney R. Kent given new three-year contract as president of Fox Films. Company shows 39-week profit of $1,506,212. New York censor board makes 2,195 eliminations in 8,362 reels reviewed during year ending June 30.

Nov. 2.—Hearst's Cosmopolitan Prod. ends M-G-M affiliation for Warner alliance. Hearst Metrotone News not affected by deal.

Nov. 3.—Paramount Publix petitions U. S. Supreme Court to reconsider its action in refusing review of Tri-Ergon's patent litigation. Council of Actors' Equity ratifies proposal for Screen Actors' Guild affiliation. NRA establishes final producer-distributor code assessments. New Radio City Music Hall operation to be by Rockefeller Center interests, with RKO virtually inactive.

Nov. 5.—See $18,000,000 bid for F. W. C. assets by Chase National and Fox Film at forclosure preparatory to rehabilitation.

Nov. 6.—U. S. Supreme Court agrees to review American Tri-Ergon patent litigation against Paramount. Sidney Kent slated for presidency of rehabilitated Fox theatre units in west.

Nov. 7.—Campi action on completed Kansas City clearance and zoning schedule seen as key to that body's attitude toward establishment or non-establishment of schedules under code. Supreme Court expected to act on Tri-Ergon patent review within two months.

Nov. 8.—Paramount reorganization plan hurdles final obstacles and nears completion.

Nov. 9.—F. W. C. bid recommended to court by trustees.

Nov. 10.—Emanuel Cohen sees theatres unhurt by church decency campaign.

Nov. 12.—Allied of New Jersey petitions Campi for re-zoning of Northern Jersey theatres.

Nov. 13.—Germany's increase in import tax seen influencing withdrawal of American companies from country. Bankruptcy referee reduces fees asked by Paramount trustees and counsel by $350,000.

Nov. 14.—Campi defers action on Kansas City clearance, zoning schedule, sending George Schaefer and Edward Golden there to confer on revision. Nicholas Ludington elected president of First Division Prod., with John Curtis, William Fiske, Henry Hobart and Frank Look in executive posts.

Nov. 15.—Paramount Publix concludes negotiations with E. V. Richards for reorganization of Saenger Theatres. *Time* completes plans for newsreel to be distributed by First Division.

Nov. 16.—Washington hears Erpi will figure in contemplated probe of A. T. & T. by Federal Communications Commission. M.P.P.D.A. directors deny reports of plans for replacing Will H. Hays.

Nov. 17.—Washington conference of 78 Catholic prelates agrees on continuance of Legion of Decency campaign and indicates theatre boycott may result if industry breaks pledge to maintain standards. Paramount reorganization factors complete settlement of all major claims.

Nov. 19.—U. S. Census Bureau reveals 10,263 U. S. theatres grossed $414,468,000 in 1933. Net profits of Loew's, Inc., for fiscal year ended Aug. 31, $7,479,897. Near agreement on eight names for new Paramount directorate.

Nov. 20.—Los Angles court approves sale of F. W. C. to National Theatre Co., organized by Fox Films and Chase National. Sol A. Rosenblatt named NRA director of compliance.

Nov. 21.—Sidney Kent in London calls church decency campaign justifiable.

Nov. 22.—Kansas City exhibitors agree to changes in clearance, zoning schedule recommended by Campi. Schedule returned to New York for ratification. See possible sale of Fox Film's 49 per cent stock interest in Gaumont British to Lord Beaverbrook.

Nov. 23.—Paramount Publix plan completed and readied for filing. Federal court hearing on legality of double featuring ban in exhibition contracts begins in Philadelphia.

Nov. 24.—Compliance Director Rosenblatt schedules actor-writers' code hearings in Hollywood and new operators' wage scales for New York. Leaves for coast with John C. Flinn.

Nov. 26.—George Schaefer declares against clearance, zoning schedules under code in favor of bargaining for protection. Pathe Exchange plans production financing in anticipation of its financial reorganization early in 1935.

Nov. 27.—Theatre industry employed 63,473 and paid $85,416,000 in salaries during 1933, U. S. Census Bureau reports. Columbia reports net profit of $235,712 for quarter ending Sept. 29. Campi again delays action on Kansas City clearance and zoning schedule.

Nov. 28.—Deputy Administrator William P. Farnsworth tells MOTION PICTURE DAILY no general reopening or revision of code in prospect for next few months. France extends existing quotas another six months. Old board of directors of Paramount resigns preparatory to submission of reorganization plan to court.

Nov. 30.—Paramount reorganization plan seen ready for court within day or two.

December

Dec. 1.—Warners' loss in 1934 cut to $2,530,513. Group of four to run RKO's British sales. Circuits move to fight free Socony shows.

Dec. 3.—New national theatre group being talked. Conference nears to designate union scales for New York. Work on Paramount plan in final rush.

Dec. 4.—New Paramount setup goes before court. Paramount trustees sue Kuhn, Loeb & Co. on employes' stock sale. Supreme Court to rule on uniform pact. F. W. C. sale held up for court hearing.

Dec. 5.—Sidney Kent denies offer made for Fox's Gaumont shares. Seek fixed policy to bar free programs. Supreme Court hearing seen about Jan. 14 for Tri-Ergon. Coast code dispute goes on with no abatement.

Dec. 6.—Seek three Paramount directors by Dec. 27. Clearance exhibitors' big problem, says Ed Kuykendall. Club leaders hit duals in Philadelphia court.

Dec. 7.—Fight on free shows set for Campi hearing. Opposition to Paramount reorganization slight so far. NRA men say year proves code's worth. Philadelphia duals trial closes. Rush devices to substitute for Tri-Ergon patents.

Dec. 8.—Amusements unite against free programs. Yamins lauds code. Code expense $181,498 for 11 months.

Dec. 10.—November grosses show only light fluctuations. B. P. Schulberg may return as Paramount studio head. Early ending of Standard Oil shows predicted. Stalemate on zoning may end soon. New RKO plan awaits court claims action.

Dec. 11.—Circuits take over Standard Oil schedule, thus ending free show competition. Texans lose protection suit by Dallas decision. F. W. C. parleys end. California solons worry for industry.

Dec. 12.—Way paved to abandon code via revised NRA. Fight for block booking outlined in New York. Loew and M-G-M pay five of their executives $1,464,009 in salary and bonus.

Dec. 13.—Voluntary codes seen as Administration aim. Reciprocal release deal between First Division and Wardour Films. Walter Wanger also being considered to head Paramount production. Reports of code dropping assailed.

Dec. 14.—New exhibitor setup pushed in New York talks. Comerford and Saenger circuits near new setup. Producer acts illegal under code, says Abram F. Myers. Stable wages predicted as new NRA aim.

Dec. 15.—Clearance goes back to boards. Gaumont British regime of General Theatres, British chain, under probe. Metro-Goldwyn Pictures net about triples 1933. M.P.T.O.A. to meet in New Orleans Feb. 25-27.

Dec. 17—Paramount groups desire naming of full board. Selective buy ruling of New York grievance board stirs interest locally. Films skidded in 1930, tax figures prove.

Dec. 18.—NRA hearings will air code change needs. M-G-M studio setup stays as is. United Artists' lineup cut to 18, says Joseph M. Schenck. Equity approves Screen Actors' Guild tieup.

Dec. 19.—Predict new court fights on dual bans. Amalgamation of Gaumont British units expected. Fight on F. W. C. sale delays case two days.

Dec. 20.—End of code lease clause protested. British move to raise quota picture cost. New Fox Met plan selects board of five. Edward Golden says 7,000 houses play duals.

Dec. 21.—Ed Kuykendall for zoning to preserve code. Fox Theatres plan out of new Met plan. Huge poster drive set by industry.

Dec. 22.—New York operator pay comes up at talks today. Joseph I. Breen to stay in production code job until 1936 in denying resignation reports. No change in Code Authority planned. Court ruling brings Ascap Federal trial nearer.

Dec. 24.—Make further moves to unite New York unions. Suit impends in St. Louis over first run rights to First National product. Securities Exchange Commission calls for data on salaries and bonuses.

Dec. 26.—American Federation of Actors to send vaudeville units on tour. F.W.C. sale approved by Federal court. Allied Owners to take stand on Paramount plan. Solution near on basic wage for New York operators. M.P.T.O.A. urges need of code overhauling.

Dec. 27.—Deal nears on operators' basic scale for New York. Oil poured on Universal's ruffled studio waters. Outlook good on Paramount plan, with few opposed.

Dec. 28.—Only two opposed to new Paramount setup as hearing opens. Upton Sinclair forces in row as film leaders relax. Chicago agitated by premium ban. Stuart Webb heads First Division board. RKO's six-month net rises to $231,348. Move on to boost admissions in New York territory.

Dec. 29.—Paramount hearing off for study of court data. Lewen Pizor again heads M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware. Campi to rule on selective contract row.

Dec. 31.—Basic booth scale proposed for Greater New York places minimum hourly low at 75 cents. Revamping of Saenger circuit shears it from 122 theatres divided over four chains. Mexican industry placed under Federal rule. FWC reorganization expected in January. Gaumont British working on stereoscopic film. Free shows end in Boston.

Chatkin for a Cut In Picture Totals

CLEVELAND, Jan. 1.—Discovered: a pessimist for 1935. He is David J. Chatkin, one-time bigwig with Publix and now an independent theatreman operating through Monarch Theatres, Inc. Here is what he thinks:

"Being optimistic at this time of the year is an old Spanish custom in our industry. Each year the same feeling of optimism prevails; always a hope for the future business improvement, things are on the upturn, we have passed all the corners and many other stock phrases.

"Unless certain steps are taken by producers I do not believe our business will be any better in 1935 than the past year. However, I feel very optimistic about business in general, but ours cannot improve unless definite changes in the present policies of picture production are made.

"By no stretch of the imagination is it conceivable that poor pictures will attract greater patronage in 1935 than they did in 1934. Outstanding pictures produced splendid grosses in 1934 but, by the reverse, poor pictures established new lows in a great many situations. Too many poor pictures are now being produced and before we can expect any consistent improvement in our business the number must be materially reduced.

"Not much can be done to bring this about for the greater part of 1935, but each major distributor should give serious consideration in making up his 1935-1936 schedule to a sizeable reduction in the total number of pictures to be produced. To make fewer but better pictures would be a powerful stimulant for our business.

"One could be very optimistic as to the future of our business if it were announced that our 1935-1936 schedules would contain fewer and, of necessity, better pictures."

Amkino Set for Canada

Guaranteed Pictures, Inc., has acquired the exclusive Canadian distribution rights to the entire lineup of Amkino releases for 1934-35. Included in the pictures are "Petersburg Nights," "Thunderstorm" and "The Czar Wants to Sleep.'

First Philadelphia Trans-Lux Started

PHILADELPHIA, Jan. 1.—This city's first Trans-Lux Theatre got underway yesterday following an invitation showing Sunday night. Stanley-Warner also reopened Keith's at midnight last night with a second run showing of "Sweet Adeline," the Roxy-Mastbaum's first film. The house will play second run out of the Mastbaum.

Rumors are flying thick and fast concerning a new first and second run set-up in the Stanley-Warner circuit. In the near future, it is believed the Earle will go into a second run policy, retaining vaudeville, with prices cut.

Art Cinema Claims Ordered by Jan. 12

WILMINGTON, Jan. 1.—Stockholders of Art Cinema Corp., will have until Jan. 12 to file with the Chancery Court here claims against the company in the matter of the bill for the appointment of trustees in dissolution. Exceptions to any of the claims may be filed with the register, George R. McDougall, within 30 days after that date.

Quality Will Hike With Grosses—Katz

(*Continued from page* 1)
B. Mayer at M-G-M, believes big grosses are increasingly in sight for worthwhile and novelty attractions in 1935.

"The figures from all over the country testify to a constantly increasing box-office return for the worthwhile picture and provide a justification for money and effort being expended on real attractions," he told MOTION PICTURE DAILY Monday in a year-end statement.

"Broken Lives" Ban In Maryland Court

BALTIMORE, Jan. 1.—Majestic Pictures, Inc., has appealed the decision of the Maryland censors barring "Broken Lives." Action has been started in the Baltimore City Court and Judge Albert S. J. Owens has ordered a hearing Jan. 4.

The appeal says that while Maryland censors have condemned the film as indecent, immoral, etc., it has been passed and shown in other states.

Code Changes On Selective Buys Looming

(Continued from page 1)

appeal hearing of the Kutinsky-Schwartz overbuying complaint. The case revolved around selective contracts purchased from eight major distributors by Schwartz for his Queens, Queens Village, L. I.

At the appeal hearing Louis Nizer, in appearing for Kutinsky, who operates the Community, one block from the Queens declared that exchange managers do not want to sell this way but are forced to because of the buying power of circuits. He also said that in all cases exchanges lose money on such deals.

"There is nothing wrong with selective contracts," Nizer said, "but in the Kutinsky-Schwartz instance Century is using this method to choke off Kutinsky," he said. He pointed to a specific instance where Paramount wanted to sell half of the product away from Century, but "Schwartz insisted on all."

Wanted to See What He Got

Mitchell Klupt, attorney for Century, contended that pictures were bought selectively because the circuit wanted to see first what it was getting and was paying more than it usually would for this privilege. He stated that most of the contracts have no stars or titles and in some cases no production numbers.

At this point W. C. Michel, chairman of the hearing, stated that Klupt was no better off than the producers. "We're in the same boat," Michel said.

Max Levinson, independent exhibitor on the committee, held that if in the instance of Paramount where 44 of 64 were bought on a selective contract Century could date the first 44 pictures and Kutinsky would have to wait until the final booking before he knew where he stood. Levinson also stated that if Schwartz wanted to do the same on the seven other contracts he could, but Klupt answered this with the assertion that this is rare.

During the hearing Nizer stated that Joe Lee of Fox wanted to sell only a split to Century, but that he was overruled and 40 of 56 were sold on a selective basis.

Wage Scales Talks Now Up to Capital

No further meetings of the NRA fact-finding committee on the New York basic operator scale will be held at Campi. The next session for discussion of the local booth situation will be held in Washington on Jan. 11 when the public hearing is slated to bring out opposition to the plan tentatively agreed upon by circuit and independent heads and executives of the I. A. T. S. E.

One of the figures to be contested in Washington will be the $6-an-hour booth cost for theatres seating more than 4,000. At present, operators get $3.83 an hour and there are three men in the booth at all times, or a total booth cost of $11.49 an hour. The new rate will net de luxe houses a reduction of $5.49 under the proposed scale.

Washington's Code Struggle Draws Nearer

(Continued from page 1)

been learned that any discussion of the matter in the Senate will be led by Senator Gerald F. Nye, who a year ago utilized the reports of Clarence Darrow's National Review Board as the basis of a series of attacks upon the Recovery Administration. Senator Nye, however, has not yet decided upon his course of action, but is understood to be awaiting the disclosure by the President of the terms of the new Recovery Administration legislation.

It is believed that, if the bill contains provisions for revamping of codes which, in the senator's opinion, will give minority interests a fair show, he will withhold his attack. If the legislation is not to the senator's liking, he is expected to assail not only the film code, but also the Recovery Administration and Compliance Director Sol A. Rosenblatt, as he did last year.

Reintroduction of the long-standing block booking bill also is contemplated by the senator, although he has not yet committed himself. Deeply interested in the munitions probe, in which he has the backing of the Administration, he is not expected to have much time for less important matters, particularly if they are of a nature which might lose him some of the support he now is receiving from Administration sources.

While it is expected that the usual grist of film control bills of one sort or another will be introduced in the early days of Congress, the present plans of Administration leaders at the Capitol do not contemplate serious consideration of any subjects not directly connected with the President's recovery program.

The only other film matter which is sure to come up is the admission tax. Scheduled to expire by statutory limitation in July, action will be necessary during the session for its continuance.

Cleveland Two-Year Clearance Pact Ends

(Continued from page 1)

the distributors for a two-year period, expired yesterday.

It is understood no efforts are being made to renew the agreement. First run exhibitors, however, are said to have requested that distributors continue to sell under the same protection plan as set forth in the agreement. At the same time it is said that subsequent run exhibitors are doing nothing about it at this time.

The agreement provided the following protection: First runs, 35 days; houses charging 20c minimum admission, 56 days; houses charging 15c, 63 days; houses charging 10c, 100 days; houses showing double features, 63 days.

Keep at Boston Clearance

BOSTON, Jan. 1.—Plans for setting up a clearance and zoning schedule by the local board has not been dropped, although individual complaints are being heard regularly. The board has not met within the last week and will not convene until Jan. 8.

Three Bank Nights Are Ordered Ended

Bank nights have been ordered stopped by Campi in three instances where respondents appealed from decisions against them by local boards.

W. W. Watt, Casino, Sac City, Ia., complained against George Norman and Jack Keuch, Chieftain, same city; Nasser Bros., Alhambra, San Francisco, protested against the Harding, Metropolitan, Lincoln and El Ray, same city; the State and Imperial, Lenoir, N. C., objected to C. V. Davis and F. C. Hanks, Avon, same city.

Reduced admissions in the cases of the Ritz, Jacksonville, Fla., and the Oasis, Wilson, N. C., were ordered stopped. The New Frolic, Jacksonville, complained against the former and the Wilson and Carolina at Wilson made the latter objection.

Free talking shows by Guy Johnson at Lyons, O., and M. E. and Lou Hensler at Toledo were ordered out.

Herbert Seigel's complaint that the Palace, Erie, was advertising pictures ahead of the Princess was upheld.

John Hamrick's Oriental at Portland, Ore., was directed to stop giving away free tickets on complaint of the Bob White, same city.

No overbuying was found by the Palace and Ritz, Memphis, and the complaint by R. F. Martin of the Texas, same city, was dismissed.

Decisions by the lower board involving clearance between Chester R. Didsbury, Didsbury, Walden, N. Y., against Broadway, Academy and Ritz, Newburgh, and William Weiss, Mall, Cleveland, against the Strand, Standard and Carter, same city, were upheld. However, in the case of the Roxy, Northampton, Pa., against the Savoy, Catasauqua, Pa., and Pastime, Coolay, Pa. the seven-day clearance ordered by the local board was reversed.

Luise Rainer Sails Soon

Luise Rainer, European star, who recently appeared in "Six Characters in Search of an Author" in Vienna, has been signed by M-G-M. She will sail on the *Ile de France* for this country on Jan. 9.

M-G-M has purchased "Man of the World" by John Villiers Farrow.

Wired Houses Now 15,645 On Continent

(Continued from page 1)

records on the number of silent houses.

The breakdown by countries:

Austria	614
Baltics	185
Belgium	539
Czechoslovakia	777
Denmark	317
Egypt	155
Finland	187
France	2,714
Germany	4,674
Holland	254
Hungary	320
Italy	1,079
Jugoslavia	222
Norway	180
Poland	433
Portugal	162
Roumania	297
Spain	1,528
Sweden	800
Switzerland	208
Total	15,645

Toronto Police End Theatre Giveaways

TORONTO, Jan. 1.—Police have solved a problem for suburban theatre proprietors which the exhibitors have long discussed among themselves—the gift night evil. Under Police Commission regulations, effective today, theatres are barred from offering gifts.



Film Stocks Outstrip Every Other Line

(*Continued from page* 1)

issues as the prospect of continued improvement in the country's general business and favorable developments in the industry itself increased buying operations.

Most film issues touched their year's highs late in 1934, when the heaviest Christmas trade in four years indicated a sharply increased public purchasing power that augured well for box-office receipts in the future.

Columbia Pictures voting trust certificates were in demand on the company's reputation, accepted downtown, as the best depression earner. The issue rose to a high above 41 late in December and finished around 39 for a net gain of about 15 points.

An extra dividend declaration by Loew's spurred already big interest in that stock and it was in heavy demand Buying of all film shares was described by brokers as "informed" in character and originating largely within the industry itself.

Eastman Kodak, usually a wide performer, showed the largest gain of the year in common stock, rising more than 31 points to above 112. Heavy activity occurred in Paramount Publix and Paramount Famous Lasky bonds afer publication of their reorganization plan and the issues scored sweeping gains.

The industry during 1934 made considerable progress in removing conditions that resulted in huge losses and caused large capital write-offs. A slow trend toward the pre-depression level of profits appeared likely at the year end.

Fox Film made a good showing on the exchange in extending the progress made since its drastic reorganization in 1933. Warners, viewed as still handicapped by an extensive circuit and heavy financial charges, had a steady undertone, this reflecting mainly a prospective gain in operating results.

On the floor of the Stock Exchange, film issues were more active, in point of total sales, than in any year since 1931 when the turnover reached 28,462,000 shares. In 1934, the turnover bulked 10,881,440 shares comparing with 8,573,864 in 1933 and 9,367,262 in 1932. Activity in the curb market, however, shrank to a total turnover of 230,100 shares last year as compared with 495,850 in 1933, 367,905 in 1932 and 1,958,625 in 1931. Bonds with a market value of $43,704,000 were traded in during the year just closed. This compares with $11,172,000 in 1933, $17,708,000 in 1932 and $1,165,000 in 1931.

Pathe "A" Gains 1¼ on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc.	38½	38½	38½	— ⅜	100
Consolidated Film Industries	5⅞	5¾	5¾	—⅛	200
Consolidated Film Industries, pfd.	20⅜	19¾	20¼	— ⅜	4,700
Eastman Kodak	112½	111¼	111¼	— ½	400
Eastman Kodak, pfd.	138	138	138	—3	2,000
Fox Film "A"	13¾	13½	13½	— ¼	1,000
Loew's, Inc.	34⅞	34½	34½	— ¼	2,900
Paramount Publix	3⅜	3¼	3⅜	....	9,000
Pathe Exchange	1⅜	1⅛	1⅜	+ ⅛	2,400
Pathe Exchange "A"	16¾	15⅜	16¼	+1¼	7,500
RKO	2⅝	2⅜	2½	+ ⅛	5,700
Warner Bros.	4½	4⅜	4½	— ⅛	1,800
Warner Bros., pfd.	21¾	21¾	21¾	+ ½	2,000

Technicolor Has Quarter Rise on Curb

	High	Low	Close	Net Change	Sales
Technicolor	13½	13½	13½	+ ¼	300
Trans Lux	2¾	2½	2½	....	1,800

Pathe Bonds Close Year with New High

	High	Low	Close	Net Change	Sales
General Theatre Equip. 6s, '40	9⅜	8½	9⅜	+1	26
General Theatre Equip. 6s, '40 ctf.	9¼	8⅜	9¼	+ ⅞	19
Loew's 6s, ww. deb. rights	105½	105⅛	105½	+ ½	11
Paramount F. L. 6s, '47	62½	61⅞	62½	+ ⅝	4
Paramount Publix 5½s, '50	62¾	62¼	62½	+ ½	9
Pathe 7s, '37 ww	102½	102¼	102¼	+ ¼	10
Warner Bros. 6s, '39 wd	59	58¾	59	+ ¼	10

(*Quotations at the close of Dec.* 31)

Hollywood Is Better Equipped, Says Lloyd

HOLLYWOOD, Jan. 1.—Producers will develop a "surer touch and more confidence" in the making of quality features this year, according to Frank Lloyd, prominent director and president of the Academy of M. P. Arts and Sciences.

"The popularity of the candid biographies of a year and two years ago did not take away the glamour from history in the public mind but rather humanized the characters so that the motion picture could deal with them in closeup and make them living recreations instead of statues on pedestals," he states.

"The technical and artistic equipment of Hollywood has now reached for sound pictures the same flexibility which it had achieved at the end of silents."

Flash Reviews

Red Hot Tires—A good action drama with story inconsistencies surmounted by fast tempo and direction and good cast performances.

Only Eight Hours— . . . good pungent show . . .

Best Man Wins— . . . action thriller that should have particular appeal in neighborhoods and small towns. . . .

Sweepstake Annie— . . . thoroughly amusing comedy-drama . . .

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

10,881,440 Shares Traded on "Big Board" in 1934

	1934 Sales	High	Date	Low	Date	Last	Net Change	1933 High	1933 Low	1932 High	1932 Low	1931 High	1931 Low
Columbia Pictures, vtc. (1A)	175,300	41⅜	Dec. 3	21½	July 26	38½	+14¾	28	6⅝	14⅞	4¼	not listed	
Consolidated Film	133,000	6¼	Dec. 21	1⅝	July 27	5¾	+ 3¼	5¾	1¾	5⅜	1	15	3¾
Consolidated Film, pfd. (2B)	282,800	20⅜	Dec. 31	10⅜	Jan. 2	20¼	+10⅛	14¾	5⅞	11¾	2¾	18⅞	7¾
Eastman Kodak (4.75c)	245,700	116½	Nov. 26	79	Jan. 4	111¼	+30	89¾	46	87⅞	35¼	185¾	77
Eastman Kodak, pfd. (6)	3,100	147	June 27	120	Jan. 16	138	+13⅞	130	110	125	104¾	135	103
Fox Film "A" (D)	471,300	17½	Feb. 26	8¼	July 26	13½	unch. (D)	4⅞	¾	5⅞	1	38⅜	2½
Keith-Albee-Orpheum pfd.	2,800	37½	Aug. 2	20	Jan. 4	35½	+20½	25	8	30	7	101½	10
Loew's Inc. (1.75c)	2,995,800	37	Dec. 1	20⅜	July 26	34½	+ 5½	36½	8½	37¾	13¼	63½	23⅞
Loew's Inc., pfd. (6.50)	20,800	105	Nov. 3	72	Jan. 2	104⅛	+32⅛	78⅛	35	80	39	98	56
Metro-Goldwyn-Mayer, pfd. (1.89)	16,100	28¼	Dec. 21	21	Jan. 5	28	+ 8	22	13½	22¼	14	27	15
Orpheum Circuit, pfd.	not listed	not listed		not listed		not listed		7	1⅜	15	3¼	75	43⅜
Paramount ctfs. (E)	2,564,600	5⅞	Feb. 16	1¾	Jan. 2	3⅜	+ 1½	2½	⅛	not listed		not listed	
Pathe Exchange	866,700	4¼	Mar. 2	½	July 27	1⅜	— ⅛	2½	¼	1¼	¼	2⅞	¼
Pathe Exchange "A"	593,400	24¾	June 12	10½	Jan. 4	16¼	+ 5¼	14¼	1¼	5¾	1¼	8⅜	1⅜
Radio-Keith-Orpheum (E)	844,000	4¼	Feb. 17	1½	July 23	2½	+ ¼	5¾	1	7¾	1½	4	2¾
Universal Pictures, pfd.	2,960	46½	Apr. 11	16⅞	Jan. 8	38¼	+20¼	35	10	50	10¾	57½	24
Warner Brothers	1,652,100	8¼	Feb. 5	2¾	July 26	4½	— ¾	9⅛	5¼	4½	½	20⅜	2⅛
Warner Brothers, pfd.	10,980	31⅞	Apr. 23	15	Nov. 23	21¾	+ 6¼	24½	15½	20	4	40½	8½

A—Plus 5% in stock; B—accumulated dividends paid this year; C—partly extra; D—new stock; E—companies in receivership or being reorganized.

Curb Exchange Sales Small at 230,100

	1934 Sales	High	Date	Low	Date	Last	Net Change	1933 High	Date	1932 High	1932 Low	1931 High	1931 Low
Columbia Pictures, common (F)	2,900	35	Sept. 25	24½	Feb. 8	35	+ 7¾	27¼		15	4½	23	3⅛
Educational Pictures, pfd.	not listed	not listed		not listed		not listed		3	2	22	8	42	13⅝
General Theatre Equipment, pfd.	not listed	not listed		not listed		not listed		⅞	⅛	1⅜	⅛	31¼	⅜
National Screen Service	not listed	not listed		not listed		not listed		13	5¼	18	10½	24	15¼
Sentry Safety Control	11,300	½	Mar. 20	⅛	July 10	3/16	+1/16	⅝	⅛	1	⅛	3½	½
Technicolor	140,200	11¾	June 8	7⅝	Mar. 27	13½	+ 4½	14	2⅝	5¼	⅝	15¼	1⅜
Trans-Lux, DPS.	71,800	3⅛	Jan. 22	1⅛	July 24	2½	+ ⅛	3¾	1⅛	3¼	¾	13¼	1⅜
Universal Pictures	3,900	5½	Apr. 10	3	Jan. 29	3	+ 2	4	1	6	1	7⅛	4

F—Plus stock extras.

$43,704,000 in Bonds, Year's Transactions

	1934 Sales	High	Date	Low	Date	Last	Net Change	1933 High	1933 Low	1932 High	1932 Low	1931 High	1931 Low
General Theatre Equipment 6s, '40	$ 3,910,000	13	Feb. 19	3⅛	Jan. 2	9⅜	+ 6⅜	9¼	1	7¾	1	74	2
General Theatre 6s, '40 ctfs.	2,368,000	11¾	Feb. 19	3	Jan. 5	9¼	+ 6⅛	7¾	1	6	1	not listed	
Keith 6s, '46	549,000	73½	Dec. 29	51	Jan. 3	73½	+21	61	29½	63	24	78½	35
Loew's 6s, '41	2,023,000	105¾	Dec. 1	85	Jan. 2	105½	+19¾	89	48	90	64	99¾	70
Paramount-Broadway 5½s, '51	2,146,000	47	May 5	30	Jan. 2	45⅜	+15⅜	40	25	82	34	105	65
Paramount-Broadway 5½s, '51 ctfs.	491,000	47	May 7	30	Jan. 2	45	+15	38	27½	not listed		not listed	
Paramount-Publix 5½s, '50	6,370,000	65½	Dec. 1	29¼	Jan. 8	62½	+32½	35⅜	5¾	55	10⅞	105	65
Paramount-Publix 5½s, '50 ctfs.	6,580,000	65½	Dec. 1	29	Jan. 4	62½	+32	35	7½	not listed		not listed	
Paramount-Famous-Lasky 6s, '47	4,103,000	65½	Dec. 1	29⅛	Jan. 8	61⅞	+31⅞	35	4½	60⅝	12½	97	40
Paramount-Fam.-Lasky 6s, '47 ctfs.	3,095,000	65½	Dec. 1	28½	Jan. 4	62	+31¾	34½	10½	not listed		not listed	
Pathe Exchange 7s, '37 w.w.	758,000	102½	Dec. 31	85	Jan. 3	102¼	+17¼	87	47½	80½	49	96	50¾
Radio-Keith-Orpheum 6s, '41	194,000	41	May 5	18¼	July 23	40⅝	+25⅜	30	8½	19	14½	not listed	
Warner Brothers 6s, '39	11,117,000	67	Apr. 21	40⅞	Jan. 4	59	+15½	48	12	40	9¼	74¼	25

F—Plus stock extras.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 2 NEW YORK, THURSDAY, JANUARY 3, 1935 TEN CENTS

Warners Plan For Their Own Sound Service

Settlement with Erpi Provides for Shift

Warners will set up a sound equipment service of their own, having withdrawn from the arrangement under which Erpi has been servicing 301 of the company's theatres, it was learned yesterday.

According to *Motion Picture Herald,* out today, Warners' action "established a precedent in the electric's rigid policy of compulsory servicing of the 5,500 W. E. reproducers which have been installed in theatres in this country to date" and was made possible legally "through the workings of some of the secretly-held phases of the agreement by which Warners and Erpi effected a settlement last

(*Continued on page 7*)

RCA Photophone Not To Try New Service

The local office of RCA Photophone stated yesterday that it knew of no plans by that company for inaugurating a theatre engineering advisory service such as that to be started by Erpi within the next few weeks.

Erpi's plans contemplate the establishment of engineering staffs throughout the country whose advisory services on all phases of theatre engineering and maintenance problems will be made available.

Omaha Houses Win Cuts; Restore Ads

OMAHA, Jan. 2.—Sixteen suburbans and the Downtown, a split first and second run house, came to an agreement with the *News-Bee,* Hearst paper, today and resumed advertising after a boycott of a month.

Exhibitors say they have won their fight for a reduction of rates similar to one granted recently by the *World-Herald.*

Powers Pins Hopes Upon Open Booking

P. A. Powers, president of Celebrity Prod., Inc., yesterday struck out for an open market for 1935, declaring "the measure of success for the new year will be determined by the degree

(*Continued on page 7*)

The show must go on time—Ship via National Film Carriers, Inc.—Adv.

Huffman Code Defiance Goes To U. S. Court

Seeks Test of Campi's Power to Stop Film

DENVER, Jan. 2.—First local test of the code is slated to get under way here Monday when an application by Harry Huffman for an injunction against the grievance board and exchanges comes up for hearing in the U. S. District Court. Members of the board and branch managers have been summoned to appear tomorrow.

The test revolves around the board's power to stop distributors from supplying Huffman with film as a result of his refusal to stop giving away automobiles at the Aladdin, Paramount,

(*Continued on page 7*)

Judge Coxe Approves Saenger's New Setup

Federal Judge Alfred C. Coxe yesterday approved the plan of reorganization for Saenger Theatres and Saenger Realty Corp. with a few minor changes which do not alter the effects of the plan.

Paramount's participation in the Saenger reorganization was also authorized by the court. The plan must now be approved by the Federal court at New Orleans. Under its provisions the reorganized Saenger circuit will operate 45 theatres, mostly in

(*Continued on page 4*)

Gain $25,328,370

Amusement issues listed on the N. Y. Stock Exchange gained $25,328,370 in market value as of Dec. 1, 1934, as compared with the same period in the previous year. Total paper valuation was $164,578,626 as compared with $139,250,256.

On the basis of total shares of all issues outstanding, the average price on that day was $11.24 a share, or a gain of $2.75 over the same day in 1933.

Music Leads Studio Trend For New Year

By VICTOR M. SHAPIRO

HOLLYWOOD, Jan. 2. — Hollywood doesn't make the public's dreams—it just cans them.

Hollywood doesn't decide the trends—it just pictures them.

While peon or dictator silently spin their dreams—while from millions of hearts and from millions of human fountains, sub-conscious aspirations rise to reality or burst into bubbles, Hollywood, with mirror in hand, merely catches and reflects man's wishes and desires, transmuting them by the magic of light, color and sound, into film entertainment.

What, for 1935, will the public get

(*Continued on page 4*)

Mickey Deflates Celluloid Ego As He Looks 1935 Over

By WALT'S MICKEY

I predict:

1935 will be as big a year as 1929—365 days long. It will be the biggest year we have yet had—for predictions.

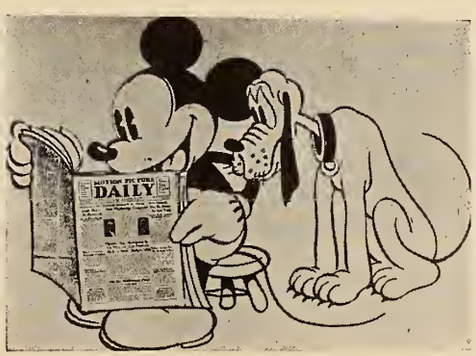
Producers, distributors and exhibitors will go on a diet—and stop eating each other's hearts out.

Pictures will do all the talking for the industry.

There will be a picket for every ticket—unless unions settle their squabbles among themselves—which they may.

There will be more pictures made for the man

(*Continued on page 4*)



Drastic Film Control Bill Up in Albany

Scripts, Ads, Contracts Would Be Regulated

ALBANY, Jan. 2.—Under the terms of a censorship bill introduced today by Senator John T. McCall of New York City censorship would be extended to scripts prior to production and to all advertising material, and the censors would be empowered to enlist the cooperation of civic and religious organizations; to prescribe forms of contracts between distributors and exhibitors, and to classify pictures as suitable for adults, families or juveniles.

The law would require that all advertising material should also carry the classifications of adult, family and juvenile.

The director of the censor bureau would be empowered to adopt all rules and regulations necessary to carry out the objectives of the law.

To put teeth into the measure it provides for licenses for distributors

(*Continued on page 4*)

Majors to St. Louis For Product Probe

Echoes of the recent Fanchon & Marco-Warner product tiff in St. Louis reverberated through distributor headquarters yesterday as summonses were served on all major companies to appear in St. Louis Monday when a Federal investigation gets under way.

When Harry Arthur and Harry Koplar took over the Missouri, Ambassador and St. Louis in St. Louis

(*Continued on page 7*)

"Forsaking" Boosts Capitol to $87,400

"Forsaking All Others" took the Capitol out of its lethargy Christmas Week for one of the best grosses the house has had during 1934. The Crawford-Gable-Montgomery combination garnered a handsome take of $87,400 the first week with the result that the film is being held an additional 10 days.

McVickers Row Ends With a Para. Lease

Amicable adjustment of the lease dispute between Balaban & Katz and Jones, Linick & Schaefer over the

(*Continued on page 4*)

MOTION PICTURE DAILY

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Editor-in-Chief and Publisher
MAURICE KANN
Editor
JAMES A. CRON
Advertising Manager

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U. A. Sales Session Is Held in Frisco

SAN FRANCISCO, Jan. 2.—United Artists held a one-day sales convention here today at the Palace Hotel with 40 men present from this city, Seattle, Portland, Salt Lake City, and Los Angeles.

Al Lichtman discussed new product. Local arrangements were in charge of D. J. McNerny and Ollie Watson, manager and assistant manager of the exchange here.

Await New Officer

BOSTON, Jan. 2.—Theatremen look to the naming of a business manager of Allied Theatres of Massachusetts, M. P. T. O. A. unit, at a meeting of officers here either Thursday or Friday. J. J. McGuinness, former manager, died suddenly a few days ago. Since then, Mrs. Anna Hughes, organization's secretary, has been in charge. It is believed by some that she may succeed to the position, although candidates are pushing forward daily.

No New Debentures

LONDON, Jan. 2.—Rumors in the City, London's Wall St., that Gaumont British was planning a new debenture issue are denied by the firm.

Warner Ball Set Feb. 16

Warners will stage its sixth annual ball at the Waldorf Astoria on Feb. 16.

M. P. Foundation Is Silent About Plans

The M. P. Foundation, when questioned by MOTION PICTURE DAILY yesterday, refused to comment on specific plans for production, release and finance of the series of pictures it had announced earlier it would produce.

According to a statement issued by the foundation, it proposed to make a series of features that will be classified as either "family pictures," "historical productions," "instructional pictures for classrooms," "pictures for the appreciation of fine music" or "pictures on international good will and friendship."

The foundation, in addition to its own production program, will sponsor any picture produced that it feels falls in any of the above mentioned categories, it was said.

New Resignation Is Denied by Pettijohn

Washington reports that Bert New would resign as head of the M.P.P.D.A. Washington office were denied yesterday by C. C. Pettijohn here, who stated that New "has not resigned, does not plan to and is continuing in charge of the office at the Capitol."

The reports are believed to have been started by the recent assignment of Tony Muto to the Washington scene by M.P.P.D.A. headquarters here.

Carl J. Sonin Is Dead

JOHANNESBURG, Jan. 2.—Carl J. Sonin, general manager for M-G-M in South Africa, committed suicide here New Year's Eve. He was about 40. His body is being cremated.

No successor to Carl J. Sonin has been named by the M-G-M foreign department. About seven years ago, Sonin was manager of the New York exchange.

Dowling Body Here Soon

The body of Ambrose J. ("Bo") Dowling, former Radio head in England, who died last month from pneumonia after a short illness, will arrive here Saturday on the *Anconia.* Catholic funeral services will be held here after the arrival of the remains.

Irving Trust Seeks $234,624 from RKO

Petitions for allowances aggregating $234,624 were filed yesterday with Federal Judge William Bondy by Irving Trust Co., trustee for RKO, and William J. Donovan, counsel for the trustee, and include fees for special services rendered in connection with the RKO receivership.

Irving Trust's petition asks for $100,000 on account; Donovan's asks for $125,000, and for $1,124 as expenses. Allowances of $2,500 each are asked by Edward J. Crawford and Robert Huntley, real estate appraisers, and $3,500 for Price, Waterhouse & Co. Judge Bondy set Jan. 14 for a hearing on the applications

"Barretts" at Top Of Film Daily Poll

"The Barretts of Wimpole Street" heads the 1934 list of 10 best films chosen in *Film Daily's* annual poll of 424 of the country's critics. The vote for the leader was 348.

Trailing closely for second place, with a vote of 338, was "The House of Rothschild." The other eight in the order named were: "It Happened One Night," "One Night of Love," "Little Women," "The Thin Man," "Viva, Villa," "Dinner at Eight," "Count of Monte Cristo" and "Berkeley Square."

The total number of films nominated in the poll was 173, compared with 167 in 1933.

Loew Dividend Set

Directors of Loew's, Inc., yesterday declared a regular quarterly dividend of $1.62½ on the preferred. It is payable Feb. 15 to stockholders of record at the close of business on Jan. 31.

Frank on Wanger Sales

W. B. Frank has been put in charge of distribution for Walter Wanger Prod. Frank is former New York representative for Mack Sennett.

Clarifying an Error

"Life Returns," was reviewed from Hollywood on Monday as "Life Begins." The error crept in via telegraphic transmission.

Purely Personal

WILLIAM SCULLY and JACK BOWEN of the M-G-M exchange are battling severe colds. SCULLY is expected back at his desk today, while BOWEN, who should have been in bed yesterday, stuck to his duties. DAVE LEVY, recently recovered from the grip, is in Miami vacationing.

LESTER MATTHEWS, English actor just signed by Universal, is on his way to this country with his wife, ANNE GREY, on the *Dinteldyk* which will go direct to the coast through the canal.

FREDDIE RICH and his orchestra and the Bama Collegians with ERSKINE HAWKINS will furnish the music for the Movie Ball at the Astor on Jan. 12.

S. CHARLES EINFELD, Warner publicity and advertising chief, is scheduled to start back from the coast on Friday.

CLAUDE RAINS will arrive in town today. He will be here for the opening of "The Man Who Reclaimed His Head" at the Rialto on Jan. 7.

BENN W. LEVY sails today on the *Manhattan* to resume writing at the Gaumont British studios.

ABE MONTAGUE returned to his desk yesterday partially recovered from a bad cold.

EVELYN LAYE and FRANK LAWTON have booked passage on the *Europa,* which sails tomorrow.

GEORGE WEEKS and ARTHUR LEE returned from a midwestern tour of Gaumont British offices yesterday.

ABRAHAM LEFF of Leff-Myers theatres returned yesterday from Panama.

JULES LEVY is packing his grip and heading for a vacation in Miami.

ROSE PELSWICK almost persuaded RED KANN to see a picture yesterday.

C. C. PETTIJOHN returned yesterday from a Florida holiday.

W. RAY JOHNSTON returned yesterday from four days at Atlantic City.

SAM MOROSS will not return from Atlanta for another week.

ARNOLD VAN LEER leaves for Philadelphia today on a short trip.

ED FINNEY returns from Bermuda tomorrow.

Eastman Up 1½ on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	38½	38⅜	38½	.....	200
Consolidated Film Industries	5⅞	5⅝	5⅞	+ ⅛	900
Consolidated Film Industries, pfd	20⅜	20¼	20¼	.....	400
Eastman Kodak	112½	111	113½	+1½	1,200
Fox Film "A"	13½	13¼	13⅜	— ⅛	1,100
Loew's, Inc.	34⅜	33⅝	34⅛	— ⅜	2,900
M-G-M, pfd.	28	28	28	.....	100
Paramount Publix, cts	3½	3¼	3½	+ ⅛	6,100
Pathe Exchange	1½	1¼	1½	+ ⅛	2,900
Pathe Exchange "A"	17¼	16½	16⅞	+ ⅝	5,100
RKO	2⅝	2⅜	2⅝	+ ⅛	3,300
Warner Bros.	4⅝	4½	4½	.....	1,700
Warner Bros., pfd	21⅜	21⅜	21⅜	— ⅜	2,000

Trans Lux Advances Eighth on Curb

	High	Low	Close	Net Change	Sales
Technicolor	13⅜	13⅜	13⅜	— ⅛	100
Trans Lux	2⅝	2⅝	2⅝	+ ⅛	100

Paramount Broadway Bonds Off 2

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	9	8¾	8¾	—1	17
Loew's 6s '41, ww deb rights	105½	105⅜	105½	.....	9
Paramount Broadway 5½s '51	43⅛	43⅜	43⅜	—2	2
Paramount F. L. 6s '47	62¼	62	62¼	— ¼	9
Paramount Publix 5½s '50	62¾	62½	62¾	+ ¼	20
Warner Bros. 6s '39, wd	60	59½	60	+1	26

(Quotations at close of Jan. 2)

Hearst Films Rose Festival in Color

HOLLYWOOD, Jan. 2.—Six hours after the Pasadena Rose Festival parade Hearst Metrotone released in 17 local theatres last night 85 feet of colored film of the event. Not only did it set a time record in developing and printing color film but it marked the first showing publicly of newsreel material in color, it is said.

The stunt was engineered by C. J. Hubbell, western editor of Hearst Metrotone, in conjunction with Carroll Dunning of the Dunning Process Co. and David Blankenhorn of Cosmo Color, Inc. Distribution is at present being confined to the Pacific coast.

Flash Review

St. Louis Woman— . . . mediocre stuff that may stand a chance in small houses. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

PHONE
CHICKERING 4-2200

CABLE ADDRESS
"WANEWAR"

WARNER BROS.
PICTURES, INC.
321 WEST 44TH STREET
NEW YORK

To the 400 Distinguished Screen Critics Appointed to Select 1934's Ten Best Pictures in the Film Daily Poll:

Thanks for your many kind inquiries, but because of other major attractions already scheduled we found ourselves unable to release

PAUL MUNI

in

"BORDERTOWN"

with

BETTE DAVIS

in time for inclusion in your list of 1934's Ten Best.

Although you may have already seen this picture in preview, the rules of the Film Daily poll of course necessitated your postponing its selection until the 1935 list, since it will not be nationally released until this coming Saturday, Jan. 5th.

Sincerely,

WARNER BROS.

With Margaret Lindsay, Eugene Pallette, and many others. Directed by Archie Mayo. Vitagraph, Inc., distributors.

Music Leads Studio Trend For New Year

(*Continued from page* 1)

from the amusement center of the world? What relaxation, in the form of canned dreams, will Hollywood release, to thrill, inspire and entertain every people on the globe?

Holding up the mirror to 135 films in work, editing or being planned, Hollywood reflects 20 different classifications or pictures, each of which represents a definite trend of entertainment.

Set down in fact form, the summary herewith tells its own story:

Summary

PICTURES IN WORK, PREPARING AND EDITING

Position	Cycle	Total No. Pictures
1	Musicals	26
2	Comedy-dramas	16
3	Mystery	13
4	Dramas	12
5	Melodramas	9
6	Comedy	9
7	Adventure	7
8	Romantic drama	6
9	Classics	6
10	Action	6
11	Western	5
12	Fantasy	3
13	Aviation	3
14	Sophisticated dramas	3
15	Comedy romance	3
16	Biographical	3
17	Topical	2
18	Homespun	1
19	Football	1
20	Fairy tales	1
	Total	135

By preponderance of number, the trend for 1935 seems to be toward musicals, comedy dramas, mysteries and dramas, with musicals dominating strongly.

The second trend evident from the above tabulation, indicates comedy and melodrama. Adventure, action and romance are third.

Breaking down the summary, the bird's-eye-view of Hollywood's reflection is clarified according to title, company and classification.

Musicals

Roberta ....(RKO)
Top Hat ....(RKO)
Reckless ....(MGM)
Ruba ....(Para.)
Mississippi ....(Para.)
All Kings Horses....(Para.)
Stolen Harmony ....(Para.)
Geo. White's Scandals....(Fox)
Redheads on Parade....(Fox)
Adios Argentine ....(Fox)
Georgiana ....(Col.)
Go Into Your Dance....(W. B.)
Golddigger of 1935....(W. B.)
Sweet Music ....(W. B.)
Sweet Adeline ....(W. B.)
In Caliente ....(W. B.)
Folies Bergere....(20th Cent.)
Great Ziegfeld ....(Univ.)
Wizard of Oz....(Goldwyn)
Enter Madame....(Paramount)
Here Is My Heart....(Paramount)
Cantor ....(Goldwyn)
Naughty Marietta ....(MGM)
Love While You May....(MGM)
The Night Is Young....(MGM)
Sing Me a Love Song....(Univ.)

Comedy-Drama

Captain Huricane ....(RKO)
Enchanted ....(RKO)
Forsaking All Others....(MGM)
Win or Lose....(Para.)
Now I'm a Lady....(Para.)
One More Spring....(Fox)
The Little Colonel....(Fox)
Life Begins at 40....(Fox)
County Chairman ....(Fox)
Whole Town's Talking....(Col.)
King of the Ritz....(W. B.)
Alibi Ike ....(W. B.)
Good Fairy ....(Univ.)
Hands Across Table....(Goldwyn)
Princess O'Hara ....(Univ.)
She Married a Million....(Univ.)

Mystery

Puzzle of Pepper Tree....(RKO)
The Murder Song....(RKO)
Shadows of Doubt....(MGM)
Chan in Paris....(Fox)
Mystery Woman....(Fox)
Recipe for Murder....(Fox)
Thunder in the Night....(Fox)
White Cockatoo ....(W. B.)
Murder in Clouds....(W. B.)
Florentine Dagger ....(W. B.)
Mystery of Edwin Drood....(Univ.)
Return of Frankenstein ....(Univ.)
The Raven ....(Univ.)

Drama

Farmer Takes a Wife....(Fox)
Once a Gentleman....(Col.)
Black Fury ....(W. B.)
Right to Live....(W. B.)
The Money Man....(W. B.)
Oils for Lamps of China....(W. B.)
Goose and the Gander....(W. B.)
The Green Cat....(W. B.)
Their Wedding Night....Goldwyn
Within This Present....(Univ.)
Magnificent Obsession ....(Univ.)
When Next We Live....(Univ.)

Melodrama

Only 8 Hours....(MGM)
Wicked Woman ....(MGM)
Hold 'Em Yale....(Para.)
Car 99 ....(Para.)
East River ....(Fox)
Eight Bells ....(Col.)
Transient Lady ....(Univ.)
I Murdered a Man....(Univ.)
Mr. Dynamite ....(Univ.)

Comedy

Marx Bros. Picture....(MGM)
Repeal ....(MGM)
Ruggles of Red Gap....(Para.)
The Milky Way....(Para.)
Torch Bearers ....(Fox)
While Patient Slept....(W. B.)
Babbitt ....(W. B.)
Women Are Bum Newspapermen..(W. B.)
Moon Mullens ....(Univ.)

Adventure

Mutiny on Bounty....MGM
Lives of Bengal Lancer....(Para.)
Under Tampa Moon....(Fox)
Best Man Wins....(Col.)
Captain Blood....(W. B.)
Call of Wild....(20th Cent.)
Sutters Gold ....(Univ.)

Romantic Drama

Vanessa ....(MGM)
Caprice Espagnol ....(Para.)
North Shore ....(W. B.)
The Secret Bride....(W. B.)
Wife vs. Secretary....(MGM)
Present from Margate....(W. B.)

Classic

Becky Sharp....(RKO)
Three Muskateers ....(RKO)
Crime of Sylvester....(RKO
Copperfield ....(MGM)
Les Miserables....(20th Cent.)
Anna Karenina ....(MGM)

Action

Five Untitled ....(Col.)
Red Hot Tires....(W. B.)

Westerns

Home on the Range....(Para.)
Vanishing Pioneer ....(Para.)
Untitled ....(Col.)
Untitled ....(Col.)
Untitled ....(Col.)

Fantasy

She ....(RKO)
Midsummer Night's Dream....(W. B.)
Dante's Inferno ....(Fox)

Aviation

West Point of Air....(MGM)
Wings in Dark....(Para.)
Devil Dogs of Air....(W. B.)

Sophisticated Drama

No More Ladies....(MGM)
Lady Beware ....(Col.)
Living on Velvet....(W. B.)

Comedy Romance

The Gilded Lily....(Para.)
Gypsy Sweetheart ....(W. B.)
Maybe It's Love....(W. B.)

Biographical

Diamond Jim Brady....(Univ.)
Cecil Rhodes ....(MGM)
Cardinal Richelieu ....(20th Cent.)

Topical

Carnival ....(Col.)
Call to Arms ....(Col.)

Homespun

Laddie ....(RKO)

Football

Band Plays On....(MGM)

Fairy Stories

Jack and Beanstalk....(Allied)

If these Hollywood indications are true reflections of subconscious strivings it would seem that music, barometer of mass emotion, interpreter of the people's feelings, the art that affords escape from daily reality—music is what the public wants for 1935, according to production headquarters.

Evident also is the trend toward opera, since Grace Moore met vociferous response in "One Night of Love." Lawrence Tibbett has been signed by Darryl Zanuck. M-G-M has Nelson Eddy before the cameras. Miss Moore is readying her second under Victor Schertzinger's direction. Gladys Swarthout, former grand opera favorite, is considered a find by Paramount, combining physical beauty with charm of voice. Nino Martini has signed with Lasky.

Studios are flirting with Richard Tauber and Mario Chamlee and Radio has signed Lily Pons, all of which tends to strengthen the belief that for the latter part of the year, noted singers may come into their own.

Color also seems destined to play a part after the midyear. "La Cucaracha" apparently merely whetted the appetite of the public. "Becky Sharp," RKO, and Walter Wanger's color feature have been announced and sequences are planned in many films, including "Midsummer Night's Dream" and decision of Walt Disney to produce "Mickey Mouse" in Technicolor.

Music, popular and classical, and color innovations are the reflections Hollywood sees in the mirror for 1935.

Mickey Deflates Celluloid Ego As He Looks 1935 Over

(*Continued from page* 1)

on the street—but he will have to go into a theatre to see them.

Double features on the same bill will become as sore as the public and will stop talking to each other.

Exhibitors will be prouder than ever to show their shorts in public—now that they are in color.

My boss, Walt Disney, will continue to draw business as well as he does me and the Silly Symphonies, which makes it a

Happy New Year, folks!

MPPDA Expands Offices

Large additional office space was opened by the M.P.P.D.A. yesterday on the 15th floor of the building which houses the Hays organization. It will be utilized by the eastern office of the Production Code Administration and the Advertising Advisory Council under J. J. McCarthy. The new space will also be used to relieve congestion in the main offices on the 21st floor, with Arthur Dickinson, Upton Wilkinson, Rev. Irvin E. Deer and others transferring their offices to the new section.

Drastic Film Control Bill Up in Albany

(*Continued from page* 1)

and exhibitors. The distributor fee would be $50 per year and that for an exhibitor $10. Distributors would be required to file a $5,000 bond and exhibitors would be called upon for $1,000 bonds to insure compliance. The director of censors would be empowered to suspend licenses for violations of regulations.

"The bill I have introduced," said Senator McCall, "will go a long way towards insuring clean films for the people, and will make possible the securing of more certain contractural relations between the distributor and exhibitor. It will enable exhibitors to know what they are buying and give them a chance to learn whether a picture is objectionable before exhibited.

"The bill also provides that its provisions shall supersede any provision of the NRA code in conflict therewith."

McVickers Row Ends With a Para. Lease

(*Continued from page* 1)

McVickers, Chicago Loop house, was concluded here yesterday and provides for abandonment by J., L. & S. of the anti-trust action threatened several weeks ago against B. & K., Paramount and large distributors.

B. & K. relinquished its lease on the McVickers last summer and the house was recently reopened by J., L. & S., the lessors. Aaron Jones of J., L. & S. subsequently charged that he was unable to obtain product for the house and threatened the anti-trust suit. Under the agreement just reached Paramount leases the house from J., L. & S. until July 31, at which time, it is assumed, Jones will be in a position to bid for 1935-36 product in the event he operates it thereafter.

Y. Frank Freeman, Paramount theatre head, said yesterday that no operating plans had been made for the McVickers under the new lease and that the house might be kept closed.

Judge Coxe Approves Saenger's New Setup

(*Continued from page* 1)

Louisiana and Mississippi, with E. V. Richards as president and general manager of the new company.

Judge Coxe also signed an order yesterday continuing Paramount Broadway Corp., holding company for the Paramount Building and theatre, in possession of its assets pending its reorganization.

Winds Delay Air Trip

High winds prevented the showing of Mr. and Mrs. Martin Johnson's "Baboona" 12,000 feet over Manhattan yesterday. Roger Ferri, handling the film for Fox, had planned to screen it for newspaper and syndicate men on two trips. The stunt will be put over today, weather permitting.

C. King Charney Here

C. King Charney, American distributor for Agfa Films, is in New York from the coast.

A PUSHOVER FOR HOLDOVERS!



BUSINESS is **BUSINESS** . . . But it's **PHENOMENAL BUSINESS** that makes exhibitors hold it over!

THREE WEEKS at the N. Y. Roxy, where it broke a five-year attendance record!

FOUR WEEKS at the Pantages in Los Angeles, and going into a fifth week! All-time records smashed for this house!

TWO WEEKS at the Orpheum in San Francisco, then **TWO MORE WEEKS** at the Strand across the street!

THREE WEEKS in Portland, Oregon

THREE WEEKS in Seattle, Washington

THREE WEEKS in Buffalo, N. Y.

HELD OVER in St. Louis

HELD OVER in Salt Lake City

HELD OVER in Richmond, Va.

HELD OVER in Baltimore

HELD OVER in Louisville

HELD OVER in Milwaukee

HELD OVER in Syracuse

Carl Laemmle presents

CLAUDETTE COLBERT
in FANNIE HURST'S
"IMITATION OF LIFE"

with

WARREN WILLIAM

ROCHELLE HUDSON · NED SPARKS
HENRY ARMETTA · BABY JANE · ALAN HALE

A JOHN M. STAHL PRODUCTION

"Happy New Year!" says Universal

COMING! IRENE DUNNE in SHOWBOAT

Mastbaum Off To Profit in Philadelphia

PHILADELPHIA, Jan. 2.—Anticipated smash business for Christmas Day was not realized in Philadelphia. There were no actual standouts, the business being split rather evenly among the unprecedented number of openings, including the kick-off for the Roxy-Mastbaum.

After the first two days, with the Mastbaum running behind expectations, gloom was thick around the theatre, but business spurted later in the week and the house hit an estimated total of $38,000, generally conceded by the amateur accountants to represent profit on the investment. Roxy's shows are geared much lighter than the last time the house was reopened with a nut of $42,000 on the first show. For this present system, it is believed that the house can get by on slightly better than $30,000. "Sweet Adeline" is the opening film.

Total first run business, $135,300. Average is $104,900.

Estimated taking for the week ending Dec. 27:

"THE MIGHTY BARNUM" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days. Gross: $13,000. (Average, $7,000)
"COLLEGE RHYTHM" (Para.)
(2nd run)
ARCADIA—(600), 25c-35c-40c, 6 days. **Gross:** $3,600. (Average, $2,400)
"ANNE OF GREEN GABLES" (Radio)
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** 8,500. (Average, $12,000) (Christmas Week grosses not included)
"BABES IN TOYLAND" (M-G-M)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Anatole Friedland's "Affairs of 1935" with Harry Rose. **Gross:** $19,500. (Average, $12,000)
"BRIGHT EYES" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Singer's Midget. **Gross:** $28,500. (Average, $12,000)
"FLIRTATION WALK" (Warners)
(2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. Gross: $4,200. (Average, $3,500)
"MY HEART IS CALLING" (Gaumont British)
LOCUST — (1,300), 55c-$1.10, 6 days. **Gross:** $7,000. (Average, $5,000)
"SWEET ADELINE" (Warners)
ROXY-MASTBAUM—(4,800), 55c-75c-85c-$1.10, 6 days. Stage show with Roxy Revue. **Gross:** $38,000. (Average, $33,000)
"BEHOLD MY WIFE" (Para.)
STANLEY—(3,700), 35c-40c-55c, 6 days. Gross: $7,500. (Average, $12,000) (Christmas week gross not included)
"THE GAY BRIDE" (M-G-M)
STANTON—(1,700), 35c-40c-50c, 6 days. Gross: $5,500. (Average, $6,000) (Christmas Week gross not included)

Talk Film Carnival For MPTOA Meeting

NEW ORLEANS, Jan. 2.—Ed Kuykendall is due here tomorrow for a conference with Harry S. McLeod, chairman of the committee in charge of the annual M.P.T.O.A. convention, and a number of civic leaders, exhibitors and exchange men. The convention is set for Feb. 25, 26 and 27.

One plan broached is to have a film carnival, with three city blocks covered by a canopy for the crowning of a king and queen of the carnival. All visitors will be provided with robes of royalty if the plan goes through.

Harry Cohn Coming East

Harry Cohn, president of Columbia, is due in New York Jan. 25 for a directors' meeting.

"Millions" Is Best Detroit Draw, $14,100

DETROIT, Jan. 2.—Christmas crowds here were in a mood for music. They flocked to the United Artists in such numbers that "Kid Millions" piled up $14,100, over par by $4,100.

"Bright Eyes" went into the Fox after "The Captain Hates the Sea" had been on for three days and lifted the take $2,200 over normal for a total of $17,200. A combination of "Chu Chin Chow" and "Hell in the Heavens" at the Adams and "The Marines Are Coming" and "Fire Bird" at the State were the only other two bills to show strength.

Total first run business was $64,300. Average is $65,000.

Estimated takings for the week ending Dec. 28:

"CHU CHIN CHOW" (Gaumont British)
"HELL IN THE HEAVENS" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $5,300. (Average, $5,000)
"CAPTAIN HATES THE SEA"
(Col.) 3 days
"BRIGHT EYES" (Fox) 4 days
FOX—(5,000), 15c-55c. Stage: 6 acts vaude. **Gross:** $17,200. (Average, $15,000)
"MERRY WIDOW" (M-G-M)
"GENTLEMEN ARE BORN" (F. N.)
(Second run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $4,100. (Average, $10,000)
"ENTER MADAME" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, 6 acts vaude. **Gross:** $17,400. (Average, $20,000)
"MARINES ARE COMING" (Mascot)
"FIRE BIRD" (Warners)
STATE—(3,000), 15c-55c, 7 days. **Gross:** $6,200. (Average, $5,000)
"KID MILLIONS" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $14,100. (Average, $10,000)

"Barnum" Gets Big Providence Start

PROVIDENCE, Jan. 2.—Holiday trade, midnight shows and shifting of pictures brought $50,000 worth of business to exhibitors for the Christmas season. Opening Monday at Loew's State, "The Mighty Barnum" chalked up $16,000 in four days. This take was by far the best for the city.

The Majestic, with a dual bill of "Bright Eyes" and "Bachelor of Arts," caught a neat $10,200 and the RKO Albee was strong at $9,500 with "Grand Old Girl" and "Holiday Capers" on the stage. Fay's came in for $8,100 with "The World Accuses" and a revue.

Total first run business was $50,100. Average is $40,500.

Estimated takings for the week ending Dec. 27:

"THE MIGHTY BARNUM" (U. A.)
LOEW'S STATE—(3,800), 15c-40c, 4 days. **Gross:** $16,000. (Average, $12,000)
"MEN OF THE NIGHT" (Col.)
"LOST IN THE STRATOSPHERE"
(Monogram)
STRAND—(2,300), 15c-40c, 5 days. Supplanted by "One Hour Late" and "Father Brown, Detective." **Gross:** $5,200. (Average, $6,500)
"THE WORLD ACCUSES" (Hollywood)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Live, Laugh and Love." **Gross:** $8,100. (Average, $7,000)
"BRIGHT EYES" (Fox)
"BACHELOR OF ARTS" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,200. (Average, $7,000)
"GRAND OLD GIRL" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Holiday Capers." **Gross:** $9,500. (Average, $7,000)
"FUGITIVE LADY" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

Kids Get a Break

Portland, Me., Jan. 2.—Juvenile interest in Keith's, a recent addition to the F. E. Lieberman unaffiliated circuit, has heightened since a crew of youngsters picked each week from a horde on the stage is elected to act as doormen, ushers, and the like. Prominent badges set this junior staff above their fellow men.

"Bright Eyes" Big In Oklahoma City

OKLAHOMA CITY, Jan. 2.—"Bright Eyes" led a Christmas pickup, but set such a swift pace that none of the other first runs could keep out of the dust. The $9,540 gross was over normal by $5,540 and was nearly half the total first run business of the city.

"Babes in Toyland" was also a humdinger, grabbing $3,600 at the Capitol.

Total first run business was $19,740. Average is $13,500.

Estimated takings for the week ending Dec. 29:

"TRANSATLANTIC MERRY-GO-ROUND" (M-G-M)
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,600. (Average, ($,000)
"BRIGHT EYES" (Fox)
MIDWEST—(1,500), 10c-26c-36c-56c, 11 days. **Gross:** $9,540. (Average, $4,000)
"BABES IN TOYLAND" (M-G-M)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,600. (Average, $2,000)
"HELLDORADO" (Fox)
LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,000. (Average week, $2,500)
"I SELL ANYTHING" (F. N.)
LIBERTY — (1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,000. (Average week, $2,500)

M. P. Club to Start Activities Jan. 13

Winter activities of the M. P. Club officially get under way Jan. 13 when the first preview will be held for members only. The initial attraction will be "Sequoia." Louis K. Sidney is chairman of the committee and Howard Dietz will give an introductory speech. Other entertainment will be on the program.

Services for the industry's dead will be held Jan. 20. Felix Feist heads the committee on memorial services which includes Harold Rodner, Louis Nizer, Phil Reisman and Jack Alicoate.

Raymond Moley and Mayor LaGuardia will inaugurate the first forum, tentatively set for Jan. 14. Moley is editor of *Today*.

Compliance Director Sol A. Rosenblatt, Joseph Moskowitz, Joe Vogel, Harry Goetz and John W. Hicks, Jr. are up for membership and will be passed upon this week by a committee comprising Harry D. Buckley, James Ryan, Gabriel Hess, Austin C. Keough, Reisman and Lee Ochs.

Wants Mo. Tax Doubled

JEFFERSON CITY, Mo., Jan. 2.—Doubling the sales tax to one per cent for relief revenue and its extension beyond Dec. 31, 1935, were recommended by Governor Park to the legislature when it convened today. He pointed out the law does not prevent passing the tax on to the consumer. Exhibitors now absorb the levy on tickets.

"Bright Eyes" Is Cleveland Hit, $19,500

CLEVELAND, Jan. 2.—"Bright Eyes" is the biggest attraction of the current season. It grossed about $16,000 in seven days of a 10-day first run and took $19,500 in 10 days at the RKO Palace. It was moved into the Allen for an indefinite run.

"Sweet Adeline" made a good holiday showing at the Hippodrome with a $9,000 gross against a $6,000 average, "Pursuit of Happiness" was fair at the Stillman, considering the season. "Roberta," stage attraction at the Hanna, was heavy competition. Total gross was $39,200. Average is $33,000.

Estimated takings:

Week Ending Dec. 24:
"BABBITT" (F. N.)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $2,200. (Average, $3,000)
Week Ending Dec. 28:
"SWEET ADELINE" (Warners)
WARNERS HIPPODROME — (3,800), 30c-35c-44c, 7 days. **Gross:** $9,000. (Average, $6,000)
Week Ending Dec. 31:
"BRIGHT EYES" (Fox)
RKO PALACE—(3,100), 30c-35c-44c, 10 days. **Gross:** $19,500. (Average, for 7 days, $10,000)
Week Ending Dec. 24:
"PRIVATE LIFE OF DON JUAN"
(U. A.)
LOEW'S STATE—(3,400), 30c-35c-44c, 4 days. **Gross:** $3,500. (Average, for 7 days, $10,000)
Week Ending Dec. 30:
"PURSUIT OF HAPPINESS" (Para.)
LOEW'S STILLMAN—(1,900), 20c-30c-35c, 9 days. **Gross:** $5,000. (Average, for 7 days, $4,000)

Temple Is Lincoln Smash with $3,500

LINCOLN, Jan. 2.—It was "Bright Eyes" last week and little Shirley Temple brushed off balcony seats which had been a long time dusty. Take on the seven-day stretch was $3,500, which is money at two-bits top.

The Orpheum has started full weeks with splitting vaude bills and took $5,000 on the week by headlining Gene Austin and Baby Rose Marie. The pictures were "Gay Bride" and "Limehouse Blues." "Little Minister," with a local talent stage show, was a flopper at the Stuart with about $2,300. "Jack Ahoy" attracted but few at the Varsity with a $900 take.

Total first run business was $11,700. Average is $9,100.

Estimated takings:

Week Ending Dec. 31:
"LITTLE MINISTER" (Radio)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,300. (Average, $3,100)
"BRIGHT EYES" (Fox)
LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $3,500. (Average, $2,200)
"GAY BRIDE" (M-G-M)
"LIMEHOUSE BLUES" (Para.)
ORPHEUM—(1,200), 10c-15c-25c-40c, 7 days. Stage: Gene Austin and Baby Rose Marie headlining split week. **Gross:** $5,000. (Average, $2,300)
Week Ending Dec. 30:
"JACK AHOY" (Gaumont British)
VARSITY—(1,100), 10c-25c, 5 days. **Gross:** $900. (Average, $1,500)

Franklin in Hollywood

HOLLYWOOD, Jan. 2.—Harold B. Franklin is here from New York and expects to remain about 10 days.

Warners Plan For Their Own Sound Service

(*Continued from page* 1)

June of the seven-year battle over sound royalties claimed by Warners as their share of the profits for participating with W. E. in the commercialization of sound through Vitaphone."

"One of the important parts of the settlement which was not revealed by either party in announcing the settlement," says the *Herald,* "was a clause which gave Warners the right to void the compulsory servicing clause of its theatre reproducer licenses any time between the date of the settlement in June and Jan. 1, 1935. It was agreed that if Warners did arrive at such a decision both parties would first participate in friendly discussions with the point in view of negotiating a new blanket servicing contract. These discussions were held, in utmost secrecy, over a period of weeks.

"Erpi finally submitted a new proposal, economically more favorable than the existing one, but Warners rejected it on the grounds that while it did give certain price concessions and was not out of proportion to the service to be performed, the Warner management could save considerable by doing its own servicing."

Warners will continue as an Erpi licensee despite their withdrawal from the servicing agreement. The company's service bill has been running to approximately $400,000 yearly, it has been estimated.

The *Herald* adds:

"There is no intention at the moment on the part of Warners to develop their United Research sound equipment manufacturing subsidiary to the capacity of turning out reproducers on the wholesale to replace the W. E. reproducers now installed. This, they hold, would be economically unsound."

At the Erpi offices here it was said yesterday there was still a chance of averting Warners' withdrawal from the servicing pact, the same opinion, however, not being held by Warners.

Philadelphia Union Gives Booth Service

PHILADELPHIA, Jan. 2.—Under terms of an agreement reached between the M. P. T. O. unit here and Local 307 booths are to be serviced free of charge by union men. It is estimated this will save exhibitors several thousand dollars annually.

The union will employ booth inspectors and will have two specially equipped automobiles to make monthly inspections and also to answer emergency calls from 10 A. M. to midnight.

Hope to Solve Bombings

BOSTON, Jan. 2.—With a detail of Department of Justice investigators analyzing evidence found in connection with the recent bombings of theatres here and in Lynn and in Pawtucket, R. I., many in the district believe there is a good chance that the continued and concentrated efforts that have been successful in tracking down other terrorists will succeed in this instance.

Majors to St. Louis For Product Probe

(*Continued from page* 1)

last summer, they found considerable difficulty in getting the product. Warners took over the Rialto a short time later, opening it in September. Arthur then filed a complaint with the Department of Justice and nothing had been heard until yesterday.

It is believed the Grand Jury may check into a possible conspiracy to restrain trade.

Arthur and Jack Partington of F. & M. also were served yesterday and will leave either tomorrow or Saturday for St. Louis. The hearing opens at 10:30 A.M. Louis Phillips of Paramount left for St. Louis yesterday afternoon and Sidney Bromberg of M-G-M departed late last night. Robert Youngman, attorney, Jules Levy and Cresson Smith of RKO Radio plan to leave either today or tomorrow. Edward Raftery of O'Brien, Driscoll & Raftery, counsel for U. A., left for Pittsburgh yesterday and plans to leave the Smoky City today for St. Louis.

Efforts to reach attorneys for Columbia, Fox, Universal and Warners were unavailing, although it was admitted these companies had been served. Spyros Skouras was not served yesterday and efforts to reach his attorney were unsuccessful. Skouras had the three houses before F. & M. entered the picture.

Santa Fe May Lower Coast Run 16 Hours

Running time between New York and Los Angeles may be cut 16 hours to a total of 56¾ hours. In the spring the Santa Fe will put in service west of Chicago a new high-powered Diesel-electric streamline engine.

The New York Central stated yesterday it proposed maintaining its New York-Chicago run at 17¾ hours. The saving enters the picture through the planned reduction in the schedule of the Chief from 58 to 39 hours from Chicago to the coast; if the new locomotive comes up to expectations.

The Union Pacific report no contemplated changes in any of its Chicago west schedules. Southern Pacific on Tuesday trimmed running time of its Sunset Limited between Los Angeles and New Orleans one hour for a total span of 59 hours and 35 minutes.

Trem Carr to Talk Film Program Here

HOLLYWOOD, Jan. 2.—Trem Carr, vice-president in charge of Monogram production, left tonight for New York. He will stop over in St. Louis to see his parents for two days and then continue to New York, arriving there about Jan. 11. While in the east, Carr will confer three weeks with W. Ray Johnston and several leading franchise holders on next season's lineup.

Production, which was halted Christmas Day, resumes Jan. 20 when "Hoosier Schoolmaster" goes into work with Lew Collins directing.

Prevent Fire in Maine

BAR HARBOR, ME., Jan. 2.—What apparently was an attempt to fire the Star here was frustrated when a neighbor noticed the odor of oil and started an investigation. Sections of the interior had been drenched in oil.

Powers Pins Hopes Upon Open Booking

(*Continued from page* 1)

of freedom allowed each exhibitor and qualified theatre manager in the selection of pictures."

To this end, Powers urges a "prompt revision" of the code and "the adoption of a booking system similar to that in vogue in England."

He continued:

"This needed change will become obvious during the coming year and, if it is effected at an early date, 1935 will usher in a new era of prosperity.

"The English system of actually screening all pictures before they are formally booked removes all uncertainty as to quality and desirability. It uncovers objectional pictures in advance of any theatre's obligation to show them. It gives every exhibitor the opportunity to select pictures bets suited for his theatre and it assures a free and open market for every producer with meritorious product.

"Such conditions are sane and sensible and of decided financial advantage to every one concerned in production, distribution and exhibition.

"The possibility of this change in the industry is the outstanding prospect for 1935."

S. M. P. E. Meets Jan. 9

The Atlantic Coast Section of the Society of M. P. Engineers will hold its monthly meeting here Jan. 9 at the Institute of the Electrical Ass'n of New York.

Rudolph Wolf of Erpi will give a paper, "Visual Accompaniment," in which he will describe methods for providing music and speech accompaniment for pictures in natural color.

Huffman Code Defiance Goes To U. S. Court

(*Continued from page* 1)

Denver, Rialto, Tabor, Bluebird, Bide-a-Wee and Orpheum.

On complaint by the Denham and Ogden, the local board on Sept. 25 handed down a unanimous decision declaring the practice a violation of Article V-E, Part 3, Section 1, dealing with giveaways. Huffman appealed. After a review of the case, Campi affirmed the Denver board decision.

Huffman continued the practice after Campi's edict with the result that last week exchanges were notified to stop serving the theatres involved after Jan. 7. On Friday the summonses were served.

District Attorney Thomas J. Morrissey has been delegated by the NRA to represent the code board.

Drop Little Falls Case

ALBANY, Jan. 2.—A complaint by the Schine Rialto, Little Falls, against the New Hippodrome on "Family Nights" has been withdrawn with the consent of the grievance board, as the Hippodrome has desisted.

Mirisch in Weshner Job

Harold Mirisch, district manager for Warner theatres in Milwaukee, has succeeded David E. Weshner as affiliated representative on the local grievance board. Weshner recently was transferred to Philadelphia.





HOOPS, MY DEAR!

JIMMY SAVO and friend at play in Ben Hecht and Charles MacArthur's new production, "ONCE IN A BLUE MOON". Lee Garmes, photographer and associate director. A Paramount Release.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 3 NEW YORK, FRIDAY, JANUARY 4, 1935 TEN CENTS

British Get An Industry Control Bill

Provides for Majority Rule in the Trade

By BRUCE ALLAN

LONDON, Jan. 3.—A bill introduced in the British House of Lords by Lord Melchett is regarded as holding out a possibility of national control of the industry resembling, but going beyond, the provisions of NRA in the United States.

This measure, the Industrial Reorganization (Enabling) Bill, would give the power to a majority in any industry to work out a scheme of reconstruction for submission to the Government. If adopted by the latter, it would have the force of law, and dissenting minorities would have to conform.

Though read a first time in the House of Lords, it is thought unlikely

(*Continued on page 8*)

Schwartz Re-elected By Cleveland Ass'n

CLEVELAND, Jan. 3. — Ernest Schwartz was re-elected president of the Cleveland M. P. Exhibitors' Ass'n today. Other officers named were: Vice-president, Albert E. Ptak; treasurer, John Kalafat; secretary, G. W. Erdmann; directors (three years), Meyer Fischer and Morris Berkowitz; (one year) James E. Scoville, Sigmund Vermes and Nate Schultz; (appointed by chair to fill unexpired two-year term of M. B. Horowitz) Frank Porozynski.

"Minister's" $110,000 New Music Hall Peak

"The Little Minister" grossed $110,000 at the Music Hall for the week ending Wednesday night and walked away with a new house record at the world's largest picture theatre.

The Hepburn picture had the best theatre week in the year in its favor and likewise a number of other factors. The theatre day was lengthened by a 10 o'clock starting hour whereas the house normally opens at 11:30

(*Continued on page 8*)

Court O.K.'s Order On Westco Transfer

LOS ANGELES, Jan. 3.—District Court here today confirmed Referee Earl E. Moss' order to transfer the bankrupt assets from Fox West Coast to the

(*Continued on page 12*)

Film Bills Hit Congress, But Deluge Hides Their Identity

Washington, Jan. 3.—The opening of the 74th Congress today saw the introduction of a number of bills dealing with films. Because of the number of measures submitted, several thousand being introduced in the House alone, identification of any individual piece of legislation was impossible, but the measures submitted were reported to be those which have been introduced annually for several years past.

Representative Patman of Texas, who at the last session sponsored the block booking bill, was said at his office not to have reintroduced the measure today although it is expected he may do so later.

Representative Sirovich of New York, who in past years has secured much publicity through his copyright activities, is understood to have several measures ready for submission, while other bills would remove the ban on interstate transportation of fight film and amend the copyright law.

Arrests Made in Boston Bombings

BOSTON, Jan. 3.—The hunt for the terrorists who recently bombed theatres here and in Lynn and in Pawtucket, R. I., narrowed today following the arrest in this city last night of Herbert E. Logan, 34, actor of Torrington, Conn., who is said to have confessed he was offered $250 to burn a Boston theatre.

According to the authorities, five sticks of white phosphorus were

(*Continued on page 8*)

Talk Over Cuts in Para.'s Payments

Discussions on a proposed reduction of the $5,100,000 cash payment by Paramount to its creditor bank group and separation of the Paramount Broadway reorganization plan from that of the Paramount Publix plan were held by reorganization and creditors' committees Wednesday and yesterday.

Criticism of the Paramount reorganization plan at the hearings before

(*Continued on page 8*)

U. K. Prospects Held Good for U. S. Films

LONDON, Jan. 3.—The prospects for good American pictures in the English market continue without abatement in the opinion of at least two representatives of large American distributors here.

Says R. S. F. Ditcham, managing director of Universal Pictures, Ltd.:

"With the easing of trade depressions, unemployment and general

(*Continued on page 12*)

Production Gains With 36 Shooting

HOLLYWOOD, Jan. 3.—Production for the week ending Dec. 29 registered a slight increase with 36 features and one short before the cameras as compared to 33 and five for the preceding week.

Paramount led the field with eight features working, two preparing and three editing. M-G-M had five, zero and nine; Fox, five, three and two;

(*Continued on page 8*)

'Baboona' Shown in Plane; And There's a Lot to See

By J. M. JERAULD

ATMOSPHERE (3,000 to 10,000 feet up), Jan. 3.—It's the first showing of a sound picture in an airplane, and there's only one thing the matter with it—nobody can look at two things at once, especially when they're both good.

The film was Mr. and Mrs. Martin Johnson's "Baboona," photographed largely from the air over Africa. A panorama of African landscape spreads out forward in the cabin and Johnson's voice explains that the thousands of animals running hither and thither are zebras.

On the left you hear him quietly asking the sound man how things

(*Continued on page 8*)

Legislation Dangers Seen By Kuykendall

Pleads for Unity, But Enthuses on Product

NEW ORLEANS, Jan. 3.—Legislative fears over the days to come were voiced today by Ed Kuykendall, M.P.T.O.A. president, as he arrived to confer with Harry S. McLeod on details of the impending national exhibitor convention slated for Feb. 25-27.

"I am apprehensive as to our problems in a legislative way," he said. "We are going to be beset with various unfair and discriminatory bills in Washington. Many of these are inspired by those within this industry with selfish interests, others will be sponsored by reform organizations of various kinds. We can take care of ourselves if we use common sense and cooperate in all branches of the industry. This will certainly be a time for unified action, and the radicals among us must be shoved aside in the battles for the common good. We are

(*Continued on page 8*)

RKO-Skouras Close Deal on Two Houses

Contracts have been signed between RKO and Skouras Theatres whereby the Strand, Rockville Center, L. I., and the Embassy, Port Chester, N. Y., will be turned over to the latter for operation next week. The deal is for five years.

Leslie E. Thompson signed for RKO and George Skouras for Skouras circuit. Exclusive of the Fox Met string, Skouras operates four William White houses on upper Broadway and four other houses leased from Fox Theatres.

Thomas Leaves for Probe in St. Louis

Abel Cary Thomas, general counsel for Warners, left for St. Louis late Wednesday evening to be on hand for the Federal grand jury investigation into the product situation revolving

(*Continued on page 8*)

Fox-RKO Sign

The long-pending franchise deal between Fox Film and the RKO circuit is now fact. The deal will run for a period of three years beginning with the 1935-36 season.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Ampa's Naked Truth Dinner Set Apr. 27

Ampa's annual Naked Truth Dinner will be held at the Astor on April 27. Reservations will be limited to 1,000, according to Paul Benjamin and Marvin Kirsch, head of the committee on arrangements. There will be no speeches, the affair being limited strictly to entertainment. Si Seadler heads the committee handling the show.

Exactly 1,522 tickets were sold for the raffle held at the Christmas party, which was attended by 1,529 persons.

Next Thursday will be March of Time day with Al Friedlander in charge of the lineup.

Limits Theatre Liens

ALBANY, Jan. 3.—Under the provisions of a bill introduced today by Senator Pliny W. Williamson of Westchester, a guarantee mortgage corporation organized under provisions of the insurance law is prohibited from issuing participating certificates in or assigning any share or part of a mortgage on a theatre, opera house, motion picture theatre, gas station, amusement park or assembly hall.

Serkowich to G. B.

Ben Serkowich yesterday joined Gaumont British as the head of its exploitation department. He is one of the best known men in his field and has a wide acquaintance among exhibitors throughout the United States.

Insiders' Outlook

BY courier and from Samuel Cummins, a wordy communication pointing up the errors, his style, of the reportorial system which prevails in these parts. It has to do with "Ectacy," Czechoslovakian-made and known on the other side as "Ectase." States Cummins: "'Ectacy' has not been barred from practically all of Europe. The truth is the picture is being shown all over Europe and has been made in all languages and is considered the finest feature produced in many years." Magnanimous as we occasionally are, we now prove it by allowing this latter statement to slip through when Cummins really ought to have the grace to pay to get that one on the linotypes. . . .

▼

More from the same communication:

"For your information, the part of the girl losing her clothes is minor. The picture has attracted attention for its unusual direction, beauty and simplicity. Although 'Ectacy' (Cummins goes in for all caps here) is 9,000 feet, less than 300 words are spoken throughout the entire film. 'Ectacy' is a beautiful, clean picture and a credit to the industry. . . .

"For your information, we wish to inform you that, if the picture was indecent, we would not have imported the picture. We not only imported the picture, but also purchased same and have put up quite a bit of money to bring the film into America."

▼

Cummins having extended the invitation to exploration, let's get going and see what we can see. He makes a point of the point that the part wherein the girl loses her clothes is "minor." And another of the fact that less than "300 words are spoken throughout the entire film." He makes no mention and, therefore, we do of the manner in which the affair between the girl, Hedi Keisler, and the man is handled; of the long, deliberate sequence where merely the head of the girl, reflecting emotions about which you can draw upon your imagination for definition, appears on the screen, interrupted only occasionally by the caressing fingers of her lover. He describes what has been said about "Ectacy" as "malicious propaganda spread by Hedi Keisler's husband." That's "not to be taken seriously. It's just a personal matter with him," adds Cummins. In all modesty, we should hope so. . . .

▼

It may be that the treatment by which the primal emotion is handled is artistic and even nostalgic. Personally, this forum stands willing to see the film whenever Cummins will put it on. The question here is whether or not the subject matter is suitable for general circulation through the channels of an entertainment medium that hits all classes in all native climes. Aside and apart from all this, whatever argument may have studded Cummins' comment goes completely out of the window by his own damaging statement. ". . . if the picture was indecent we would not have imported the picture." Isn't this the same Cummins who, years ago, made a specialty of public health and venereal disease films such as "The Road to Ruin," proving thereby that his business philosophy was attuned only to the finest, the cleanest and the best in celluloid ware? . . .

▼

High jinks at Paramount: Yesterday morning a deal was virtually set for "Lives of a Bengal Lancer" to bow in at the Astor on a two-a-day basis, top prices. Yesterday afternoon, Paramount decided to put the picture back into the Paramount. There it opens on January 11. Bill Pine, studio publicity hound, flew in from the coast yesterday all for the sake of the Astor exploitation campaign. Now he's minus. Yet the excitement at and near the crossroads of the world is understandable. For, in "Bengal Lancer," as Vic Shapiro said and said well in his telegraphed Hollywood preview the other day, Paramount has its outstandingly important picture in some time. . . .

▼

Resembling the book content only where the title enters the deliberations, here is an exhilarating and exciting story of high, soldierly adventure before, in and beyond Khyber Pass, Britain's final, strategic stronghold in the north of India. He-man stuff handled in the accepted two-fisted fashion, it tells a story of military comradeship and daring photographed in broad and colorful strokes with much pomp, circumstance and pageantry. A grand show on all counts, a credit to its producing company, its producer, Louis Lighton, and its director, Henry Hathaway. . . .

▼

A high U. A. executive, light on his toes and fantastic with his rhumba, met Frank Busby the other day at El Morocco. And was awed. So were a lot of the town's elite, shy of the knowledge that it was one of the grandest hoaxes perpetrated locally in several years. Busby was supposed to be (1) one of the first three wealthiest men in the world, (2) an international financier, (3) a munitions manufacturer, (4) hunter de luxe with shooting lodges in South Africa, South America and South Hoboken. Actually, Busby was Nicolai Youssepaskuniak, broken down Russian actor hired by a group of young and well-known conservatives all in the cause of sweet fun. . . .

▼

If for any reason you may have been curious over the story-telling ingenuity turned on to bring Frankenstein back to life, the answer runs something like this: The new monster film will pick up where No. 1 left off. That was the climactic scene where, presumably, Frankenstein was nicely charred by greedy flames. It seems, however, that back in '33 F. dropped through the burning floor into a convenient pool of waiting water and merely sizzled instead of burned. Now he'll be back soon to give untold children bigger and better nightmares. . . .

KANN

Columbia Up One on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	40	38¾	39½	+1	2,500
Consolidated Film Industries	5¾	5⅝	5⅝	— ¼	1,100
Consolidated Film Industries, pfd	20⅞	20⅛	20⅛	— ⅛	600
Eastman Kodak	115½	113½	115½	+2	2,400
Fox Film "A"	13¼	13⅛	13¼	— ¼	1,100
Loew's, Inc.	34¼	33⅞	34⅛	.....	3,900
Paramount Publix	3⅝	3½	3⅝	+ ⅛	5,000
Pathe Exchange	1½	1⅜	1⅜	— ⅛	1,200
Pathe Exchange "A"	16¼	15⅞	16¼	— ⅜	100
RKO	2⅝	2½	2½	— ⅛	3,600
Warner Bros.	4⅝	4½	4½	.....	1,000

Technicolor Falls ⅜ on Curb

	High	Low	Close	Net Change	Sales
Technicolor	13¼	13	13	— ⅜	200
Trans Lux	2¾	2⅝	2⅝	.....	300

Keith Bonds Reach New High

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	8½	8½	8½	.....	1
Keith B. F. 6s '46	73¾	73¾	73¾	+ ¼	2
Loew's 6s '41, ww deb rights	105¾	105½	105½	.....	17
Paramount F. L. 6s '47	63	62	63	+ ¾	22
Paramount Publix 5½s '50	63½	62½	63	+ ¼	20
Pathe 7s '37, ww	102½	102½	102½	+ ¼	5
Warner Bros. 6s '39, wd	60½	59¾	59¾	— ¼	32

(Quotations at close of Jan. 3)

A SWELL PUBLICITY BREAK!

The lay-out below is being used by newspapers in many spots where "Forsaking All Others" is breaking records. Copy it when you play this M-G-M box-office smash!

10 NEW YORK EVENING JOURNAL * * *America's Greatest Evening Newspaper* * * THURSDAY DECEMBER 27 1934

'REEL' HEART PROBLEM AT CAPITOL

Page Beatrice Fairfax!

Hollywood producers have a "heart problem"!

When Metro - Goldwyn - Mayer cast both Clark Gable and Robert Montgomery opposite Joan Crawford in "Forsaking All Others," it was considered a brilliant casting idea. But when the time came to decide which of the two should win Joan in the final fade-out, the worry started

The two men represent distinctly different types of screen leading men. Gable is the rugged, outdoor hero, and Montgomery the brilliant, witty but none-the-less sincere society man.

There are film fans who rave about Clark Gable, and others just as ardent in their admiration for Bob Montgomery And that's something you have to keep in mind when you're making a film, or you'll hear about it quick.

Some Gable fans didn't like the fact that their idol lost out in the final clinch of "Manhattan Melodrama," and Montgomery fans have been clamoring that it's about time their favorite gets a "break."

It looks like a real problem for Beatrice Fairfax. Joan's decision is being kept secret until the film is unreeled at the Capitol, where it is now being presented—and Hollywood is anxiously awaiting the fireworks that are sure to follow in the fan mail from the camp of tha loser

Which type does the American girl think would make the best husband? Which one would she accompany to the altar and forever after be content in "Forsaking All Others"?

The producers wish they knew the answer

CLARK? – GIRLS, HELP JOAN CHOOSE A REEL MATE! – OR BOB?



CLARK GABLE
He's the rugged, outdoor hero playing opposite Joan Crawford in "Forsaking All Others."



SUAVE SOPHISTICATION
Robert Montgomery, who is wooing Joan Crawford in his ardent scene, represents the class of man with polish and ballroom manners. BUT—



VERSUS RUGGED INDIVIDUALISM
This is a typical Gable-Crawford love-making scene, which raises the question as to which type Joan should marry in reel and real life.



ROBERT MONTGOMERY
Will he win Joan? Or does she prefer Gable's type. It's a tough decision.

NOTE: The stills used in this layout are No. 795-x70; 795-82; 795-8 and 795-84.

60,000-MILE SAFARI BY AIR DARKEST

AMAZING . . . AMUSING . . .

Now the Martin Johnsons bring back a cargo of new thrills . . . scenes that even *they* never before witnessed . . . forest fastnesses never before penetrated . . . because never before has anyone braved the perils of a flight INTO THE HEART OF THE ANIMAL KINGDOM. Watch for further details of the most unusual explorer experience ever recorded by living man!



UNCOVERS DARK CONTINENT'S SECRETS!

EXCITING...AUTHENTIC...

MR. & MRS. MARTIN JOHNSON'S

OONA

"AN AERIAL EPIC OVER AFRICA"

Supervised by Truman Talley



FOX

"A SHOWMAN'S SHOW!...

shout the showmen's dailies

VARIETY DAILY:

"A showman's cinch! Among the most impressive pictures of the year, both from a money and a prestige standpoint. Solid entertainment values good for heavy cash returns. A natural for the ace houses as well as the nabes."

MOTION PICTURE DAILY:

"Looks like an assured clean-up in all spots. Will Rogers will set audiences howling as his earthy humor unrolls from the screen. A clean, wholesome, swiftly paced film. All hands merit kudos for producing a fine, tongue-clucking showman's show!"



A SHOWMAN'S CINCH!"



WILL ROGERS
in
The COUNTY CHAIRMAN

by **GEORGE ADE** *with*

EVELYN VENABLE • KENT TAYLOR

LOUISE DRESSER • MICKEY ROONEY

and **STEPIN FETCHIT**

Produced by Edward W. Butcher

Directed by John Blystone. Screen play: Sam Hellman and Gladys Lehman

FOX



Legislation Dangers Seen By Kuykendall

(Continued from page 1)

all equally involved, exhibitor, producer and distributor.

"We, as an organization, are going to put forth every possible constructive effort the coming year. We are determined to fight to the limit unfair legislation and disturbing factors within the industry."

On other points, Kuykendall expressed considerably more optimism.

"Theatre owners everywhere are looking forward to 1935 with renewed courage and optimism. It is as it should be because 1934 is past history. We cannot recall the past, but we can mould the future so far as our industry is concerned.

"The so-called boycott has really helped us. It served to unite us and bring us into a proper realization of our mistakes and an appreciation of our ability to do things once we are convinced as to what the proper thing to do is. It made people theatre-minded that had forgotten us, and they are coming back to their old time favorite diversion, the motion picture. Never have so many really wonderful pictures been offered in such a short time, pictures that are packed with entertainment, yet are clean and wholesome.

"I am most optimistic as to 1935. Theatre owners have accepted showmanship as their slogan. They are no longer depressed. They have the product. Business will be good in 1935."

Talk Over Cuts in Para.'s Payments

(Continued from page 1)

Federal Judge Alfred C. Coxe last week centered principally on the two provisions discussed. Wednesday's meeting was with the creditor bank group and yesterday's with representatives of the Paramount Broadway bondholders' committee. No final agreements resulted from either meeting, it was said, although others are slated to be held during the next few days at which the reorganization committees are also expected to renew discussions on the selection of additional members for the new Paramount board of directors.

Production Gains With 36 Shooting

(Continued from page 1)

Radio, five, four and one; Warners, four, one and seven; Columbia, two, two and three; Universal, two, two and three; 20th Century, two, zero and one; Goldwyn one, zero and zero, while the independent group had two three and five.

In the short subject division M-G-M had none working but five preparing and four editing. Roach had zero, zero and four; Columbia, zero, zero and three; Warners, zero, zero and one; Radio, zero, zero and four, while the independents had one, one and four.

'Baboona' Shown in Plane; And There's a Lot to See

(Continued from page 1)

are going. On the right Manhattan's skyscrapers spread out like shrubbery in a garden. Thousands of moving objects are rushing about in this far-flung panorama, too, but they're not zebras.

There are so many things to look at. First, there's Mrs. Johnson in a leopard coat. Then Capt. Eddie Rickenbacker comes along and inspects the shining duralumin sides of a big Douglas plane. Then Roger Ferri of Fox asks all present to look at a camera.

After all, it's an historic occasion—for the film technicians, of course—and a picture must be made. Then there is the Newark meadows spread out in a widening circle.

Earth Like Oriental Rug

It's like an Oriental rug done in shades of tan, with miles of waving reeds for the pile, and splashes of blue and sulphur yellow on chemical plant dumps to give it gorgeous highlights. The plane sweeps westward into a haze tinted with rose and violet by the setting sun. Elizabeth passes beneath, Perth Amboy, the Narrows, with Sandy Hook on the left. Brooklyn spreads out like a checkerboard, and toy boats leave white wakes behind.

The Empire State building flashes beneath and you wonder how far down it is.

And all this time Africa is spreading out in front of you. Vast herds of this and that—masses of birds. Johnson's plane is landing and going up again. Black natives argue.

And all the time you don't know whether to see Africa or New York.

Technically, it was an achievement. The pictures were exciting, the sound perfect, but after all when the world's greatest metropolis is spread out below, when lights are beginning to blink in a magic carpet of violet haze, it's hard to concentrate.

Three trips were made, the first with the trade paper boys with Mr. and Mrs. Johnson, Capt. Rickenbacker; then New York newspaper writers, among whom are Mr. and Mrs. Roy Howard of Scripps-Howard, and their daughter; Tom White of the Hearst publications; Col. Frederick Herron of the Hays office, and representatives of the big news syndicates.

Arrests Made in Boston Bombings

(Continued from page 1)

found in a room occupied by the actor at the Hotel Paramount.

Phillip R. Van Arsdale, business agent of the M. P. Operators' Union, and John Mongillo, New Haven operator, were taken into custody and held in $15,000 bail each after Logan had been questioned by police and Department of Justice operatives.

Logan is alleged to have revealed that two men, one known to him only as "Tony" and another named George Howard, met him in a New Haven saloon and told him to go to the Hotel Paramount in Boston, where a man known as George Anderson would meet him and tell him which Boston house he was to burn. When the man failed to show up, Logan is said to have declared he inquired for him at Boston theatres but no one knew him.

Logan's arrest was caused by George Baker of Somerville, to whom the actor is said to have spilled the story in a drunken moment in a local restaurant.

Terroristic activities flared up again last night when a sulphur bomb drove the audience from the Warner, Lynn. Several hours later a second bomb was found in a fire behind a radiator. Police were unable to say whether it was a deliberate attempt to fire the house or just meant to terrify the patrons.

BOSTON, Jan. 3.—The Majestic, damaged by a bomb on Dec. 13, has been reopened by F. E. Lieberman. The repairs were rushed.

E. M. Loew has also reopened the Davis Square at Somerville, damaged at the same time. Repairs cost about $15,000.

Other New England reopenings are: Cameo, Portland, after remodeling; Abbott Hall, Forge Village, Mass., now being remodelled and scheduled for opening in about four weeks; Branford, Branford, Conn., after modernizing; Nordica, Freeport, Me., after being dark several years; Golden, Waterbury, Conn., after being dark for a few days following a fire. Park, Bridgeport, taken over by Feiber & Shea.

Two houses have closed, the Opera House at Alton, N. H., and Rialto, Leominster, Mass.

A. H. Westcott has taken over management of the Ashland, Ashland, N. H., from I. M. Cottrell, resigned.

Plans "Barefoot Boy"

HOLLYWOOD, Jan. 3.—Ken Goldsmith is negotiating to bring Rose Hobart from New York for a lead in "Barefoot Boy," John Greenleaf Whittier classic, which Goldsmith will produce.

Liberty Starting One

HOLLYWOOD, Jan. 3.—Milton H. Hoffman tomorrow puts "Dizzy Dames" into production. It's Liberty's tenth this season and will feature "The Martinique," new dance step.

"Minister's" $110,000 New Music Hall Peak

(Continued from page 1)

A. M. In addition to that, an extra midnight show was given on Saturday and on New Year's Eve at the 99-cent evening price while the latter scale also prevailed all of New Year's Day. RKO made public no dollars and cents figures, but confined itself to paid admissions which ran to 158,-265.

Previous record holder was "Little Women" which did $109,000 for the week ending Nov. 22, 1933.

Pathe Plan Vote Mar. 4

A stockholders' meeting to approve a new recapitalization plan will be held by Pathe Exchange, Inc., on March 4.

British Get An Industry Control Bill

(Continued from page 1)

that the bill will become law at this time, but its introduction is regarded as significant of the drift of industrial opinion in the direction of corporate control.

The *Cinematograph Times,* official organ of the theatre owners' association, says the proposed measure is a warning against "a policy of drift" on the part of the trade and hints that it will be better to get an agreed exhibitor-renter policy in regard to excessive rentals and overbuilding than to have one enforced by legislation.

* * *

An action for alleged infringement of patent rights has been brought in London by RCA Photophone, Ltd., against Gaumont British Picture Corp., Ltd., and British Acoustic Films, Ltd., a subsidiary of G. B.

RCA alleges that the B. A. system of sound recording infringes its patent No. 361,907. The defense is a denial of infringement and an allegation that the patent, due to lack of inventive step and insufficient detail of specification, is invalid.

Measures by which variable width is obtained in the sound track, in the plaintiffs' system, are alleged to be infringed by the defendants' use of a variable triangular beam and it is asserted that the optical system in the British Acoustic system is practically identical with that covered by the plaintiffs' patent.

* * *

Associated Talking Pictures, Ltd., British producing company, lost $61,-345 on the year. Last year's loss was $7,245, and the total debit balance on the company's profit and loss account is $602,180. Capitalized at $412,500, A.T.P. has not yet paid a dividend.

* * *

Moss Empires, Ltd., British theatre owning company associated with G.B., is paying one and a half year's arrears of preference dividend.

Thomas Leaves for Probe in St. Louis

(Continued from page 1)

around the Ambassador, Missouri and St. Louis. The case gets under way Monday in the U. S. District court.

Spyros Skouras is expected to fly to St. Louis either tomorrow or Saturday. Harry Arthur and Jack Partington plan to leave either today or tomorrow.

Adolph Schimel of Universal leaves today. William Jaffee of Columbia yesterday could not tell who would represent the company at the hearing.

Ruben May Build

MINNEAPOLIS, Jan. 3. — E. R. ("Eddie") Ruben, former divisional manager for Publix here and now sponsor of the Well-Worth chain, may build at New Ulm.

Group Weighs By-Laws

MILWAUKEE, Jan. 3.—By-laws were taken up at a closed meeting here today of the newly organized Independent Exhibitors Protective Ass'n of Wisconsin.





COMING! IRENE DUNNE in SHOWBOAT



Welcome to Universal, Miss Dunne. Welcome at the start of the New Year's great productions. We know you will help to make "Show Boat" one of the biggest in Universal's history. , , , Carl Laemmle

ONLY HEPBURN
HEPBURN REC

has stood unchallenged at
staggered show business!
the industry have played
it has remained for
herself established! She

"THE LITTLE
SEVEN DAYS AT
IN MORE MONEY
ON EARTH EVER

RKO-RADIO PICTURE *with*
JOHN BEAL ★ ALAN HALE
DIRECTED BY RICHARD WALLACE
A PANDRO S. BERMAN PRODUCTION

nat

COULD BEAT THE ORD! . . For thirteen months a record Radio City . . . the "Little Women" record that . . . during that time the outstanding pictures of this theatre, many to remarkable grosses . . . but Katharine Hepburn to top the box-office peak she has done the "impossible"! . . .

MINISTER" IN ITS FIRST RADIO CITY MUSIC HALL TOOK THAN THE LARGEST THEATRE SAW BEFORE!

urally . . . HELD OVER!

Coast Opening Shifts Boost Holiday Takes

Los Angeles, Jan. 3.—Openings were scrambled both here and in Hollywood for New Year's eve, and the takes were strong in some spots. Business jumped generally.

"Little Minister," showing at the RKO and Warners' Hollywood, took $5,500 New Year's eve and two days at the former, and reached $6,500 for the same period in the latter.

"Bright Eyes," in five days at Grauman's Chinese, had a take of $7,061. Average for seven days is $12,500.

Total first run business was $106,705. Average without the Filmarte is $88,450.

Estimated takings for the week ending Jan. 2:

"BRIGHT EYES" (Fox)
CHINESE—(2,500), 50c-65c, 5 days. **Gross:** $7,061. (Average, $12,500)
"KID MILLIONS" (U. A.)
CHINESE—(2,500), 50c-65c. New Year's eve and two days. **Gross:** $5,882.
"POWER" (Gaumont-British)
FILMARTE—(800), 40c-55c, 7 days. **Gross:** $3,800.
"WHAT EVERY WOMAN KNOWS" (M-G-M)
4-STAR—(900), 30c-55c, 7 days. **Gross:** $5,650. (Average, $3,250)
"BRIGHT EYES" (Fox)
LOEW'S STATE—(2,413), 30c-55c, 5 days. **Gross:** $8,269. (Average, $14,000)
"KID MILLIONS" (U. A.)
LOEW'S STATE—(2,413), 50c-55c, New Year's eve and two days. **Gross:** $4,925.
"BROADWAY BILL" (Col.)
PARAMOUNT—(3,595), 30c-55c, end week. 5 days. Stage: Pinkie Tomlin, Rube Wolf and his orchestra, F. & M. revue. **Gross:** $18,500. (Average, $18,000)
"HERE IS MY HEART" (Para.)
PARAMOUNT—(3,595), 30c-55c, New Year's eve and two days. Stage: Pinkie Tomlin, Rube Wolf and orchestra, F. & M. revue. **Gross:** $11,500.
"SWEET ADELINE" (Warners)
RKO—(2,700), 25c-65c, 2nd week, 5 days. **Gross:** $6,500. (Average, $8,000)
"LITTLE MINISTER" (Radio)
RKO—(2,700), 25c-65c, New Year's eve and two days. **Gross:** $5,500.
"WHAT EVERY WOMAN KNOWS" (M-G-M)
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $5,000. (Average, $3,500)
"SWEET ADELINE" (Warners)
WARNER BROS. HOLLYWOOD—(3,000), 25c-65c, 2nd week, 5 days. **Gross:** $6,300. (Average, $14,000)
"LITTLE MINISTER" (Radio)
WARNER BROS. HOLLYWOOD—(3,000), 25c-65c, New Year's eve and two days. **Gross:** $6,500.
"MILLS OF THE GODS" (Col.)
"MEN OF THE NIGHT" (Col.)
WARNER BROS. DOWNTOWN—(3,400), 25c-40c, 5 days. Stage: 6 acts vaudeville, Oscar Baum and his orchestra. **Gross:** $6,500. (Average, $12,000)
"MURDER IN THE CLOUDS" (Warners)
WARNER BROS. DOWNTOWN—(3,400), 25c-40c, New Year's eve and two days. Stage: 6 acts Vaudeville, Oscar Baum and orchestra. **Gross:** $4,000.
"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)
"THE CURTAIN FALLS" (Chesterfield)
PANTAGES—(5,000), 25c-40c, 5 days. **Gross:** $3,200. (Average, $3,200)
"THE CAPTAIN HATES THE SEA" (Col.)
PANTAGES—(5,000), 25c-40c, New Year's eve and two days. Stage show New Year's eve only. **Gross:** $3,500.

Pick Next for Blondell

Hollywood, Jan. 3.—Joan Blondell's first picture for Warners following the birth of her son will be "The Saleslady," from the novel by Frank Howard Clark. The adaptation of the story will also be Benny Rubin's first writing assignment under his new contract. He will collaborate with F. Hugh Herbert.

Two Omaha Houses Reach New Records

Omaha, Jan. 3.—Two house records have been smashed and one nearly so in the past week. "Bright Eyes" and "Father Brown, Detective" did a terrific $12,500 at the Orpheum, beating out normal for the house by $4,500. This beat the record set by Will Rogers' "Handy Andy."

"Here Is My Heart" at the World did $7,900, beating all previous marks. "Flirtation Walk" doubled average at the Brandeis by going to $8,000.

Total first run business was $28,400. Average is $16,000.

Estimated takings:

Week Ending Dec. 31:
"HERE IS MY HEART" (Para.)
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $7,900. (Average, $4,000.)
"FLIRTAT WALK" (Warners)
BRANDEIS—(1,200), 25c-35c, 6½ days. **Gross:** $8,000. (Average, $4,000.)
"BRIGHT EYES" (Fox)
"FATHER BROWN, DETECTIVE" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $12,500. (Average, $8,000.)

Attacks Clearance In Baltimore Spots

Declaring that none of the major distributors would sell him his second run unless he agreed to charge a 15-cent minimum, Herman Zimmerman, operator of the Echo, 390-seat house in Baltimore, yesterday complained that protection for the McHenry and Pacy's Garden should be reduced from 14 to 10 days.

During a code appeal hearing, it was revealed the Washington clearance and zoning board is giving first runs 14 days protection over second runs. Frank Durkee represented the McHenry and Pacy's Garden while Zimmerman appeared on his own behalf.

Other Washington board cases heard by Cresson Smith, chairman, and F. Tom Murray, were:

Joseph Brodie, Brodie, against the McHenry and Pacy's Garden, Baltimore, on overbuying; Thomas E. Ayres, Palace, Georgetown, against the Arcade, Salisbury, Md., on clearance and zoning; Bayne-Roland Corp., Bayne, Virginia Beach, Va., against all first runs in Norfolk on clearance.

Court O.K.'s Order On Westco Transfer

(*Continued from page* 1)

new National Theatres, at the same time granting the two sole objectors, Marshall Square Theatres and Harry L. Hartman, permission to appeal their case in the Circuit Court of Appeals. The appeal comes up in San Francisco on Monday.

Should the appeals court grant the appeal, the objectors would have 30 days to file briefs and it would possibly be three months before action could be taken, thus holding up the transfer that long.

Warners, Muni Dicker

Hollywood, Jan. 3.—Warners are dickering with Paul Muni for a third picture, although Muni has completed his quota of two on the current year's program.

The studio now wants him to take the top spot in "Oil for the Lamps of China," which Mervyn LeRoy will direct, and have mailed a script to New York for the actor's decision.

U. K. Prospects Held Good for U. S. Films

(*Continued from page* 1)

financial setbacks, the outlook for motion pictures in Great Britain has now assumed a more hopeful aspect. When there is money to spend, the public will certainly spend a generous portion of it on entertainment and, today, entertainment largely means motion pictures.

"The American star values in the British territory will take a long time to wane—if ever they do. The Britisher, while having a leaning towards home talent, always preserves a liking for the world's greatest stars—the outstanding men and women of each sphere of entertainment; the film, the stage, radio, opera, vaudeville and the gramophone.

"I would like to point out, however, that the British public is averse to one type of American star—the fast talker who indulges in a string of rapid-fire slang of the Sez You, Oh Yeah! variety."

Says E. D. Leishman, recently named head of a committee of four, to manage operations here of Radio Pictures, Ltd.:

"General prospects for American-made pictures in the British market are still what they ever were—good in proportion to the entertainment value and the box-office appeal of the pictures themselves. British audiences, however, are probably more loyal and less liable to sudden fluctuations of taste than any other, and so long as the standard of entertainment is maintained and improved, the general prospects are at least as good as ever.

"Undoubtedly the box-office outlook is looking better for 1935 than it has been in 1934.

Virginians Hopeful On Sunday Opening

Richmond, Jan. 3.—Prospects for action on Sunday blue laws at the coming session of the Legislature are considered brighter than at any time in the past because of the recent spread of Sunday benefit shows.

After Police Justice Elben C. Folkes had discharged employes of the Byrd who had worked for a Sunday show the charity shows became numerous. People have become used to the idea, it is contended, and what effect this will have upon legislators is causing speculation.

Chief of Police Robert B. Jordan recently held a conference with theatre managers here and demanded financial statements of the receipts and charity disposition of all funds from Sunday shows. No agreement was reached.

Ask Open Vermont Sun.

Bellows Falls, Vt., Jan. 3.—The Vermont Exhibitors' Ass'n. has inaugurated a statewide movement for permission to open Sunday nights. The matter will go before the Vermont legislature this month, R. A. Kiniry, secretary, says.

O'Neill Joins Warners

Hollywood, Jan. 3.—Joseph Jefferson O'Neill, formerly of the *New York World* and also of the Will Hays and Henry Ford public relations staff, has joined the Warner publicity department as a feature writer.

Purely Personal

Eric Hatch's "Fly by Night," a mystery story, has been acquired by Fox. Gordon Rigsby's and Robert Dillon's "Orchids to You" has also been purchased.

Robert Lord and Delmar Daves, who will adapt "Page Miss Glory" as Marion Davies' first Cosmopolitan production for Warners, are due here from the coast Sunday.

Herbert Biberman, stage director recently signed by Columbia, left yesterday for the coast to join the company's production staff in an executive capacity.

Edward G. Robinson, who is in town with his family on a vacation, plans to return to the studios about Jan. 15.

Tyree Dillard, Jr., returned from Greensboro, N. C., his home town, yesterday. He spent the holiday fox hunting.

Harry H. Thomas returned to First Division headquarters yesterday. He has been home ill for a number of days.

Leontine Sagan is now at the Warwick, having finished work on "David Copperfield." She plans to sail for London soon.

Claude Rains arrived from the coast yesterday for the Rialto premiere of "The Man Who Reclaimed His Head."

Ben Amsterdam, Philadelphia exchangeman, and Harry Asher, ditto in Boston, were visiting yesterday.

Frank H. Durkee of Baltimore was in town yesterday conferring with Jules Levy of RKO Radio.

Herbert Zimmerman of the Echo, Baltimore, left for home after attending a code appeal hearing yesterday.

Max Stahl, former midwestern exchange manager, is in town from Minneapolis.

O. C. Doering of the RKO receivership division, was on the sick list yesterday.

Roy Haines, metropolitan sales head for Warners, is out of town for a few days.

DeMarcos, dance team, leave for the coast about Jan. 27 to appear in Warners' "Caliente."

Ralph Whitehead has recovered from an attack of the grippe.

Bill Pine is in town again from the coast on one of his frequent trips.

Nate Spingold is back from Miami shores. Ned Depinet in Monday.

Gradwell Sears is vacationing in Hawaii.

Willard McKay of Universal has returned from a Miami holiday.

Farnum Quits Board

Boston, Jan. 3.—George R. Farnum has resigned as impartial member of the local grievance board because of the pressure of his law duties.

"Man Lock" New Title

Hollywood, Jan. 3.—"Man Lock" has been chosen as the title of Robert T. Kane's Fox production which was completed recently under the working title, "East River."

Sirs:
Theatre preferred for MARCH OF TIME.—State Theatre, Harrisonburg, Va.

J. N. D.
Bridgewater, Va.

Sirs:
I just wanted you to know that I would like for you to show MARCH OF TIME in the Paramount Theatre, Goldsboro, North Carolina.

M. B. A.
1402 Ash Street, East
Goldsboro, N. C.

Sirs:
For the motion pictures I prefer—
Allston Theatre, Brighton Ave., Allston, Mass.
For second choice—
Capitol Theatre, Commonwealth Ave., Allston, Mass.

C. A. C.
5 Ashford Street
Allston, Mass.

* * *

Sirs:
I am extremely interest... idea of sh...

Sirs:
I see TIME Maga... my place of business, it "Sells."
May I suggest a re... nearby on 4th St.—c...
I remain res...

D. R...
The O...
636 S...
Louisv...

* *

...much int... of havit... th... is... at... rt...

Sirs:
Have... th... of... Jar... will... whi... thea... Wish... venti... succe... and a... be just...

Sirs:
Egypti...

Sirs:
The mem... looking forv... we hope wi... after the firs...

Sirs:
It is indeed g... to march on th... favorite theatre... self is: LOEW'S... Massachusetts A... are looking forwa...
Cordi...

Sirs:
Having had the ple... of your MARCH O... TIME re... your Time and Fortune Building... Fair late this summer, I am glad to hear that you are going to make them a permanent thing. I would suggest the Cinema Theatre at 151 East Chicago Avenue as a good spot to show them to a great number of TIME readers. Also the Dearborn Theatre at 40 West Division Street. These two movie houses are very popular with the class of persons who appreciate Time and Fortune, and who would certainly welcome the opportunity of seeing your newsreels so close to home.
Wishing you the greatest of success in your new venture, I am,

C. H. M.
58 East Washington St.
Chicago, Ill.

* * *

Sirs:
I gladly accept your invitation to write to you in connection with your new Venture—the showing of the MARCH OF TIME in theatres.
Lancaster is a city of approximately 60,000 inhabitants. It has six picture houses, namely: Hamilton, Grand, Capitol, Colonial, Fulton, Strand. The first three mentioned are Warner Brothers theatres; the other three are independently owned and operated.
Personally, I would like to see the MARCH OF TIME exhibited in one of the independent houses, preferably the Colonial. This theatre is located on the busiest corner of our city and it seems to be the most popular. My second choice would be the Fulton.
Here is hoping the MARCH OF TIME will be as great a success in theatres as it always was on the radio and that I may have a chance of seeing and hearing it in Lancaster shortly after the first of the year.
With best wishes, I am,

A. O. R.
206 No. Queen Street
Lancaster, Pa.

Porter Sargent
11 BEACON STREET
Boston

EDUCATIONAL ADVISER TO PARENTS AND SCHOOLS
EDITOR AND PUBLISHER SARGENT'S HANDBOOKS

The Editors of Time

Sirs: —

I am elated at your announcement of the new news cinema feature "The March of Time." I append a list of greater Boston movie houses to whom I have sent the following letter:

"THE MARCH OF TIME, the new news movie is available in January.

I shall want to see it and shall recommend it to my household (5), to my office staff (25), to my friends (hundreds), and to my clients (more hundreds).

I shall recommend it in the Journal 'Private School News' which I send to all private schools (1000) suggesting that they recommend it to their pupils (100,000).

The radio 'MARCH OF TIME' has been the best and most meaningful entertainment on the air. I have confidence the editors will make their twenty minute reel equally interesting and valuable."

TIME! "Age cannot wither her, nor custom stale her infinite variety."

P. S.
11 Beacon St.,
Boston, Mass.

LIST OF GREATER BOSTON MOVIE HOUSES

Uptown Theater, 239 Huntington Ave., Boston, Mass.
Warner Bros. Theatres, Inc., 131 Arlington St., Boston, Mass.
University Theater, Harvard Square, Cambridge, Mass.
R.K.O. Theatres, 539 Washington St., Boston, Mass.
Paramount Theater, 549 Washington St., Boston, Mass.
Metropolitan Theater, 268 Tremont St., Boston, Mass.
M & P Theatres Corp., 60 Scollay Square, Boston, Mass.
Loew's Boston Theatres, 18 Hamilton Place, Boston, Mass.
Fine Arts Theater, Norway St., Boston, Mass.
Fenway Theater, 136 Mass. Ave., Boston, Mass.
Exeter Street Theater, Exeter St., Boston, Mass.
Capitol Theater, 1266 Commonwealth Ave., Boston, Mass.

Sirs:
Having had the ple... of your MARCH O... TIME re... your Time and Fortune Building... Fair late this summer, I am glad to hear that you are going to make them a permanent thing. I would suggest the Cinema Theatre at 151 East Chicago Avenue as a good spot to show them to a great number of TIME readers. Also the Dearborn Theatre at 40 West Division Street. These two movie houses are very popular with the class of persons who appreciate Time and Fortune, and who would certainly welcome the opportunity of seeing your newsreels so close to home.
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With best wishes, I am,

A. O. R.
206 No. Queen Street
Lancaster, Pa.

...Rochester, per... ...Loew's, R. K. O. Palace, or Century would be the favored.

E. A.
11 Reservoir Avenue
Rochester, N. Y.

* * *

Sirs:
In response to your request as to whether we would appreciate seeing MARCH OF TIME on the screen, I say "Yes," believing that it would enhance our intelligence greatly, knowing and enjoying your program on the radio as it is now, to broaden into larger fields could certainly do no one harm.
Will be awaiting your first production in January.

L. T. E.
1742 71st Place
Chicago, Ill.

* * *

"Our Family"

Sirs:
On your program tonight you requested those who were interested in your new MARCH OF TIME newsreel to write.
The five members of our family listen with keen enjoyment to MARCH OF TIME every Friday evening. We will certainly be interested to see your new departure in news reporting in the motion picture theatres.

J. J. M.
M. M.
M. C.
G. M.
M. K-S.
J. J. M.
3503 Lanfrance Street
Los Angeles, Calif.

Two communities... this service, I feel, ... through the Nittar... Ithaca, New York, t... theatres of the Corne...

A...
Si...

* *

Sirs:
I read with interest... in the current issue... inaugural of the Ma... series. Being a cover... TIME and an eager l... March of Time, I do... the first joining of eye... tion of the efforts of...
Acting on the su... your advertisement, ... Duluth, the March of... be presented at the L... the following reasons...
First, it is the lar... showing always first...
Second (more impo... tisements in the local... tures shown at the I... clude the name of... shorts that go wi...

F. ...
1312 ...
Dulu...

* *

C O ...

Montgomery Hill
City
Dear Gum:
Last night in liste... OF TIME on radio... that they would have... January, MARCH O...
As their magazine an... have been so interesti... secure these pictures...

J. ...



NOW, the men who made Time and Fortune magazines and radio's March of Time the leaders in their fields have prepared a unique screen experience. After a year's experimentation, they are producing a new kind of motion picture—stirring, significant—its dramatic action taken from the romance, science, adventure, fighting and amusement of humanity itself.

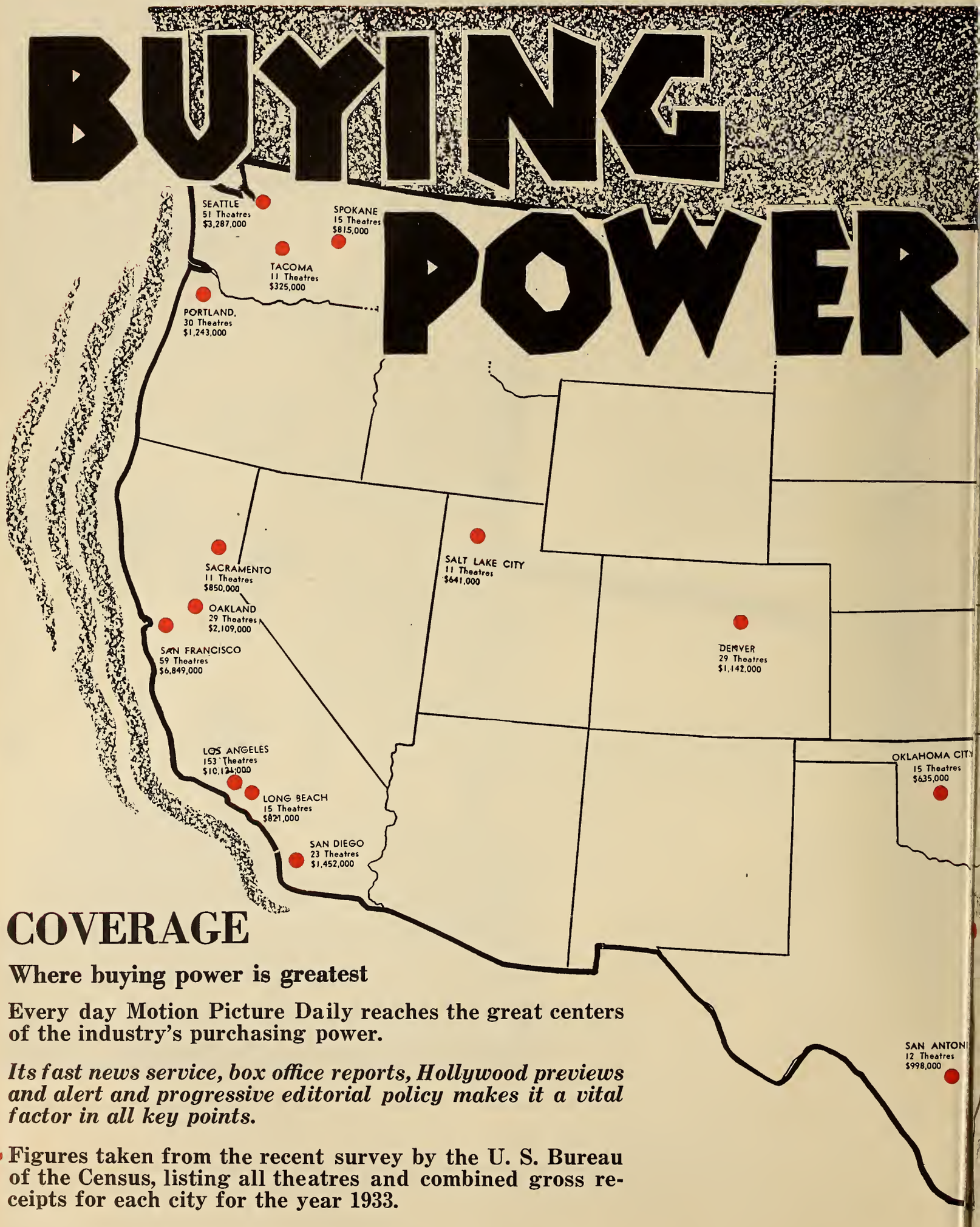
These reels twenty minutes long and released monthly, will tell not only what happened, but will complete the story, with the where, when, how and why it happened.

Thousands of you have already been told by your own patrons how important THE MARCH OF TIME is to them. That makes THE MARCH OF TIME **important** to your box office.

Released thru **FIRST DIVISION**

HARRY H. THOMAS, Pres. RADIO CITY • NEW YORK

BUYING POWER



COVERAGE

Where buying power is greatest

Every day Motion Picture Daily reaches the great centers of the industry's purchasing power.

Its fast news service, box office reports, Hollywood previews and alert and progressive editorial policy makes it a vital factor in all key points.

Figures taken from the recent survey by the U. S. Bureau of the Census, listing all theatres and combined gross receipts for each city for the year 1933.


The Leading Daily Newspaper of the Motion Picture Industry
MOTION PICTURE DAILY
Alert, Intelligent and Faithful Service to the Industry in All Branches
NEW YORK, TUESDAY, DECEMBER 11, 1934
It's Col. Rubinoff
DULUTH
11 Theatres
$534,000
MINNEAPOLIS
53 Theatres
$3,058,000
ST. PAUL
25 Theatres
$1,354,000
MILWAUKEE
72 Theatres
$2,739,000
GRAND RAPIDS
21 Theatres
$606,000
DETROIT
100 Theatres
$7,143,000
TOLEDO
19 Theatres
$720,000
CHICAGO
225 Theatres
$23,252,000
DES MOINES
11 Theatres
$797,000
MAHA
Theatres
118,000
DAYTON
21 Theatres
$1,236,000
INDIANAPOLIS
39 Theatres
$1,601,000
CINCINNATI
39 Theatres
$2,825,000
KANSAS CITY
51 Theatres
$2,964,000
ST. LOUIS
40 Theatres
$3,690,000
LOUISVILLE
26 Theatres
$1,572,000
NASHVILLE
10 Theatres
$576,000
MEMPHIS
19 Theatres
$813,000
CHATTANOOGA
9 Theatres
$199,000
LLAS
Theatres
715,000
MOBILE
5 Theatres
$269,000
HOUSTON
14 Theatres
$1,297,000
NEW ORLEANS
49 Theatres
$2,832,000
ATLANTA
20 Theatres
$1,388,000
MIAMI
12 Theatres
$625,000
BUFFALO
47 Theatres
$3,204,000
AKRON
28 Theatres
$1,240,000
CLEVELAND
76 Theatres
$4,827,000
YOUNGSTOWN
6 Theatres
$453,000
PITTSBURGH
46 Theatres
$3,652,000
COLUMBUS
19 Theatres
$1,340,000
ROCHESTER
23 Theatres
$1,912,000
SYRACUSE
14 Theatres
$1,268,000
SCHENECTADY
10 Theatres
$813,000
BINGHAMTON
12 Theatres
$725,000
SCRANTON
16 Theatres
$1,262,000
NEW YORK
425 Theatres
$70,360,000
NEWARK
30 Theatres
$4,056,000
PHILADELPHIA
143 Theatres
$10,578,000
TRENTON
11 Theatres
$1,026,000
BALTIMORE
80 Theatres
$5,098,000
WILMINGTON
12 Theatres
$781,000
RICHMOND
10 Theatres
$750,000
CHARLOTTE
4 Theatres
$346,000
ALBANY
15 Theatres
$1,447,000
MANCHESTER
8 Theatres
$474,000
SPRINGFIELD
16 Theatres
$1,091,000
PORTLAND
7 Theatres
$270,000
BOSTON
68 Theatres
$9,136,000
PROVIDENCE
13 Theatres
$2,233,000
NEW HAVEN
14 Theatres
$1,109,000
HARTFORD
17 Theatres
$1,420,000
BRIDGEPORT
17 Theatres
$985,000
JERSEY CITY
16 Theatres
$2,698,000
ATLANTIC CITY
13 Theatres
$1,159,000

Baltimore Business Better, Says Durkee

Theatre business in Baltimore has shown a slight improvement over last year, Frank H. Durkee, head of the circuit bearing his name, stated yesterday. Admissions have been maintained in the territory with slight cutting, he said. Baltimore is one of the few cities in the country which have kept up admissions, he added.

Operating 17 houses, the Durkee Enterprises plans to build a new 1,500-seat theatre at Liberty Heights Ave. and Gwynn Oak Junction. The circuit is having trouble getting a building permit from the city council, but this is expected to be ironed out shortly. Most of the theatres in Baltimore are in operation, Durkee said.

There is only one 10-cent house. That is the Grand. This year the five-year Fox franchise with the Durkee circuit expires.

Further Slashes in Prices Loom in K. C.

KANSAS CITY, Jan. 3.—Further cuts in admissions for downtown theatres loom on the local horizon with Loew's understood planning to reduce the Midland prices within the next few weeks. The house a few weeks ago sliced the matinee admission to 15 cents and now is contemplating another slash.

Joe Vogel, in charge of theatre operations, is due here shortly to look over the situation. It is understood the Midland cannot meet competition of the RKO Mainstreet and Tower which recently made drastic reductions in scales.

Fast Newsreel Time On Steamer Sinking

All Broadway theatres were supplied at opening time yesterday with newsreel shots of the sinking of the *Lexington* in the East River the night before.

News of the accident "broke" just as the reels were compiling their regular midweek issues, enabling them to get night shots of the scene and interviews with the ship captain, members of the crew and passengers and furnishing them to Broadway houses in the morning with the regular reel release.

New Coast Contracts

HOLLYWOOD, Jan. 3.—Joe Morrison and Sir Guy Standing have had their options renewed at Paramount.

Henry Wadsworth now has a new long-term contract at M-G-M.

John Wood, English actor, has signed a long-term contract with RKO and arrives Jan. 20.

Luise Rainer, who has been signed to a long-term contract at M-G-M, leaves Paris Jan. 9.

Samuel Kazer, talent coach for M-G-M, has been retained on a new contract.

Lucile Watson and Nelson Eddy have been given new contracts by M-G-M, which has re-signed George Seitz to a long-term directorial agreement.

Van Beuren Spots Five

RKO Van Beuren shorts have landed in five Broadway houses simultaneously for the current week. The bookings are the Astor and Mayfair with "Dumbbell Letters"; Music Hall with a color cartoon and the Bijou and Trans Lux with Charles Chaplin reissues.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Only 8 Hours"

(M-G-M)

HOLLYWOOD, Jan. 3.—Dramatizing the conflict of a young interne (Chester Morris) against hospital red tape and visualizing his rocky romance with Virginia Bruce and with interne Robert Taylor his rival, George Seitz has directed a whipcracking picture, which, in exposing institutional shams, hands out a good, pungent show.

Built smartly from human materials with a distinctive, central idea, the film contains comedy, pathos, suspense, melodrama, tragedy and action, building to a tense scene with Morris, under a local anasthesia, directing his own operation being performed by friendly enemy Taylor while Miss Bruce attends.

Morris adds to his laurels by an exciting, nonchalant performance. Taylor's scenes drew applause. Miss Bruce is decorative. Billie Burke, as a neurotic patient, is highly amusing. Johnny Hines, Raymond Walburn, Henry Kolker, Robert McWade, Donald Meek, Louise Henry and Bobby Watson complete a good cast.

The screen play is well conceived by Michael Fassier and Sam Marx from Theodore Robert's play, "The Harbor." Lester White photographed well. Lucien Hubbard's impress as a producer is evident throughout.

While produced ostensibly as a program film, it rates better, due to its entertainment qualities. Previewed without Production Code Seal. Running time, 67 minutes. "G."

"Red Hot Tires"

(Warners)

HOLLYWOOD, Jan. 3.—A good action drama with story inconsistencies surmounted by fast tempo and direction and good cast performances.

Centering around the automobile racing game, the film's chief entertainment and thrills are provided by stock shots of the Indianapolis speed classic, featuring spectacular crackups.

Lyle Talbot is framed into a 10-year stretch on a manslaughter charge as the outcome of a race in which Gavin Gordon is killed while trying to wreck Talbot's car. Mary Astor, daughter of an automobile manufacturer, discloses the plot and effects a pardon from the governor on the eve of Talbot's escape from prison through the aid of a pal (Roscoe Karns).

Talbot and Karns skip to South America, where the former becomes a racing king. The duo finally are tempted to return to the United States to drive Miss Astor's father's personally designed car in the Daytona classic. A plot to place Talbot under arrest fails when Gordon's mechanic is held on a dirty driving charge.

Miss Astor and Talbot spin the romantic thread.

D. Ross Lederman's direction gives the film the necessary speed. Cast performances are all good. Tristram Tupper penned the original. There is good photography by Arthur Todd.

Code Seal No. 458. Running time, 62 minutes. "G."

"Sweepstake Annie"

(Liberty)

HOLLYWOOD, Jan. 3.—"Sweepstake Annie" is a thoroughly amusing comedy-drama based on the Irish Sweepstakes. The story, continuity and dialogue are deftly rounded out by S. Scott Darling from a suggestion by Evelyn Law.

The story's central figure is Marion Nixon, a working girl from a middle-class family who longs for the "better things" in life. She is about to marry a nice electrician, Tom Brown, when she finds her ticket in the Irish Sweepstakes is the winner. With $100,000 she acquires a pent house, furs, jewels, and an assortment of crooked friends who are all conniving to romp away with her bankroll. The last of her money is finally saved from the hands of a phoney broker, Ivan Lebedoff, and his accomplice, Vera Engels, as a result of clever sleuthing on the part of young Tom.

William Nigh directed expertly, showing particular finesse in handling the comedy sequences. The cast contribute fine trouping. Inex Courtney as Marion's girl friend, and Carol Tevis as her sister, are responsible for many laughs. Harry Neumann's photography is good. Picture is good fare for neighborhoods.

No code seal. Running time, 67 minutes. "G".

Short Subjects

"Going Places with Lowell Thomas, No. 4"

(Universal)

A worthwhile short. The camera journeys to Malta, pries into a pile of Aztec ruins and finishes by taking a hike to the top of Mt. Crillon. The shots of the Alaskan mountain peak were taken on a mountain-climbing expedition. Scenes of Indians fishing for salmon in the Columbia River in Oregon complete the subject matter. Code seal No. 444. Running time, 10 mins. "G."

"Stranger Than Fiction, No. 4"

(Universal)

A collection of oddities and strange customs that is highly interesting. An armless marbles wizard, a 12-foot flint-lock, a road surfaced with a cotton composition, a Mexican ice cave—these are some of the subjects in this short. Code seal No. 445. Running time, 9 mins. "G."

"Rustlers of Red Dog"

(Universal)

If the succeeding chapters contain as much action as the first three, then here is a serial that will probably go over with a bang, both with adults and children.

It has everything in the line of western thrills, including Indian fights, quick drawing and shooting by the hero (Johnny Mack Brown), scenes in Indian villages, the U. S. Cavalry and even a buffalo charge.

The story is slow in getting started, and, in fact, is negligible in the first three chapters. It appears that Brown is a former United States Marshal who is bent on reaching California to settle down. With him are his two pals, Raymond Hatton and Walter Miller. But he meets Joyce Compton before he reaches California and it is a safe prediction she accompanies him in the end, if he really continues his journey.

Brown's trip, however, is first interrupted by a band known as the Rustlers of Red Gap. He comes out ahead in this encounter and then saves a family from an Indian attack. Next he is fighting with a wagon train that seems to be surrounded by hundreds of redskins. The third reel winds up with his rescuing Miss Compton after he leads the U. S. cavalry across the plains to save the train, only to find himself helpless before a horde of charging buffaloes.

Production Code Seals on the first three reels are Nos. 461, 462 and 504. Average running time of reel, 19 mins. "G."

"Toyland Premier"

(Universal)

This is one of the Oswald series, but done in Technicolor, and should afford mild entertainment to adults, while the kids will probably eat it up. Oswald sends a telegram to Santa Claus inviting him to a party. Santa's preparations, his arrival and the party itself, with various screen stars drawn in as guests, are then shown. The characters of Laurel and Hardy provide most of the comedy. Production Code Seal, No. 418. Running time, 9 mins. "G."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 5 NEW YORK, MONDAY, JANUARY 7, 1935 TEN CENTS

Records Back To '31 Asked In St. Louis

Probe to Include Code Boards' Workings

ST. LOUIS, Jan. 6.—Booking records and contracts of major exchanges as far back as 1931 have been subpoenaed by the district attorney for the Federal grand jury investigation into the product situation, involving the Ambassador and Missouri, which gets under way here tomorrow.

In addition to calling for all records of the local clearance and zoning and grievance boards, the district attorney has summoned Lila B. Schofield, code board secretary, to be on hand. When Miss Schofield was handed the summons, she immediately phoned Executive Secretary John C. Flinn in New

(*Continued on page 9*)

Zirn Loses Moves For Para. Action

The long pending litigation by Samuel Zirn, counsel for Robert Levy and other holders of Paramount bonds, for the right to sue Chase National Bank as trustee under the bond indenture, Paramount Publix, members of its old board of directors, Columbia Broadcasting System and William S. Paley, C.B.S. president,

(*Continued on page 8*)

Some of Fox Albany Accounts Come Here

ALBANY, Jan. 6.—The local Fox exchange has turned over accounts in 14 cities in the lower tip of this territory to Harry Buxbaum's New York sales force.

Cities now being serviced out of New York are Beacon, Calicoon, New Paltz, South Fallsburgh, Wappinger Falls, Kingston, Poughkeepsie, Red Hook, Roscoe, Walden, Woodbridge, Marlboro, Newburgh, and Glens Falls.

Report U. A. Holds Share in "De Luxe"

U. A. is reported financially interested in Chester Erskine's new show, "De Luxe," which opens in New York Feb. 20.

Frank Underwood, who had charge of "Red Cat," which was sponsored by 20th Century, could not be reached Saturday for a statement. The cast is now being lined up.

Code Seals on 299 Features East and West

Approved Shorts' Total Rises to 497

Two hundred and ninety-nine features and 497 shorts have been stamped with approval of Production Code Administration, east and west, since the strengthened machinery swung into operation July 15 last.

A breakdown shows that, of the total, 255 features and 257 shorts were cleared in Hollywood and 44 features and 240 shorts in New York.

HOLLYWOOD, Jan. 6. — Production Code Administration on this coast issued certificates to 23 features and 33 shorts in December, thereby bring-

(*Continued on page 8*)

Fox Midwest Drops Its Premium Fight

KANSAS CITY, Jan. 6.—Fox Midwest has dropped its appeal to Campi on the local premium question, and the six-county area in which giveaways were banned last Oct. 27 is now open to premiums without restriction.

L. J. McCarthy, Fox Midwest district manager, in revealing that the circuit will not go through with the appeal, assailed the action of the local grievance board in reversing its

(*Continued on page 9*)

Cole Gets Harrell Atlanta Code Post

ATLANTA, Jan. 6.—E. L. Cole, formerly secretary of the Atlanta Film Board of Trade, has been named secretary of the Atlanta clearance and zoning and grievance boards, succeeding Love B. Harrell, who has resigned to accept a post as assistant to the pastor of a local church. Cole is a member of the local bar association.

In accepting the church post, Harrell is returning to a profession he fol-

(*Continued on page 9*)

Schnitzer, Miffed, To Quit Film Board

Edward Schnitzer, Columbia New York exchange manager, will resign from the New York Film Board of Trade, he says, because local branch heads recently took advantage of his illness and elected Joe Lee of Fox as sergeant-at-arms.

Schnitzer, who has held that post for seven years, says this would not

(*Continued on page 9*)

Hints Denver Ruling

Denver, Jan. 6.—That Harry Huffman faces possible defeat in his suit to test the power of the grievance board in ordering his film service cut off because of his refusal to abide by a ruling to end auto giveaways was hinted Saturday when Federal Judge Symes said in District Court here the practice bordered on gambling. The indication was Huffman might get no relief from the court.

Pending decision in the case, in which further argument will be heard Thursday, the exhibitor was granted a temporary restraining order preventing exchanges from denying him service.

Code Changes To Help Bank Nights Sought

KANSAS CITY, Jan. 6.—An aggressive fight to eliminate or sharply modify sections of the code restricting prizes and rebates will be made at revision hearings before the National Industrial Recovery Board in Washington beginning Jan. 9.

Information to this effect has been received by R. W. McEwan, bank night distributor. Efforts will be directed at legalizing bank nights, said McEwan, who stated that petitions bearing signatures of many exhibitors, professional men, merchants and patrons requesting code modification in this particular are on file at Washington.

Bank nights and similar schemes have given code authorities much

(*Continued on page 9*)

M. P. Foundation to Advise on Pictures

An advisory committee of 100, to indicate what should be included or emphasized in films and to "offer a liaison service between the public and producer," is being organized by the M. P. Foundation of the U. S. A.,

(*Continued on page 8*)

Mass. Aims Attack At Night Baseball

BOSTON, Jan. 6.—A bill designed to prohibit professional baseball after 7 o'clock in the evening is the answer of Massachusetts to a major league decision favoring night games under flood lights. Prohibition of Sunday

(*Continued on page 8*)

Rezoning for New York City In the Offing

Board Will Act in 30 Days, It Is Stated

Within the next 30 days, the main New York clearance and zoning board is expected to call in all exhibitors for a rezoning of the territory, a member of the board has informed MOTION PICTURE DAILY. The reason for the meeting is a number of verbal complaints against Loew's, it is stated. The complainants are being told to file written protests, expected to be on file within the next month.

In citing the complaints against Loew's, the board official states exhibitors are put out over the cumulative protection for the circuit which holds up runs following Loew's.

Attempts by local boards in Los Angeles, San Francisco, Chicago, New Haven, Buffalo and Kansas City to set up schedules have been abandoned at the request of Campi, which

(*Continued on page 9*)

Laemmle, Jr., Turns Associate Producer

HOLLYWOOD, Jan. 6.—Carl Laemmle, Sr., announced here late yesterday that Carl, Jr., had relinquished his duties as general manager of the Universal studios in complete charge of production and hereafter would head a production unit of his own as an associate producer.

Laemmle, Jr., took complete charge

(*Continued on page 8*)

Vaude Plan Delayed For Theatre Deals

Inability to develop playing terms mutually agreeable to exhibitors and the American Federation of Actors was held on Saturday to be responsible for delay in organizing vaudeville units which A. F. A. has considered sending into cities without vaudeville.

Meetings on the proposal were resumed late last week and will also

(*Continued on page 8*)

Films Face 2¼% Tax Under Congress Bill

WASHINGTON, Jan. 6.—Films produced in and imported into the United States would bear a tax of two and one-quarter per cent of the sales price under a bill introduced in Congress by Representative Allen T. Treadway of Massachusetts providing for a general

(*Continued on page 9*)

MOTION PICTURE DAILY

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Advertising Manager

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Carr Due Tomorrow

Trem Carr, who planned to stop off in St. Louis to visit his family en route to New York, has changed his mind and is expected here tomorrow. Mrs. Carr is making the St. Louis stopover and will arrive later in the week with her husband's family.

Carr is slated to spend three weeks in the east conferring with W. Ray Johnston on next season's production matters and the annual sales convention which most likely will be held early in April in Hollywood.

Principal Gets Product

Principal Film Exchange, Inc., has acquired 23 features from Superior Talking Pictures, Inc., and Stage and Screen Prod., Inc., for release in New York and Northern New Jersey.

Imports Spanish Film

J. H. Hoffberg Co. will import 15 Spanish features this year from the Argentine, Mexico and Spain. The first of these, "Dancing," produced in the Argentine, will be released this month.

Strand Ready Jan. 23

The Strand will be ready for reopening Jan. 23, according to Harry L. Charnas. The initial attraction has not yet been set.

"Baboona" for Explorers

"Baboona" will be shown at the Explorers' Club annual dinner tonight at the Savoy Plaza.

Insiders' Outlook

THOSE who sit in on the more or less regular conferences on RKO reorganization stick to the viewpoint the company may find itself preparing for legal dry cleaning by the close of the first quarter of the year if—, that devastating stopper, in this case, referring to continuance of the company's current earnings rate. On such a basis, if and when, the idea entertains a plan of reorganization prepared and completed by June which isn't so far away. The same crystal-gazers, hopefully or otherwise, will tell you almost without asking that a neat profit will be rolled up for first telltale quarter of this year and a loss of less than $500,000 for 1934. . . .

▼

If it does nothing else, the attitude reflects confidence radiating in some directions that an RKO, rehabilitated, looks like a tangibility at least, come April. Actual work on a plan of reorganization is being set back by Special Master Thomas D. Thacher's long awaited report to the Federal court on the $35,000,000 in claims smacked at RKO by its creditors. That report was due some time ago and may emerge rather quickly now. Once rendered and that first quarter profit noted, reorganization would not be remote by mid-year, allowing, as must be, for the contesting of claims which always marks this sort of thing. Such is the story cherished by some of the reorganizers. If anyone is stuck with it, they are. . . .

▼

About "Nate," meaning N. L. Nathanson, and those stories picking him up from Famous Players Canadian and setting him down in the Royal Bank of Canada. This much there is to say: He may be elected a director of that stalwart of the banking world across the line one of these days. That would come about through the close association, at least a decade young, between "Nate" and the Holts—Sir Herbert, outstanding Canadian financier, president or director of approximately 200 Dominion corporations, president of the Royal Bank as he is of the Montreal Trust, which has been financially benign to Nathanson for many years; and Major Andrew, nephew to Sir Herbert and the latter's successor on the Famous Players Canadian directorate. . . .

▼

It was Sir Herbert who figured largely in the checkerboard moves which brought "Nate" out of retirement not so long ago and returned him to circulation with a whirl as president of F.P.C., the company Nathanson did more to build into the most formidable theatre chain in Canada than any other individual. Up near the head of the phalanx with Holt were two other men. One, I. W. Killam, Montreal financier. Two, J. P. Bickell of Toronto. This was the triumvirate which not only succeeded in the coup for Nathanson, but forced the retirement from F.P.C. of D. W. Ross of Toronto, G. P. McLaughlin, president of Canadian General Motors, and Arthur Cohen, quondam managing director. . . .

▼

The business alliances and sympathies making these various men friendly and understanding of each other, therefore, pave the way for a Nathanson identification with one of the Holt-blessed enterprises. To say, however, or to assume, for that matter, that a plan such as this presaged his withdrawal from active operations of F.P.C or Regal Films or Empire Films—all Nathanson enterprises—is to say or to assume far too much. To point again, on the other hand, that Nathanson is no longer interested in any of the top spots in the about-to-be-reorganized Paramount here in New York is assuming nothing. It happens to be the truth. . . .

▼

Now that the Loew circuit, all points on its compass included, has signed for "The March of Time" series, watch the sales barrage follow. For this deal, the first, had a bearing on many others or maybe it is the other way around. The First Division bunch is smiling and why not? Ditto on Fred McConnell, eastern end on sales for the new reel. While on things concerning F.D. attention rates fastening on the opener of a new series of shorts known as "Thrilling Journeys" and made by Audio Productions, papa of the charming "Musical Moods" shorts. Called "Old Faithful Speaks," this is a quick trip through Yellowstone National Park with nature broadcasting and climaxing her fol-de-rols with the famous geyser talking and saying it with a roar and an impact and a thunder that make the finale of this short one of the most thrilling this frontier post has ever witnessed. . . .

▼

With approximately $800,000 invested in "Lives of a Bengal Lancer" and roughly $1,000,000 in "Clive of India," Paramount and United Artists are about to enter the jousting field in a race for top money with pictures drawn from Mother India's ample bosom. There are those who insist on typing both attractions as members of the same category, but why and how don't seem quite clear. Military background and Englishmen and India in both, it is true. Yet the span of time between the conquest of India for England by Robert Clive and the guerilla warfare picturized in "Bengal Lancer" is almost two hundred years. Clive did the acquiring then; the Bengal lancers today do what they can to see the acquisition doesn't wander. If this suggests the theme of "Clive of India," so far unseen, is more arresting, more sweeping historically and dramatically, which it would appear to be, let U. A. make the most of it. . . .

KANN

Eastman Climbs on Big Board

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc (m 1)	39⅛	39⅛	39⅛	.....	100
Consolidated Film Industries	5¾	5⅝	5¾	+ ⅛	800
Consolidated Film Industries, pfd. (J 2)	20¼	20	20¼	+ ¼	300
Eastman Kodak (4¾)	116⅝	116½	116⅝	+1⅜	300
Loew's, Inc. (1)	34	33⅝	34	+ ⅛	2,000
Paramount Publix (K)	3½	3⅜	3½	.....	1,400
Pathe Exchange	1⅜	1¼	1¼	.....	500
Pathe Exchange "A"	16¼	16¼	16¼	.....	100
RKO (K)	2⅜	2⅜	2⅜	.....	200
Warner Bros.	4½	4⅜	4½	.....	500

Trans Lux Up Eighth on Curb

	High	Low	Close	Net Change	Sales
Trans Lux (20c)	2¾	2½	2¾	+ ⅛	500

Warner Bonds Off One Point

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	9⅜	9	9¼	+ ¼	14
Keith B. F. 6s '46	74½	74½	74½	+ ¼	6
Paramount Publix 5½s '50	62	62	62	— ½	10
Warner Bros. 6s '39, wd	59	58½	58½	—1	10

(Quotations at close of Jan. 5)

"U" Signs Winninger

HOLLYWOOD, Jan. 6. — Charles Winninger has been signed by Universal for "Showboat," in which Irene Dunne will have the starring role.

Zoe Akins is now working on the screen play. Production will start early in the spring.

May Delay Col. Meet

Columbia's board of directors meeting, slated for Jan. 25, may be postponed. Harry Cohn, president, due in New York for the session, may be delayed on the coast by production problems requiring his presence.

FORSAKING ALL RECORDS!



No, dear reader, it's *not* a change of title. It's just one way of describing the sensational business done at *every* box-office by JOAN CRAWFORD, CLARK GABLE, ROBERT MONTGOMERY in M-G-M's happiest entertainment "FORSAKING ALL OTHERS."


Rich with
The GOOD
COMING!
IRENE DUNNE
in SHOWBOAT

Romance! Lavish with Love! Captivating with Comedy!

CARL LAEMMLE Presents

MARGARET SULLAVAN

HERBERT MARSHALL

in Universal's Production of Ferenc Molnar's

FAIRY



with

FRANK MORGAN

REGINALD OWEN • ALAN HALE

ERIC BLORE • HUGH O'CONNELL

JUNE CLAYWORTH

Story translation by Jane Hinton

Directed by WILLIAM WYLER

Produced by CARL LAEMMLE, Jr.

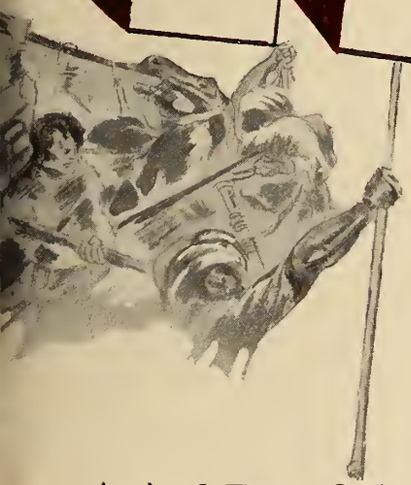
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TION (60,000,000 PEOPLE)

PAGE NATIONAL MAGAZINE ADS ON

INDIA



AND WILL TELL THE OTHER HALF TO JOIN THEM IN SEEING THIS GREATEST OF

20TH CENTURY PICTURES

Code Seals Given To 299 Features

(*Continued from page* 1)

ing its total to date to 255 features and 257 shorts.

Titles and distributors of December approvals follow:

Celebrity

(*Shorts*)

"Jack Frost."

Columbia

(*Features*)

"Mills of the Gods," "Against the Law" and "Behind the Evidence."

(*Shorts*)

"One More Drink," "Gloom Chasers," "Laughing With John Medbury," "His Old Flame," "The Happy Butterfly," "Hyden Zeeke," "Screen Snapshots No. 4," "Shivers" and "Garden Gaieties."

First Division

(*Shorts*)

"In a Mountain Pass," "Countryside Melody" and "Used Car Gyp."

Fox

(*Features*)

"County Chairman" and "Charlie Chan in Paris."

(*Shorts*)

"Love, Honor and Obey" and "Palooka from Paducah."

Mascot

(*Features*)

"Little Men."

Mayfair

(*Features*)

"Rescue Squad."

M-G-M

(*Features*)

"The Night Is Young," "Only Eight Hours," "David Copperfield" and "Forsaking All Others."

(*Shorts*)

"The Chases of Pimple Street," "Zealand the Land of Paradise," "Hey Hey Fever," "Cocoanut Grove," "Mama's Little Pirate" and "The Tin Man."

Monogram

(*Features*)

"Million Dollar Baby."

Paramount

(*Features*)

"The Gilded Lily."

(*Shorts*)

"Sweetest Music."

Radio

(*Features*)

"Enchanted April" and "Little Minister."

(*Shorts*)

"Wig Wag," "Pickled Peppers" and "Raised and Called."

Stage and Screen Prods.

(*Features*)

"Inside Information."

20th Century

(*Features*)

"Clive of India."

United Artists

(*Shorts*)

"Two Gun Mickey" and "Tortoise and the Hare."

Universal

(*Features*)

"Night Life of the Gods," "Straight From the Heart," "Rendezvous at Midnight" and "I Murdered a Man."

(*Shorts*)

"Robinson Crusoe Isle," "Thundering Hoofs," "Attack at Dawn" and "Buddy of the Legion."

Warners

(*Features*)

"The White Cockatoo."

(*Shorts*)

"Mr. and Mrs. Is the Name."

Toeplitz Plans Visit

LONDON, Jan. 6.—L. Toeplitz, head of the company bearing his name, plans to leave for New York next month to confer with Ernst Lubitsch and to see a star for a picture he proposes making based on the life of the Divine Sarah in the spring.

"Except" Greetings

Kansas City, Jan. 6.—The St. John and National Theatres, owned by Emanuel Rolsky, bought newspaper space to ask their patrons to "except" their best wishes for the new year.

M. P. Foundation to Advise on Pictures

(*Continued from page* 1)

according to a statement issued Saturday by Dr. William B. Millar, secretary.

Last summer the foundation stated that it would engage in production itself and planned to have its first picture in work by February of this year. No mention is made in the current statement of any production activities whatever, the advisory committee now in formation being intended, apparently, to furnish its services to established producers. Following are those appointed to the committee to date:

Joseph P. Day, Mrs. Ruth Pratt, Bishop William T. Manning, George A. Plimpton, Dr. Henry A. Atkinson, Lowell Thomas, Rear Admiral Richmond Pearson Hobson, Miss Elizabeth Perkins, Herman Irion, Mrs. William Barclay Parsons, Jr., Victor F. Ridder, Mrs. Hugh Gordon Miller, Mrs. T. Darrington Semple, Rabbi Herbert S. Goldstein, Irving Fisher of Yale; Dr. Donald J. Cowling, president of Carleton College; Dr. John Timothy Stone, president of the Presbyterian Theological Seminary; William McCormick Blair of Chicago; Col. Clarence O. Sherrill, of Cincinnati; Frank E. Gannett, of Rochester; Dr. Fred B. Fisher, of Detroit; Col. Patrick Henry Callahan and Miss Mary E. Hughes of Louisville; Mrs. Richard Derby, of Oyster Bay; Dr. Albert F. Gilmore, of Boston; Dr. Arlo A. Brown, president of Drew University; Dr. John J. Tigert, president of the University of Florida; Dr. Glenn Frank, president of the University of Wisconsin; Dr. Henry N. McCracken, president of Vassar College; Michael Francis Doyle and Miss Jessie Allen Page, of Philadelphia; Bishop B. St. George Tucker, of Richmond; John E. Edgerton, chairman of the board, the National Ass'n of Manufacturers, and Dr. Endicott Peabody, headmaster of Groton School, chairman of the committee.

Mass. Aims Attack At Night Baseball

(*Continued from page* 1)

games is also included in the measure which has been filed with the clerk of the Senate by Joseph A. Langone of this city.

Exhibitors are expected to rally behind the bill because of their lost fight against horse and dog racing and pari-mutuel betting at the last election.

Change in Music Award

HOLLYWOOD, Jan. 6.—The Academy awards committee has decided to confine its music certificate to the best song and the best scored picture instead of to four as asked for by the head of that branch of the organization. In addition the committee has decided to give certificates for the best editing job and the best cartoon novelty and comedy short.

Wera Engels Must Go

HOLLYWOOD, Jan. 6.—Wera Engels has been ordered by local immigration officials to return to Germany by Feb. 21. The actress came to this country two years ago, the original six-month stay having been extended several times. It is believed similar treatment may be dealt other alien talent.

Laemmle, Jr., Turns Associate Producer

(*Continued from page* 1)

of Universal City as executive head of production in 1929.

It was said by Laemmle, Sr., that for some time his son "has been eager to pass the duties and details of complete studio direction to others that he might concentrate on an independent production unit."

Fawcett Editorial Staffs Are Shifted

Several changes have just been made in the editorial setup of Fawcett publications by Capt. Roscoe Fawcett, vice-president and general manager.

Laurence Reid, for eight years editor of *Motion Picture Publications,* becomes manager editor of *Motion Picture* and *Movie Classic* as well as *Screen Book, Screen Play, Hollywood, Radioland* and *Romantic Movie Stories.*

Patricia Reilly, formerly with *Red Book* and *College Humor,* and recently with *Esquire,* has been made executive editor of *Motion Picture Magazine.* She will work closely with Capt. Fawcett.

Murphy McHenry, former editor of *Screen Play,* becomes editor of *Movie Classic,* while William Gaines takes the executive editorship of *Screen Play.* Gaines has been on the editorial staff of *Photoplay.*

Carl Schroeder will be editor of *Screen Book* and Don Cooley continues as executive editor of *Radioland.* James Reid of the *Motion Picture Publications* editorial staff becomes executive editor of *Hollywood.* Douglas Lurton, former Fawcett managing editor, assumes the duties of supervising editor of all 16 Fawcett film publications.

Vaude Plan Delayed For Theatre Deals

(*Continued from page* 1)

be held early next week. Present difficulties are said to center on the unwillingness of exhibitors to increase admission prices when the vaudeville acts are booked, together with the A. F. A.'s belief that a percentage of the gross increase, as offered by exhibitors, would not be a definite enough guarantee. A. F. A.'s plan involves organizing about 30 vaudeville companies to tour the country in buses, playing only those cities where vaudeville has been discontinued for some time.

Jack Hutcheon Killed

PORTAGEVILLE, Mo., Jan. 6.—Jack Hutcheon, an advance man for the Olsen and Johnson "Cavalcade of Fun" was fatally hurt and his wife injured seriously when his automobile collided with a truck here. Hutcheon died at a hospital in Blytheville, Ark. At the time of the mishap he was en route from St. Louis to Memphis. Relatives in Pittsburgh were notified. Mrs. Hutcheon is under treatment at the Blytheville Hospital.

Bigelow's Mother Passes

FALL RIVER, Jan. 6.—Walter Bigelow, resident manager of the Empire, is mourning the death of his mother.

Zirn Loses Moves For Para. Action

(*Continued from page* 1)

was dismissed Saturday by Justice Salvatore Cotillo in State Supreme Court.

Zirn alleged that violations of the state stock corporation law and the failure of Chase to bring suit under the indenture provisions against Paramount, the old board, C.B.S. and Paley resulted in "irreparable damage and injury" to the plaintiffs, who are holders of $5,000 of a $13,000,000 Paramount bond issue involved. In dismissing Zirn's action, the court pointed out that the bond indenture provides that any right to institute an acion on behalf of the bonds shall rest exclusively with the trustee, Chase, and denies such a right to bondholders themselves "unless the trustee shall have refused or neglected to institute proper proceedings within a reasonable time after a request by 25 per cent of the bondholders, together with an offer of reasonable indemnity against costs and liabilities to be incurred therein."

Justice Cotillo held that no request to bring an action had been made to Chase by the required 25 per cent of the bondholders. Despite the dismissal of his principal action Zirn retains rights in the state court to prosecute actions for examinations of Paramount Publix, Film Production Corp., members of the former board of directors, the National City Bank, Chemical Bank & Trust Co., Bankers Trust Co., Manufacturers Trust Co., County Trust Co. of N. Y., Central Hanover Bank and the Commercial National Bank. The defendant banks were participants in Paramount's $13,000,000 Film Production credit transaction of 1932.

Zirn, Palmer Para. Briefs Are Finished

Briefs setting forth the objections of Samuel Zirn, Paramount bondholder counsel, and Archibald Palmer to the Paramount plan of reorganization have been completed and will be filed today or tomorrow.

The two attorneys have furnished the only opposition to date to the plan. Zirn's brief asks a reduction of $1,500,000 in the $5,175,000 cash payment to be made to the Paramount bank group under the plan and makes objections to the make-up of the board of directors of the new company. Palmer's objections are similar and also ask for the separation of the Paramount Broadway reorganization from that of Paramount Publix.

The taking of formal proof of the plan is expected to require several days after its resumption on Jan. 10 before Federal Judge Alfred C. Coxe. If the court accepts the plan thereafter, five or six weeks may then be required for its study and approval by the necessary two-thirds in amount of creditors, thus indicating that even without unexpected delays the plan cannot be placed in effect much before mid-March or April.

Academy Roster Gaining

HOLLYWOOD, Jan. 6.—In addition to a score or more members reinstating their membership with the Academy during the past two weeks, two new writers have joined the Writers' Branch. They are Reginald Berkeley on the Fox writing staff and Patterson McNutt from Paramount.

Code Changes To Help Bank Nights Sought

(Continued from page 1)

trouble in many key centers. The usual procedure of exhibitors ordered to discontinue the practice by local boards has been to take appeals to Campi, pending determination of which they have been able to complete contracts.

Edward L. O'Connor, attorney general of Iowa, has suspended an opinion given by Walter Maley, first assistant attorney general, on Dec. 8, declaring bank nights a lottery. Local authorities have been advised to take no action under the original opinion until supplemental instructions are issued.

Municipal Judge L. R. Sheets has ruled in favor of Don Thornburg, Marshalltown, Ia., exhibitor, charged with operating a lottery in connection with bank night.

Thornburg's case has long been before the local grievance board at Des Moines. When the board found against him on Sept. 25, he appealed, and Campi set his case for hearing on Nov. 1. In the meantime, Thornburg sent letters to President Roosevelt, Deputy Administrator William Farnsworth, Compliance Director Sol A. Rosenblatt and others to the effect if he was compelled to discontinue the stunt, he would close his two theatres and bring damage suits against the officials named and the NRA. Thornburg's case was not heard by Campi, and he is still operating bank nights.

In the Kansas City territory, nine cases pending with the local grievance board or with Campi on appeal have been withdrawn by the complainants. Glen W. Dickinson Theatres, which recently started bank nights, have dismissed eight which the circuit had filed against competitors.

Stopped in Wisconsin

MILWAUKEE, Jan. 6.—Bank nights have been ordered discontinued in eight theatres by the grievance board. Houses ordered to discontinue include the Riviera, Milwaukee, operated by the A. & V. Operating Co.; the Paradise in West Allis; Orpheum and Strand, Green Bay; Embassy, Neenah; Brin, Menasha; Allis, West Allis, and Rex, Oshkosh, all houses operated by Wisconsin Amusement Enterprises, Inc., or its subsidiary, Milwaukee Theatres, Inc.

The board also issued a cease and desist order against the Embassy in Neenah, charged with issuing perfect attendance cards to children providing for attendance at 15 episodes to a serial with a free show to those attending all 15 episodes after it had been shown.

The Bay, Green Bay, was also ordered to discontinue selling thrift coupons worth $1.50 in admission for $1.00. The complaint was entered by Wisconsin Amusement Enterprises, operators of the Orpheum and Strand in Green Bay.

Click in 3 Nebraska Spots

LINCOLN, Jan. 6.—Three Nebraska keys are operating bank nights to excellent reception. The spots, Norfolk (Granada, managed by Rowan Miller), York (Sun, managed by Carl Rose) and Kearney (World, by Ralph Blank). There has been a lot of squawk about the practice at other previous attempts, but these three cases have gone on without trouble.

Fox Midwest Drops Its Premium Fight

(Continued from page 1)

previous decision that the vote on premiums was legal.

McCarthy informed the code office here that he was unsuccessful in attempts to have independent exhibitors reinstate their signatures to the original ballot on the question, which required a 75 per cent declaration of exhibitors.

There is little chance that another attempt will be made to conduct a vote on the abolition of giveaways, since no one wants to take the responsibility. Jay Means, I.T.O. president and grievance board member, who took the original vote, said he would not revive the issue.

The grievance board, deciding three cases brought by Fox Midwest, recently held that requests of six independents to recall their names from the petition should have been honored.

O'Keefe Nominated For L. A. Code Post

LOS ANGELES, Jan. 6.—A. J. O'Keefe, branch manager for Universal, has been nominated unanimously by the clearance and zoning board to fill the vacancy caused by the resignation of William C. Ritter. The nomination has been forwarded to Campi for approval.

Cole Gets Harrell Atlanta Code Post

(Continued from page 1)

lowed before he became connected with the theatrical business a score of years ago. He has been variously a theatre operator, an executive of the Southeastern Theatre Owners' Assn., secretary of the Atlanta Film Board of Trade, a practicing lawyer and latterly secretary of the code boards.

Schnitzer, Miffed, To Quit Film Board

(Continued from page 1)

have happened had he been able to attend the elections. He contends that the managers "pulled a fast one."

On Wednesday evening, Moe Streimer, U. A. manager and newly elected president, and other officers will be inducted into office at a banquet. After the formalities are over the men will attend "Thumbs Up." Streimer plans to leave for Miami for a vacation about the middle of the month.

No Action on Leasing

Although the NRA held a public hearing on the issue Dec. 19, no decision has yet been rendered on withdrawing the leasing clause from the code. Following objections by Ed Kuykendall and Allied on withdrawal, it was indicated at the hearing that the clause might be retained.

Coast Meeting Adjourned

HOLLYWOOD, Jan. 6.—The writer-producer five-five committee adjourned its meeting over the week-end without reaching a decision. The producers asked for the adjournment to confer with other producers before casting their votes.

Records Back To '31 Asked In St. Louis

(Continued from page 1)

York, who advised her to release the records.

One of the important phases of the investigation is understood to be Paramount's 20-year franchise with the Ambassador, which, the receivers for the theatre state, was a vital asset. When the Ambassador, along with the Missouri and St. Louis, was leased to Fanchon & Marco for 10 years the new operators could not get the product, Paramount having sold it to Warners for the Rialto. The Ambassador has been able to get only Universal, Fox and Columbia product this season.

Abel Cary Thomas of Warners, Louis Phillips of Paramount, Edward Raftery of the law firm of O'Brien, Driscoll and Raftery, representing U. A., Adolph Schimel of Universal, Sidney Bromberg of M-G-M, a Columbia New York attorney; Robert Youngman, Jules Levy and Cresson Smith of RKO, and Harry C. Arthur and Jack Partington of F. & M., are here from New York for the proceedings. Spyros and George Skouras are due today from New York by plane.

Becomes Lon Chaney, Jr.

HOLLYWOOD, Jan. 6.—After refusing for three years to change his name, Creighton Chaney has adopted his father's name, Lon Chaney, Jr.

Rezoning for New York City In the Offing

(Continued from page 1)

has advised exhibitors in these areas to file individual clearance complaints where aggrieved.

Whether the New York board will actually set up a new zoning plan is problematical. Several individual protests have been heard and disposed of, all having been filed by independents.

The latest clearance dispute was filed last Friday by Century against RKO. A. H. Schwartz, in his complaint, contends that the Fantasy in Rockville Center, L. I., is not competitive with RKO's Far Rockaway and Jamaica houses. In the past RKO's Far Rockaway houses have not had protection over the Fantasy, Schwartz holds, and this year the major circuit is asking for a week's clearance.

Films Face 2¼% Tax Under Congress Bill

(Continued from page 1)

manufacturers' excise tax. Motion pictures are covered by a provision applying the tax to the amount paid for leases.

Raw stock purchased by producers would be exempt from the tax under a provision releasing sales by one manufacturer to another or articles for further manufacture.

All manufacturers would have to secure licenses under the bill.



"Bright Eyes" And Show Big In Pittsburgh

PITTSBURGH, Jan. 6.—With two exceptions, Christmas week was the biggest disappointment here in some time. The standouts were the Alvin and the Fulton. At the Alvin, "Bright Eyes" and a locally-produced "Pittsburgh on Parade" stage show in nine days gave the house around $16,500. At the Fulton, "Babes in Toyland" was the outstanding draw for the children and brought in $6,000, the best takings here in several months.

At the Penn, "The Mighty Barnum," which was expected to be a standout, never got started and wound up with $11,500.

Total grosses in six first runs were $53,800. Average is $46,500.

Estimated takings for the week ending Dec. 28:

"BRIGHT EYES" (Fox)
ALVIN—(2,000), 25c-40c, 9 days. Stage: Johnny Perkins' "Pittsburgh on Parade" revue. **Gross:** $16,500. (Average, for 6 days, $10,000)
"BABES IN TOYLAND" (M-G-M)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $6,000. (Average, $4,500)
"THE MIGHTY BARNUM" (U.A.)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $11,500. (Average, $12,000)
"DANGEROUS CORNER" (Radio)
PITT—(1,600), 25c-35c, 6 days. Stage: "World's Fair Follies" unit. **Gross:** $5,100. (Average, $6,000)
"THE LITTLE MINISTER" (Radio)
STANLEY — (3,600), 25c-50c, 6 days. **Gross:** $10,000. (Average, $9,000)
"BABBITT" (Warners)
"HOME ON THE RANGE" (Para.)
WARNER — (2,000), 25c-40c, 6 days. **Gross:** $4,700. (Average, $5,000)

"Bright Eyes" Has Big Denver Start

DENVER, Jan. 6.—"Bright Eyes" did the business of the week in Denver, although it played only four days on the current week, and was held an additional five days. Other houses did from poor to normal business.

Total first run business was $20,500. Average is $20,500.

Estimated takings for the week ending Dec. 27:

"BACHELOR OF ARTS" (Fox)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $1,500. (Average, $2,500)
"WEDNESDAY'S CHILD" (Radio)
"IT'S A GIFT" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $4,000)
"MUSIC IN THE AIR" (Fox)
DENVER—(2,500). 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)
"MYSTERY OF THE HAT, COAT AND GLOVE" (Radio)
ORPHEUM—(2,600), 25c-35c-50c, 3 days. **Gross:** $1,000.
"BRIGHT EYES" (Fox)
ORPHEUM—(2,600), 25c-35c-50c, 4 days. **Gross:** $6,000. (Average, for week, $6,000)
"ONE NIGHT OF LOVE" (Col.)
PARAMOUNT — (2,000), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $2,000)

Universal Holds Five

HOLLYWOOD, Jan. 6.—Universal has just exercised five options on players. They are: Eole Galli, singer; Phyllis Brooks, Valerie Hobson, William Roberts and Baby Jane.

Plan Death Valley Film

HOLLYWOOD, Jan. 6.—A film built around the life of Death Valley Scotty is planned by 20th Century for release through United Artists.

"Bright Eyes" Seattle High; Takes $8,300

SEATTLE, Jan. 6.—"Bright Eyes" did here what it has been doing elsewhere throughout the country—ran away with the big money. The $8,300 take at the Fifth avenue was $1,300 over normal.

"Little Minister" and "Kid Millions" were also in the money. The former, at the Music Hall, reached $7,400, and the Eddie Cantor feature at the Blue Mouse, on an extended run from the Music Hall, reached $4,250.

Total first run business was $38,050. Average is $38,000.

Estimated takings for the week ending Dec. 28:

"KID MILLIONS" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $4,250. (Average, $4,000)
"BRIGHT EYES" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,300. (Average, $7,000)
"LADY BY CHOICE" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days. **Gross:** $3,400. (Average, $5,000)
"CHU CHIN CHOW" (Gaumont-British)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,600. (Average, $4,000)
"LITTLE MINISTER" (Radio)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $7,400. (Average, $6,500)
"THE SECRET BRIDE" (Warners)
OHPHEUM—(2,450). 25c-35c-50c, 7 days. Vaudeville headed by Frances White. **Gross:** $5,600. (Average, $5,500)
"BABES IN TOYLAND" (M-G-M)
PARAMOUNT—(3,050). 25c-35c, 7 days. Vaudeville headed by "Sinbad, the Sailor" revue. **Gross:** $5,500. (Average, $6,000)

"Bright Eyes" Is Smash in Portland

PORTLAND, Jan. 6.—"Bright Eyes" proved a real Christmas gift for the Paramount. With the help of a juvenile stage show, it took $11,000, or $6,000 over normal, one of the best weeks in years.

"The Mighty Barnum" at the United Artists went over par $1,000 with a gross of $6,000.

"Chu Chin Chow" proved a favorite with the holiday crowds at the Music Box, rolling up $4,000, or $2,000 over the usual.

"Little Minister" brought out long standing lines at the Orpheum, in spite of heavy rains, with a box-office of $7,000, or $2,000 over normal.

Total first run business was $37,400. Average is $27,000.

Estimated takings for the week ending Dec. 29:

"GENTLEMEN ARE BORN" (F. N.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)
"SIX-DAY BIKE RIDER" (F. N.)
"RICHEST GIRL IN THE WORLD" (Radio)
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)
"LITTLE MINISTER" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $7,000. (Average, $5,000)
"CHU CHIN CHOW" (Gaumont-British)
MUSIC BOX—(1,000), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $2,000)
"LIMEHOUSE BLUES" (Para.)
"BACHELOR OF ARTS" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,600. (Average, $3,000)
"BRIGHT EYES" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $11,000. (Average, $5,000)
"THE MIGHTY BARNUM" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

Thome a Crooner

Boston, Jan. 6.—Ray Thome, former press agent for Paramount-Publix in the West, is now the featured crooner with the Metropolitan dance orchestra which plays nightly in the Platinum Salon. Thome calls his stuff "distilled crooning."

"Barnum" Is $10,000 Hit, Kansas City

KANSAS CITY, Jan. 6.—Gross honors here last week went to "The Mighty Barnum" which took $10,000 at the Midland, topping par by $1,000.

"Here Is My Heart" took a strong $10,500 in 10½ days at the Newman, and "Madame Du Barry," helped by a stage show, reached $8,000 in the Tower.

Total first run business was $43,400. Average is $42,500.

Estimated takings:

Week Ending Dec. 24:
"THE SILVER STREAK" (Radio)
MAINSTREET—(3,100), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

Week Ending Dec. 27:
"MADAME DU BARRY" (Warners)
TOWER—(2,200). 25c, 7 days. Stage: "There Is a Santa Claus," with Hayes, Haig & Howe; Lane & Harper; June Douglas & Co.; Marion Venay, others. **Gross:** $8,000. (Average, $7,000)
"BABES IN TOYLAND" (M-G-M)
UPTOWN—(2,000). 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500)

Week Ending Dec. 30:
"THE MIGHTY BARNUM" (U. A.)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $10,000. (Average, $9,000)

Week Ending Dec. 31:
"THE LITTLE MINISTER" (Radio)
MAINSTREET—(3,100), 15c-25c-40c, 7 days. **Gross:** $6,200. (Average, $7,000)
"HERE IS MY HEART" (Para.)
NEWMAN—(1,800). 25c-40c, 10½ days. **Gross:** $10,500. (Average, 10½ days, $9,000)

"Kernels" Fair in Indianapolis Slump

INDIANAPOLIS, Jan. 6.—"Kentucky Kernels" took $3,500 at the Circle last week, but failed to stir up much excitement.

Even "Bright Eyes," a smash hit practically all over the country, was below normal at the Apollo on a take of $2,000. "The Mighty Banrum" was weak at $4,000.

Total first run business was $21,000. Average without the Circle is $2,000.

Estimated takings for the week ending Dec. 29:

"BRIGHT EYES" (Fox)
APOLLO—(1,100). 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)
"KENTUCKY KERNELS" (Radio)
CIRCLE—(2,800). 25c-40c, 7 days. **Gross:** $3,500.
"HERE IS MY HEART" (Para.)
INDIANA—(3,133). 25c-40c, 5 days. **Gross:** $6,000. (Average, $7,000)
"THE SECRET BRIDE" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)
"MIGHTY BARNUM" (U. A.)
PALACE—(3,000). 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

Closes Palisades House

E. Thornton Kelly has closed the Grant Lee, Palisades, N. J.

"Pecos" Hits $23,000; Big Hub Surprise

BOSTON, Jan. 6.—"West of the Pecos" was something of a sensation at the RKO Boston. The $23,000 take ran $6,000 over par.

"Bright Eyes" furnished the other box-office surprise of the week, as it piled up $30,000, over the line by $5,000, at the Metropolitan. "Wednesday's Child" was also in the big money with $18,000 at Keith's Memorial.

Total first run business was $101,100. Average is $75,000 without the Orpheum.

Estimated takings for the week ending Dec. 27:

"THE FIRST WORLD WAR" (Fox)
"LOVE TIME" (Fox)
FENWAY — (1,800), 30c-50c, 4 days. **Gross:** $3,600. (Average, $5,000)
"WEDNESDAY'S CHILD" (Radio)
KEITH'S MEMORIAL — (3,500), 25c-65c, 7 days. **Gross:** $18,000. (Average, $14,000)
"THE BAND PLAYS ON" (M-G-M)
LOEW'S ORPHEUM—(2,970), 25c-50c, 7 days. Lou Walters Night Club Revue. **Gross:** $16,000. (Average, ——)
"BABES IN TOYLAND" (M-G-M)
"A WICKED WOMAN" (M-G-M)
LOEW'S STATE—(3,700), 35c-50c, 4 days. **Gross:** $7,000. (Average, $9,000)
"BRIGHT EYES" (Fox)
METROPOLITAN — (4,350), 30c-65c, 7 days. Stage show. **Gross:** $30,000. (Average, $25,000)
"THE FIRST WORLD WAR" (Fox)
"LOVE TIME" (Fox)
PARAMOUNT—(1,800), 30c-50c, 4 days. **Gross:** $3,500. (Average, $5,000)
"WEST OF THE PECOS" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. Vaudeville. **Gross:** $23,000. (Average, $17,000)

"My Heart," Show Strong in Buffalo

BUFFALO, Jan. 6.—"Here Is My Heart," plus a strong stage show, gave the Buffalo $16,200, or $1,900 above normal, in a week of confusion due to juggled opening dates. "Little Men," shoved into the Erlanger, legitimate house, for the holiday trade, failed to do much. Raw winds and streets a glare of ice had some effect on business.

Total first run take was $48,800. Normal is $47,800.

Estimated takings for week ending Jan. 4:

"HERE IS MY HEART" (Para.)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Lee Sims & Ilomay Bailey; Roy Smeck; Florence & Alvarez; Cass, Mack & Owen and Topsy; Six Danwills. **Gross:** $16,200. (Average, $14,300.)
"THE BAND PLAYS ON" (M-G-M)
"MENACE" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $6,000.)
"LITTLE MEN" (Mascot)
ERLANGER — (1,400), 25c-40c, 7 days. **Gross:** $3,200. (Average, $5,000.)
"THE LITTLE MINISTER" (Radio)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,300. (Average, $8,000.)
"BRIGHT EYES" (Fox)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $8,400. (Average, $8,000.)
"KENTUCKY KERNELS" (Radio)
"ONE EXCITING ADVENTURE" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,700. (Average, $6,500.)

Form Atfam Theatre

DOVER, Del., Jan. 6.—Atfam Theatre Corp. has been incorporated here, listing capital stock of 200 shares, no par value. The incorporators are Y. F. Freeman, M. F. Gowthorp and W. R Cokell, New York City.

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Showmen Eye Censor Bill's Surety Bonds

Last Eagle Glances Over License Requirements

ALBANY, Jan. 4.—Exhibitor speculations as to who might be backing the new censor bill introduced by Senator McCall has focussed attention on the clauses which require distributors and exhibitors to file surety bonds or insurance policies in order to secure licenses to do business.

State and municipal licenses usually require a fee, it is pointed out, but governing bodies depend upon their police powers to collect fines for violations or to enforce suspension or revocation of a license.

There are 1,539 theatres in New York State. A $10 license fee would cost exhibitors $15,390 additionally

(*Continued on page 4*)

Film Bill Chances Held Slim; Two In

WASHINGTON, Jan. 4.—Where film legislation will get, if any place, at this session of Congress is anybody's guess. The impression prevails that few measures not connected with the New Deal, or with some other problem the Administration considers important, will get out of committee.

Two film bills that kicked around the last session have reappeared. Both are by Congressman Emanuel Celler of New York. One prohibits block

(*Continued on page 4*)

Roxy Sets 4-Year Mark with $42,300

Garnering $42,300 on the second week of "Anne of Green Gables," the Roxy broke a four-year box-office record. About $15,000 was taken in on New Year's Eve, when $1.10 was charged for all seats.

The Paramount on the second week of "Here Is My Heart" held up as well as the first stanza with $55,000. "Bright Eyes" at the Palace took in $10,500.

A.C.Gutenberg Heads New Wisconsin Unit

MILWAUKEE, Jan. 4.—A. C. Gutenberg of this city today was named president of the newly organized Independent Theatres Protective Ass'n.

(*Continued on page 4*)

Ship film by National Film Carriers, Inc., and be certain of on time delivery.—Adv.

Schaefer, Walker Names Up for New Para. Board

Important Paramount creditor support is being given to George Schaefer and Frank C. Walker as well as Charles E. Richardson for membership on the company's new board of directors in current meetings on the selection of additional members, it was learned yesterday.



Frank C. Walker

Schaefer, Paramount general manager, was prominently mentioned for a post on the board earlier in the reorganization proceedings, but the initial board membership, when completed, failed to include his name. His name, it is understood, was not proposed again until meetings held by the reorganization groups during the past few days, during which significant support has been thrown his way, according to reports. Richardson's name, likewise, had been before the reorganization groups earlier, and at the meetings held since his



George J. Schaefer

(*Continued on page 2*)

British Film Supply Above Quota Needs

By BRUCE ALLAN

LONDON, Jan. 4.—British Board of Trade statistics, made public today, demonstrate that there were five English-made pictures available for every three demanded under the Quota Act during 1934.

Footage on British films registered last year ran to 1,283,841 feet, comparing with 1,202,197 feet in 1933, thus making the percentage of domestic product 22.27 for 1934 as against 22.20 percent the year before.

Total footage of product registered was 5,288,708 feet and the number of features 670, of which the British representation was 190.

From another government quarter, cognizance also was taken today of

(*Continued on page 4*)

Probe in Australia Of Boycott Impends

By CLIFF HOLT

SYDNEY, Jan. 4.—The Government today was reported preparing to investigate with a view to acting on the report American distributors had boycotted *Everyone's*, Australian trade paper, for that publication's editorial policy of not supporting distributors in

(*Continued on page 4*)

Minneapolis Hopeful; '34 Just a Year

MINNEAPOLIS, Jan. 4.—The year 1934 was pronounced "one of those years" by Minneapolis theatre men as they chalked it off on their calendars and turned to 1935 which they regard with a similarly fishy eye.

In spite of the jaundiced attitude, however, there were those here and there on theatre row who went so far as to say that 1934 had been roughly 25 per cent better than 1933.

"If there was an edge," said one manager, "it was due to the distribution of federal funds for employment and relief. The people have to have entertainment and the movies are the most economical entertainment they can buy."

Developments during the year bore out the statement. Grind houses in

(*Continued on page 2*)

Appeal Halts Moves In St. Louis Suit

ST. LOUIS, Jan. 4.—The receivership suit against the Skouras Brothers Enterprises, Inc., has been temporarily halted by the filing of an application with the Missouri Supreme Court at Jefferson City for a writ of prohibition to prevent Circuit Judges Henry A. Hamilton and Frank C. O'Malley

(*Continued on page 2*)

New Recovery Plan Held Aid To Box-Office

Work Income to Replace Direct Relief Funds

By CLARENCE LINZ

WASHINGTON, Jan. 4.—Box-office prospects for the new year were today brightened by President Roosevelt's announcement in his message to Congress that he was prepared to abandon direct relief for the unemployed in favor of a work program which would give those now jobless a larger income than they receive through relief agencies.

The President's plan contemplates the furnishing of work for 3,500,000 persons, who would receive "security payments" larger than the amount now received as a relief dole, "but at the same time not so large as to encourage the rejection of opportunities for private employment."

Other phases of the President's program will be the renewal and clarification of the general purposes of NIRA, the gradual tapering off of the emergency credit activities of the Government, improvement in forms and methods of taxation and unemployment and old age insurance.

Reiterating his assurance that the profit motive is not to be destroyed,

(*Continued on page 4*)

RKO Clearance Hit In Century Protest

Century circuit yesterday filed a clearance protest against RKO in Far Rockaway and Jamaica contending that there is no competition between Century's Fantasy in Rockville Center and the RKO units in the two spots mentioned.

The case is slated to come before the Long Island advisory board on Wednesday.

On Tuesday the New York grievance board is slated to hear a premature advertising complaint filed by the Roxy against the Kingsway, Century house. The picture involved is "Imitation of Life," which played three weeks at the Roxy, starting Nov. 23, and was advertised by Century on Nov. 26.

Allied Details Its Ideas on New Campi

WASHINGTON, Jan. 4.—Details of the Allied plan for reorganization of Code Authority agreed upon at the New Orleans meeting are revealed in the latest Allied bulletin. Campi

(*Continued on page 4*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Cupid's Grosses Up

Rudolph Weiss of Warners realty department was given a bachelor dinner at the M. P. Club Thursday night. He becomes a benedict tomorrow at Temple Emanu-El.

Joe Lee of the Fox New York sales force is planning to get married within the next few weeks. He is keeping the bride's name a secret.

Jennie Jelin, who operates the Opera, New Brunswick, N. J., will become a bride sometime in February. She is telling friends she will marry a local film man, name a secret.

In the Sick Bay

Irving Windisch, publicity and exploitation head for Warners metropolitan theatres, is home with the grippe.

At United Artists, Harry D. Buckley, Arthur W. Kelly and Thomas Patrick Mulrooney are down with bad colds.

McKenzie Is Returning

HOLLYWOOD, Jan. 4.—Maurice McKenzie, executive secretary of the Hays organization, is on his way east. Will Hays will remain two more weeks in conference with producers on plans for the new season.

Warner, Einfeld Coming

HOLLYWOOD, Jan. 4.—Harry M. Warner and S. Charles Einfeld, Warners' publicity and advertising chief, left for New York tonight.

Schaefer, Walker Names Up for New Para. Board

(*Continued from page* 1)

resignation Dec. 29 as a Paramount trustees it has revealed strong support. His name has also been linked with a later election to the vice-presidency of Paramount.

Walker, who is vice-president of Comerford Theatres and former executive secretary of President Roosevelt's National Emergency Council, is a new name suggested for the board. Austin Keough, secretary and general counsel of Paramount; Walter B. Cokell, treasurer, and Max D. Howell, vice-president of Chemical Bank & Trust Co., all of whom were named to the board as temporary members, are still regarded as such in reorganization circles.

Additional meetings on the new directorate are scheduled for this week-end with definite results expected by early next week. Discussions on a separation of the Paramount Broadway reorganization from the Paramount Publix plan and of changes in the provisions for settlement of Paramount's bank debt are reported to have been abandoned for the time being.

Court Studies Plea In Tri-Ergon Action

A motion by American Tri-Ergon to amend its claims against Paramount Publix to include a claim for an indeterminate amount for alleged infringement of the flywheel patent was taken under advisement yesterday by Federal Judge Alfred C. Coxe following a hearing. The court indicated it would have no objection to the amendment sought.

Tri-Ergon's original claim against Paramount, also for an undetermined amount, is based on alleged infringements of the double print patent.

Son to the Considines

HOLLYWOOD, Jan. 4.—John Considine, Jr., yesterday became the father of a boy, born at Good Samaritan Hospital. The mother is the former Carmen Pantages.

Minneapolis Hopeful; '34 Just a Year

(*Continued from page* 1)

the downtown district did a steady business for the most part throughout the 12 months. Neighborhood houses, offering second and subsequent runs of hit shows showed increases almost all along the line.

Ten and 15-cent houses got the play except for smash hits and it was tough to get even these to a 50-cent top.

An oddity in the situation was the forcing of the Palace to raise its scale from 10 to 15 cents. The theatre was being operated chiefly to pay rent and upkeep but found itself shut out of product. William Mick slapped in vaudeville to bolster such product as he could get at 15 cents and has been turning them away from the box-office at times. He is now playing first runs from lesser companies and using 55 minutes of standard vaudeville.

De luxe houses have followed suit to some extent. Resurrection of small time vaudeville in 1935 would therefore appear to be a possibility.

Minneapolis' Time theatre has been feeling its way with more or less leftover product and is dropping its top to 25 cents shortly, a price which is very generally used by neighborhood houses, though Time is in the heart of the Loop. It is a small house and was built with some idea of featuring news reels.

Al Steffes with his little World has had a remarkable year although he has lately been running into some difficulty getting hold of product for his class clientels. His top is 75 cents.

Plans Dostoievsky Film

HOLLYWOOD, Jan. 4.—Dostoievsky's "Crime and Punishment" will be filmed by Columbia.

Big Board Issues Mostly Down

	High	Low	Close	Net Change	Sales
Columbia Pictures, vtc	39¾	39⅛	39⅛	— ⅜	300
Consolidated Film Industries	5¾	5⅝	5⅝	.....	300
Consolidated Film Industries, pfd	20¼	20	20	— ¼	1,600
Eastman Kodak	116¼	115¼	115¼	— ¼	1,100
Eastman Kodak, pfd	141	141	141	+3	7,000
Fox Film "A"	13¼	13⅛	13¼	+ ⅛	300
Loew's, Inc.	34⅛	33⅝	33⅞	— ¼	1,200
M-G-M, pfd.	28¼	28¼	28¼	.....	100
Paramount Publix, cts	3¾	3⅜	3½	— ⅛	4,500
Pathe Exchange	1⅜	1¼	1¼	— ⅛	1,700
Pathe Exchange "A"	16¾	16	16¼	.....	900
RKO	2½	2⅜	2⅜	— ⅛	3,300
Warner Bros.	4⅝	4½	4½	.....	2,200
Warner Bros., pfd.	21½	21⅜	21½	— ⅜	23,000

Technicolor Climbs ⅜ on Curb

	High	Low	Close	Net Change	Sales
Technicolor	13⅜	13⅜	13⅜	+ ⅜	100
Trans Lux	2⅜	2⅜	2⅜	.....	600

Keith Bonds Take Half-Point Gain

	High	Low	Close	Net Change	Sales
General Theatre Equipment 6s '40	9½	9	9	+ ⅝	21
General Theatre Equipment 6s '40, ctf	9	9	9	— ¼	1
Keith B. F. 6s '46	74¼	74	74¼	+ ½	12
Loew's 6s '41, ww deb rights	105¾	105½	105½	.....	4
Paramount Publix 5½s '50	62½	62½	62½	.....	2
Pathe 7s '37, ww	103	102½	102⅞	+ ⅜	17
Warner Bros. 6s '39, wd	60½	59½	59½	— ¼	4

(*Quotations at close of Jan.* 4)

Purely Personal

SIGMUND ROMBERG yesterday saw "Night Is Young" twice at M-G-M. Once with the advertising force and the other with top-line executives.

LIONEL STANDER, the Nick Parkyakakas on EDDIE CANTOR'S radio program, has been signed by Radio for a role in "Four Stars of Love."

JOHN CURTIS, vice-president of First Division Exchanges and First Division Prod., leaves today by plane for the coast.

ROSA STRIDER REILLY'S first novel, "Help Wanted—Female," has been acquired by Authors' Publications, Inc.

E. T. GOMERSALL of Universal is back from Cincinnati, where he spent the holidays with his family.

BORRAH MINNEVITCH has been signed to make a one-reel musical short for Vitaphone.

MADY CHRISTIANS left for the coast yesterday after a short vacation here.

AL FRIEDLANDER is battling the after-effects of a recent minor operation.

HARRY ARTHUR and JACK PARTINGTON leave for St. Louis today.

BILL FITELSON is planning another trip to Europe for early spring.

TOM TYLER, western star, is in New York for a short vacation.

MOE STREIMER heads for Miami about the middle of the month.

AL LICHTMAN and PAUL LAZARUS are in Los Angeles.

COL. E. A. SCHILLER will spend the winter in Atlanta.

MILT KUSELL shuffles off to Buffalo next Tuesday.

SI SEADLER returns from Havana on Jan. 21.

Appeal Halts Moves In St. Louis Suit

(*Continued from page* 1)

from putting into effect various orders they have made in the litigation.

The clerk of the Supreme Court has sent out the customary telegraphic instructions to the judges not to proceed further until the high court can act on the new petition. Judge Hamilton's term will expire on Jan. 7. Judge O'Malley has been assigned to the division formerly presided over by Judge Hamilton and therefore would have charge of the suit.

The suit is one of many growing out of the factional fights in the Skouras Brothers Enterprises and affiliated concerns. The action was originally brought by William A. Blake and several minority stockholders and charged that the directors of the company had been "negligent, etc.," and that "the assets of the corporation have been dissipated and its stockholders have suffered great loss." The appointment of a temporary receiver was asked.

Recently an effort was made to have Referee in Bankruptcy John A. Hope direct Nelson A. Cunliff, trustee for the St. Louis Amusement Co., to intervene in the Blake suit. Hope declined.

Some months ago Judge Hamilton found against Blake and his associate plaintiffs, but counsel have asked for a rehearing.

Still
UNIQUE

WHEN it was introduced in 1931, Eastman Super-Sensitive Panchromatic Negative was definitely a "new and different" product. And there is still no other film like it...no other has wrought comparable changes in motion picture procedure, or contributed as much to motion picture quality. It is only natural that this Eastman film should be unique, also, in the enthusiasm which it continues to arouse among cameramen and producers. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

New Recovery Plan Held Box-Office Aid

(Continued from page 1)

the President issued a warning to big business that the Administration has "a clear mandate from the people that Americans must foreswear that conception of the acquisition of wealth which, through excessive profits, creates undue private power over private affairs and, to our misfortune, over public affairs as well."

Denying this implied a socialistic trend, the President assured Congress "we do not destroy ambition, nor do we seek to divide our wealth into equal shares on stated occasions."

Allied Details Its Ideas on New Campi

(Continued from page 1)

would be equally divided between "sellers" and "buyers."

In the "sellers" division, under the Allied plan, would be grouped all producing and distributing companies, together with theatres they own or control, or with which they have affiliation. The "buyers" would be "all independent theatres not affiliated in any way with the group known as 'sellers,' either in a direct business connection or indirectly through associations or organizations financed or controlled by the group known as 'sellers.'"

This basic division would also be applied to clearance and zoning and grievance boards.

Allied offers no suggestions as to how the "sellers" would be chosen, but does urge that three government members with voting powers be named.

The latest bulletin reveals that the board of directors will meet in Washington Jan. 24 and 25, if these dates prove satisfactory, so that the legislative program can be pushed.

The annual convention will be held in Atlanta some time in May. The date will be fixed by the directors at their Washington meeting.

Flinn to Boston on Clearance Problems

John C. Flinn left for Boston last night to attend a meeting of the clearance and zoning board today. Exhibitors and distributors in that territory will be told to drop plans for a schedule in favor of individual protests. Buffalo theatre men and exchange heads were advised last week by Campi to discard the zoning schedule and resume filing individual complaints.

Flinn will return Monday and will make a report of his trip to Campi on Thursday.

Hearing Notices Arrive

Members of the NRA fact-finding committee which promulgated the tentative operators' scale in New York received notices yesterday from the Government notifying them of the public hearing at the Raleigh, Washington, on Jan. 11.

Coast Report to NRA

HOLLYWOOD, Jan. 4.—The full printed report and argument in support of the adoption of a code of fair practice to govern relations between producers and actors was airmailed to the NRA in Washington tonight.

Probe in Australia Of Boycott Impends

(Continued from page 1)

their move to circumvent the new proposed national quota. The alleged boycott is creating a furore in the trade here.

SYDNEY, Dec. 12.—Pending quota legislation by the New South Wales Government as already outlined in MOTION PICTURE DAILY, exhibitors, distributors and producers jointly have prevailed upon the Government to withhold action until consideration is given to their case for modification of certain clauses in the bill.

Warners Cut Scales In St. Louis House

ST. LOUIS, Jan. 4.—The local first run theatre fight was accentuated with an announcement that the Shubert will slash its admission schedule. Under the new arrangement the adult price will be 25 cents to 6 P.M. and 40 cents thereafter. The Shubert is operated by Warners. The Orpheum, the other local Warner first run, will continue the old schedule of 25 cents to 2 P.M., 35 cents to 6 P.M. and 55 cents at night. No change will be made in admission prices at the Highpointe, Warner second run.

Colman Up for "Cities"

HOLLYWOOD, Jan. 4. — Having cleared the rights to "Tale of Two Cities," M-G-M is considering Ronald Colman for the role of Sidney Carton.

Bela Lugosi has been signed for "Vampire of Prague." "Love Laughs at Life" is being considered as the new title for "Only Eight Hours." "Town Talk" has been changed to "After Office Hours."

Plan Harlem Office

The American Federation of Actors plans a branch office in Harlem for the 800 professional entertainers in the district. A special meeting for colored performers is to be held shortly.

Wants Moratorium Kept

ALBANY, Jan. 4.—Extension for another year of the moratorium on mortgage foreclosures is provided for in a bill on the calendar of the Legislature.

Long Termer for Vallee

HOLLYWOOD, Jan. 4.—Warners have signed Rudy Vallee to a long-term contract calling for his exclusive film services. An Annapolis story will be the first.

Meet for Code Showdown

HOLLYWOOD, Jan. 4. — The writer-producer five-five committee met late tonight for a final showdown on a code of fair practice.

Loew Takes "Time" Reel

First Division yesterday closed with Loew's for the "March of Time" series over the entire circuit.

Casey to Coast Soon

Pat Casey yesterday stated he plans to leave for the coast again around Feb. 1.

"Baboona" for Rialto

World premiere of "Baboona" is set for Jan. 21 at the Rialto.

Court Awards Union Man $12,079 Salary

BUFFALO, Jan. 4.—With an award of $12,079 for wages lost while unemployed, Arthur Geddes, Buffalo projectionist, has been ordered reinstated as a member of the M. P. Operators' Union, Local 233. Justice Thomas H. Noonan made the ruling in Supreme Court on the ground that Geddes was illegally expelled from the union in Sept., 1933, without a fair trial on charges that he tried to interfere with strikers picketing neighborhood theatres.

The money award is based on a wage of $65 a week. Geddes brought suit for recovery and reinstatement against Benjamin N. Pinzel as president of the Buffalo local. Each of the 109 members of the local faces an assessment if the union lacks funds to satisfy the judgment.

A.C.Gutenberg Heads New Wisconsin Unit

(Continued from page 1)

Other officers elected were: F. J. McWilliams, Madison, vice-president; J. J. Boden, South Milwaukee, secretary; E. Langemack, Milwaukee, treasurer. The following directors were named: W. Silcock, Lake Geneva; A. C. Berkholtz, West Bend; L. F. Thurwachter, Waukesha; F. L. Koptelberger, LaCrosse; George Fischer, B. K. Fischer, E. F. Maertz, Ross Baldwin, Tom Saxe, Charles Washicheck, R. J. Patterson, all of Milwaukee.

Represented in the group are 115 independent theatres.

Girls from Coast Sail

Twelve girls who have been working for Paramount on the coast sail today on the *Lafayette* for England to appear at Dorchester House, London. They are: Nancy Caswell, Alma Raase, Alice Patricia Krausse, Dorothy E. Lansky, Lydia Rashetnikoff, Lu Anne Mosley, Helen Curtis, Eugenia M. Fursa, Jeannette Dickson, Florence Blunier, Lora Lane Hansen, Harriett Jane Northfoss and Nora Gale.

Underwood, Ezell Return

HOLLYWOOD, Jan. 4.—William G. Underwood and Claude C. Ezell, Monogram franchise holders for the Texas territory, who arrived Monday to confer with Trem Carr on Monogram's new program, leave today.

Sherman Will Filed

HOLLYWOOD, Jan. 4.—According to the will filed here for probate, Lowell Sherman who died recently from pneumonia, left his entire estate, which was valued in excess of $10,000, to his mother, Mrs. Julia Louisa Sherman.

Mamoulian on "Sharp"

HOLLYWOOD, Jan. 4.—Rouben Mamoulian has been signed to complete "Becky Sharp" which Lowell Sherman was directing for Radio just before his last illness.

Huffman Case Adjourned

DENVER, Jan. 4.—Harry Huffman's action for an injunction against the grievance board and exchanges was adjourned in U. S. District Court today to tomorrow. A decision may be probable by Monday.

Censor Bill Bonds Eyed by Showmen

(Continued from page 1)

in license fees. How many distributors there are in the state is not known exactly—possibly between 50 and 60. The license fee for these would be $50 each.

How much bonds would cost cannot be known until the bill becomes a law, if it ever does. The distributors' bonds would be for $5,000 each and exhibitors' $1,000 each. The Rating Bureau would fix the cost, but it was stated unofficially yesterday that the rate for bonds over $1,000 might be one per cent, or $50 each, and for the smaller bonds the fee might be lower, possibly one-half of one per cent, or $5 each.

Film Bill Chances Held Slim; Two in

(Continued from page 1)

booking and the other legalizes interstate transportation of fight films.

The block booking bill is designed to "prevent obstruction and burdens upon interstate trade and commerce in copyrighted motion picture films and to prevent the restraint upon the free competition in the production, distribution and exhibition of copyrighted motion picture films, and to prevent the further monopolization of the business of producing, distributing and exhibiting copyrighted motion pictures by prohibiting blind booking and block booking of copyrighted motion picture films and by prohibiting the arbitrary allocation of such films by distributors to theatres in which they or other distributors have an interest, direct or indirect, and by prohibiting the arbitrary refusal to book or sell such films to exhibitors in which they have no interest."

British Film Supply Above Quota Needs

(Continued from page 1)

films when the Department of Overseas Trade issued its report on India and said, in part:

"It is hoped that the Government of India may be prevailed upon to encourage sound, wholesome British productions by granting fiscal advantages."

Indian importations last year were 4,500,000 feet from the United States. British importations were less than 1,333,333 feet.

Nate Sauber to Buffalo

Nate Sauber, manager of Universal's Albany exchange, has been transferred to Buffalo in a similar capacity, succeeding Dave Miller, who has resigned. Peter Dana of the Buffalo exchange has been advanced to become Sauber's successor at Albany.

Miller has taken a post as film buyer for Warner theatres in Philadelphia. Fifteen years with Universal, he was a member of the Buffalo grievance board and chief barker of that city's Variety Club.

Hold L. A. Dreher Rites

CHICAGO, Jan. 4.—Funeral services were held here yesterday for Lewis A. Dreher, booker at the Fox exchange, who died on Monday after a protracted illness. He was 47 and is survived by his widow, one son and a daughter.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 6 NEW YORK, TUESDAY, JANUARY 8, 1935 TEN CENTS

See St. Louis Probe As Test If Trust Laws Live

Probe Cloaked in Secrecy; Testimony Given Privately

ST. LOUIS, Jan. 7.—With the utmost secrecy which always surrounds its proceedings, the Federal grand jury for the Eastern District of Missouri this morning opened its investigation to determine whether there has been any violation of Federal laws in connection with the sale and distribution of films in this territory.

It is anticipated from the number of witnesses called locally and from out-of-town points, including a repre-

(*Continued on page* 8)

First Again

First indications of a Federal probe into the St. Louis product situation revolving around the Ambassador and Missouri were published in *Motion Picture Daily* on Jan. 3.

This was a two-day beat on all other trade papers and three days ahead of daily newspapers in New York.

Films, Sounding Board From Which General Moves May Spring

WASHINGTON, Jan. 7.—Fortified by President Roosevelt's support, the Department of Justice is out to show industry and the nation at large that the anti-trust laws have survived the New Deal and is using the film business as a sounding board.

Before a Federal grand jury in St. Louis, the Department today began the presentation of charges which Justice officials confidently believe will lead to indictments against leading distributors. Using the complaint made by St. Louis independents as the basis for its presentation, the Department, in fact, is about to bring before the courts the charges made by witnesses appearing last year before the Darrow National Recovery Board of Review.

Officials are saying little or nothing about the case, but it is understood Attorney General Cummings authorized initiation of proceedings only after he had conferred with the President and received White House approval of his course.

Indications are that, if the prosecution is successful, the government may embark upon a "trust busting" campaign on a scale unequaled since the days of the first President Roosevelt.

(*Continued on page* 8)

U. K. Perking Up; Forecast For '35 Good

But Legislation May Furnish Problems

By BRUCE ALLAN

LONDON, Jan. 7.—The most encouraging factor in the situation which faces the British industry at the outset of the New Year is that a definite, if slow, improvement in the general economic, commercial and industrial conditions of the country has set in.

The fact is indisputable; it is reflected in statistics of employment, in company profits, and in the willingness and ability of investors to finance new enterprises. The revival of Brit-

The inside and the lowdown on the German industry in 1934 with a look forward to 1935—in an early issue.

ish trade has been slow, but for that very reason is likely to be progressive.

Box-office potentialities are, therefore, greater than they have been and may be greater even than many at present think. Such unpredictable factors as weather, a possible general election, or political developments in

(*Continued on page* 8)

California Income Tax Seen Looming

SACRAMENTO, Jan. 7.—What the present session of the Legislature will attempt in the way of laws affecting the industry will be known here in a

(*Continued on page* 8)

March Will See New Warner Program Set

CHICAGO, Jan. 7.—Warners will set their program for 1935-36 in New York in March, according to S. Charles Einfeld who passed through

(*Continued on page* 8)

Up Next Week

Washington, Jan. 7. — Review of the Tri-Ergon case today was placed on the calendar of the U. S. Supreme Court for hearing about the middle of next week.

On time film delivery assured by members of National Film Carriers, Inc.—Adv.

Erpi Exhibit Shows Newest Sound Gadgets

By J. M. JERAULD

There's more to sound than meets the car and there's more to gadgets that look like automobile dashboards than meets the eye. Plenty more. The problem in telling about it is to translate decibels, kilocycles, octane ratings, amperes, frequencies and other mysterious terms into simplified English.

When more engineers become show-

(*Continued on page* 11)

Continuation Of Admission Tax Is Urged

By BERTRAM F. LINZ

WASHINGTON, Jan. 7.—Continuation of the admission tax at its present level until at least June 30, 1936, was today asked of Congress by President Roosevelt in his annual budget message.

Revealing that appropriations of $8,520,413,609, of which $4,582,011,475 will be for recovery and relief activities, will be required for opera-

(*Continued on page* 11)

Urges Skeletonized Formula for Codes

WASHINGTON, Jan. 7.—Skeletonization of many of the Recovery codes was today suggested by the Consumer's Advisory Board of the NRA.

Submitting a lengthy report on its views on codes, the board charged that "special interests" had dictated the writing of many of the agreements

(*Continued on page* 10)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"David Copperfield"

(M-G-M)

By VICTOR M. SHAPIRO

HOLLYWOOD, Jan. 7.—Dickens painted pictures with words—too many words say the less reverent of his critics—but the pictures were complete nevertheless. Tender when need be, emotionally varied, satirical at times, even caricatured when need be for emphasis, he created things that gained in importance as classics.

Putting them into picture form requires an understanding of Dickens

(*Continued on page* 10)

"Ectacy" Banned

Washington, Jan. 7. — The Treasury Dep't today refused to permit importation of "Ectacy." Federal officials who saw the picture agreed it was "highly interesting," but hardly suitable for general showing.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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"U" Half Way Along; Active on Big Ones

HOLLYWOOD, Jan. 7.—Universal has reached the half-way mark in production and in the next three months expects to complete the bulk of its major product for the current season. With executive changes, chief among which is appointment of Carl Laemmle, Jr., as an associate producer, effected, the studio feels it is now set to go.

In work now are "The Return of Frankenstein," starring Karloff; "It Happened in New York" with Lyle Talbot, Heather Angel and others; "Princess O'Hara" with Chester Morris and Jean Parker. "Transient Lady" with Gene Raymond, Henry Hull and Frances Drake is virtually completed.

Lily Damita is being considered for the role of Anna Held in "The Great Ziegfeld" in which William Powell will star. Upon his return from New York, John M. Stahl will start on "Magnificent Obsession" while others advancing in blue print are "Diamond Jim" with Edward Arnold; "Moon Mullins"; Edmund Lowe in "The Great Impersonation," "Sing Me a Love Song," Irene Dunne in "Showboat," "Within This Present," "Sutter's Gold" and "The Raven."

Lange Sails Soon

Fred W. Lange, Continental general manager for Paramount, has set back his sailing for home until Jan. 16 when he leaves on the *Washington.*

Purely Personal

EUGENE O'NEILL, KENNETH MACGOWAN, SIDNEY HOWARD, FRANK TUTTLE, MAURINE WATKINS, ROBERT BENCHLEY, EDWARD KNOBLOCK, ROBERT EDMOND JONES and virtually all of the gang that worked under BILL LE BARON when he was running the Paramount studio in Astoria were drama students of GEORGE PIERCE BAKER, noted Harvard professor, who died Sunday afternoon.

LEOPOLD FRIEDMAN, Loew attorney, pulled a brodie the other day while riding a horse and is now at Mt. Sinai recuperating from an operation on the left eye. It's probable the horse forgot FRIEDMAN had M-G-M protection.

WALT DISNEY appears to have really ridden to fame on his mouse. DURWARD HOWES, editor of "America's Young Men," has picked him as one of the 12 outstanding men in the country.

GENEROSO PONCE, president of Irmaos Ponce, Brazilian distributor for Radio, got into town yesterday for conferences with PHIL REISMAN and other home office officials on new product.

AL LICHTMAN, in Hollywood, was so het up after seeing "Clive of India" yesterday that he immediately called JOSEPH M. SCHENCK on the 'phone and told him what a great picture it was.

ROSITA MORENO, who recently announced her engagement to MELVILLE A. SHAUER, Paramount production executive, will be met at Grand Central tomorrow, en route to Astoria.

BEN VERSCHLEISER, one of Monogram's supervisors, had a happier day here yesterday when he learned his father is doing nicely after an operation at Mt. Sinai Hospital.

DAVE PALFREYMAN, at present looking over the Washington Monument and other items of interest in the nation's capital, is expected back here tomorrow or Thursday.

SYLVIA SIDNEY takes a choo-choo to Hollywood late this week to resume training for her next picture, Paramount's "The End of the World."

LYNN FARNOL's friends gave a swell New Year's Eve party at his apartment, hitherto undiscovered reporting revealed yesterday.

ED KUYKENDALL is due in town Thursday for his regular attempt at converting Campi to a clearance and zoning viewpoint.

M. J. O'TOOLE, former national secretary of M.P.T.O.A., was pacing Broadway yesterday during a visit from Scranton.

M. G. SHACKELFORD is now booker for Monogram in Kaycee, succeeding JOHN SCOTT. This is ED FINNEY reporting.

SAM BERGER, M-G-M foreign representative, was due in New York yesterday from a flying trip to the coast.

Compliance Director SOL A. ROSENBLATT returned yesterday from a 10-day West Indies cruise.

MAURICE MACKENZIE, executive assistant to WILL HAYS, back from glamorous Hollywood.

LEO and SIDNEY JUSTIN have returned from a southern cruise.

JOE LEE of Fox emphatically denies he intends to get married shortly.

AL SELIG is mourning the death of his mother.

A. W. SMITH is in St. Louis.

IRENE THIRER, quondam critic on the *Daily News,* will write two or three reviews per week for the *Post* as sort of second-string typewriter pounder to THORNTON DELEHANTY. This will have nothing at all to do with her duties on behalf of ARTHUR MAYER at the Rialto.

CAROLE LOMBARD, who has been getting along without the things she meant to buy before being called back to Hollywood on the day of her arrival here last October for a shopping visit, is due in from the coast by plane today.

MARGO, who danced up from Mexico only to be discovered at the Waldorf by BEN HECHT and CHARLIE MACARTHUR, returns to the city today on completion of her first in Hollywood for Paramount.

ARTHUR STEBBINS longs for a sight of sunny California and begins to make his wish come true when the Century pulls out this afternoon. At least, this was yesterday's plan.

SAM KRELLBERG arrives from the coast next week with a print of his new serial, "The Lost City," tucked away in his trunk.

POLA NEGRI is in the dead center of a transportation problem. She sails for Europe on the *Bremen* Friday and has to get packed.

BEN CAMMACK of the RKO Radio foreign department leaves for Brazil sometime next week.

GEORGE KANN'S suppressed desire is no more. He's finally had that mess of spaghetti.

CHARLIE MINTZ, the cartoon man, has returned to the coast.

JOHN C. FLINN returned from Boston at 10:30 last night.

Palmer Wins Point In Fox Met Tangle

The right to examine members of the bondholders' protective committee of Fox Metropolitan Playhouses as to their affiliations, activities and other information pertinent to the committee's functions was granted Archibald Palmer, counsel for independent bondholders, in an opinion handed down yesterday by the U. S. Circuit Court of Appeals here.

Members of the committee are Ernest W. Niver, chairman; Joseph W. Dixon, William M. Greve, Max Horwitz and Alvin J. Schlosser. Palmer's petition to examine the committee members was originally denied by Federal Judge Julian W. Mack. In his recent appeal to the higher court he charged that Halsey, Stuart & Co. dominated the committee and declared that he wanted the examination in order to determine whether the committee had profited through buying or selling Fox Met bonds as a result of its knowledge of developments within the company.

The circuit court ruled that 21-A examinations have not been abolished by reorganization proceedings under Section 77-B of the new bankruptcy laws and that interested parties have the right to examine committee members on asking the court for it at the time of reorganization and on the submission of a reorganization plan. Palmer was instructed to make application for the examination in accordance with the opinion. He indicated earlier that he might ask the same examination of Paramount-Publix reorganization committee members.

48 to 52 Monogram's Plan for Next Year

Monogram's new season production schedule will be increased to 48 or 52, comprising 36 features and either 12 or 16 action pictures, it was learned yesterday following the arrival here of Trem Carr, production head.

A definite decision on the 1935-36 schedule will be made at the company's annual sales convention, to be held at Culver City early in April. The new season's plans compare with a current schedule of 20 features and eight action pictures. This schedule, Carr reported yesterday, is 70 per cent completed; 19 pictures having been finished.

Carr, who will be here three or four weeks, will confer with W. Ray Johnston, Monogram president, on the new production plans but described his trip as primarily a vacation one. During his absence Robert E. Welsh, executive producer, will be in charge of Monogram production.

"Barnum" at $35,400 In 2nd Rivoli Week

Second week of "The Mighty Barnum" at the Rivoli grossed $35,400. The Rialto with "Best Man Wins" tallied $15,000, while the Mayfair, showing "I Am A Thief" took in $14,500. "Wicked Woman" garnered $10,500.

The Strand reopens Jan. 23 with "Border Town." "Secret Bride," another Warner film, has been dated into the Roxy starting Jan. 25.

U. A. plans to day and date "The Mighty Barnum" in all key cities starting Jan. 25. On Sunday, the U. A. in Detroit grossed $3,600 and for the first three days at the Fox, Washington, the picture tallied $15,300, according to the company.

Ellis Named Head of N. Y. Salesmen's Club

Jack Ellis, RKO Radio salesman, has been elected president of the M.P. Salesmen, Inc. Joseph Weinberg is the new first vice-president, and Mathew Cahn, second vice-president. Moe Fraum is recording secretary; Charles Penser, financial secretary; Jerrauld Wilson, sergeant-at-arms. Phil Hodes is a new trustee.

The board of directors comprises Barnard G. Kranz, Joseph Felder, Max Fellerman and Jack Farkus. Induction will be Jan. 19 at a special luncheon at the Astor.

Skouras in Denver For Theatre Talk

DENVER, Jan. 7.—Spyros Skouras is due here tomorrow to confer with Rick Ricketson on reorganization plans for Associated Theatres, the new company for Fox Rocky Mountain.

Skouras will probably be here for a week to ten days. The local unit will be taken out of bankruptcy shortly after Fox West Coast Theatre Corp. starts functioning under its new setup.

Needles in Shipwreck

Henry F. Needles, district manager of Warner theatres in northern Connecticut and part of Massachusetts, it was learned here yesterday, was among the passengers rescued from the steamship *Havana* wrecked off the coast of Florida Sunday. Needles was on a vacation trip.

NEWS FLASH!

LOEW'S THEATRES FROM COAST TO COAST
ARE THE FIRST TO SIGN UP FOR

THE MARCH OF TIME

Loew's Theatres, the Poli Theatres in New England
and the Capitol Theatre in New York will have the

WORLD PREMIÈRE
FEBRUARY FIRST

Distributed by **FIRST DIVISION**

HARRY H. THOMAS, PRES. • ROCKEFELLER CENTER, NEW YORK CITY

•

"THE NEW MAJOR MARCHES ON!"



Dec. 15, 1934 THE Hollywood REPORTER

MGM'S 'BIOGRAPHY' REAL JOY;

Harding-Griffith Team Scores Again

"BIOGRAPHY OF A BACHELOR GIRL"
(MGM)

Direction .....E. H. Griffith
Original Play.....S. N. Behrman
Screen Play.....Anita Loos
Additional Dialogue....Horace Jackson
Photography.....James Wong Howe
Producer .....Irving Thalberg

Cast: Ann Harding, Robert Montgomery, Edward Everett Horton, Edward Arnold, Una Merkel, Charles Richman, Greta Meyer, Willard Robertson, Donald Meek.

Miss Harding is herself again and she's a joy, the picture is a pleasure, and the production is an entertainment you can't afford to miss. It's an elegant adaptation of a stage play by Anita Loos and Horace Jackson, so smoothly, so expertly, so painlessly directed by E. H. Griffith that you want the serio-comic mood to last forever instead of being over in a mere hour or so. Book it, and book it big by all means, it's a treat for the customers.

A girl-artist returns to America quite broke. The editor of a magazine makes her an offer no girl could refuse for the publication rights to her biography because the tabloids have played up her past love-life as a circulation-builder. Back into her life comes a childhood beau who is running for U. S. Senator. When said candidate for Congress learns she is to publish her life, he tries frantically, by himself and with the aid of his prospective father-in-law, to make her retract. In the end, the girl makes the editor tear up the contract for the biography and makes a good husband out of him to boot.

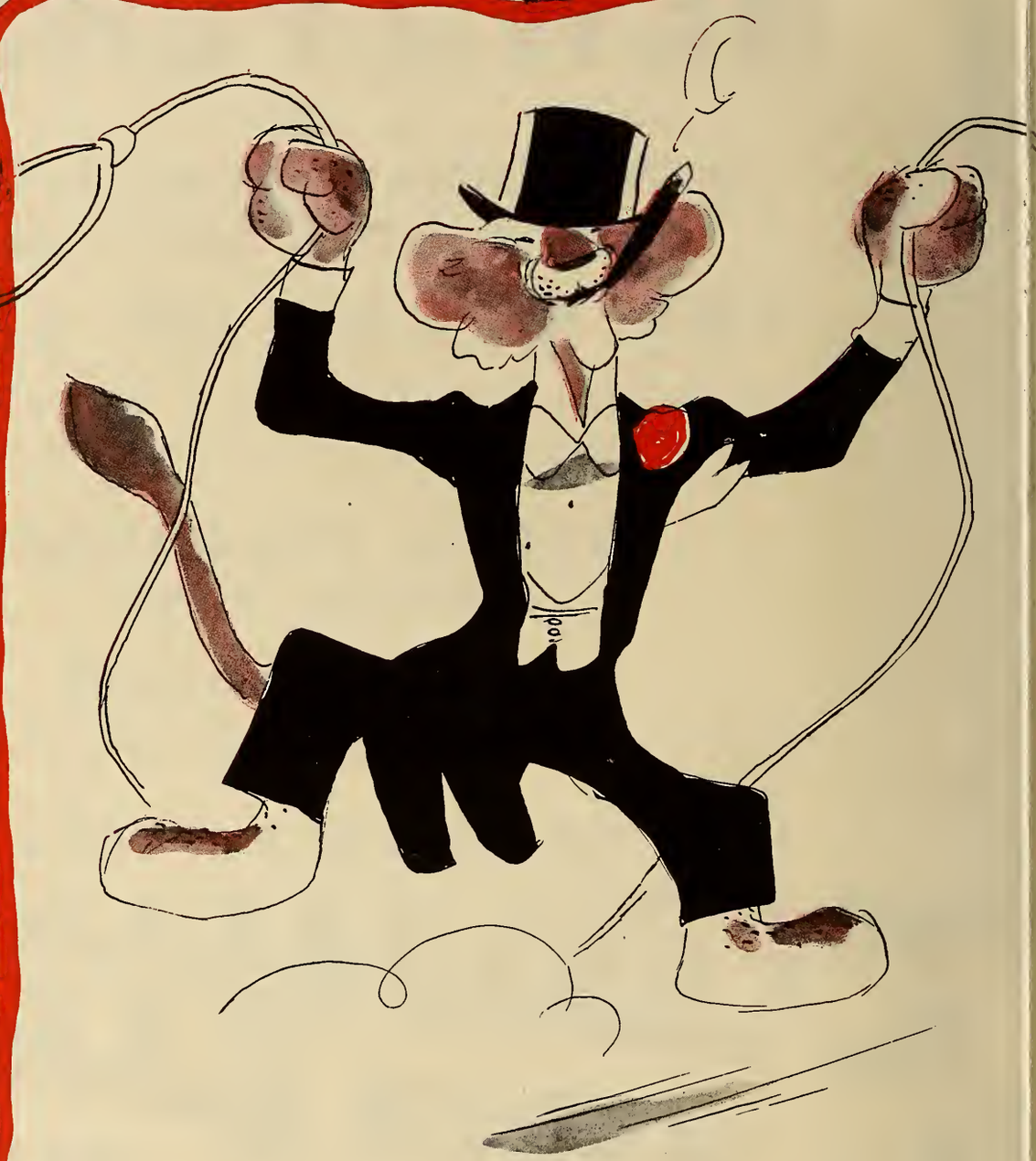
Miss Harding is once again the gal you learned to love in "Holiday." With a performance like this one, it is to be hoped that she will continue her screen career forever, preferably under the expert guidance of E. H. Griffith who seems to have found the secret of how to make Miss Harding give only the best. And that direction of his carries right through every performance in the picture and also accounts for the fact that no possible laugh is unaccounted for and the timing is just about perfect.

Robert Montgomery is excellent as the slightly smug, embittered young editor who is taught tolerance through love. Edward Everett Horton, in the fattest part he's been accorded in a long time, is simply grand as a composite portrait of a Congressman sired by a Babbitt. Charles Richman, as a Southern publisher of health magazines and an ardent physical culturist, steals away most of the scenes he's in. Edward Arnold, Una Merkel, Greta Meyer, Willard Robertson and Donald Meek, each is outstanding in contributing to a swell picture.

There are so many delightful moments so well worked out in the writing, so deftly accomplished without ever dragging humor in by the heels just for a laugh and keeping the love scenes keyed to the proper romantic pitch, that Anita Loos and Horace Jackson earn themselves an enormous pat on the back. It's one of the best movies ever made from play material. And James Wong Howe succeeds in making things look their best with his photography.

Ham[illegible] Can't Pick

Tuneful Operetta



A REVIEW AND AN AD!

Put the review in your lobby!

BACHELOR GIRL TELLS ALL!





SENSATIONAL revelations of "kiss and tell" bachelor girl forecast boom in railway traffic as former Don Juans prepare to leave town! Every new romance a new chapter in her diary!—one man daring her to print it while a dozen beg her not to! Screen story supplies final chapter!

TOGETHER again for the first time since "When Ladies Meet"—ANN HARDING and ROBERT MONTGOMERY—in a delightfully audacious and merry screen presentation of the Theatre Guild stage success that rocked Broadway with laughter for eight months!



WAS HIS FACE RED? Ann Harding bares story of affair with politically ambitious Edward Everett Horton when Horton, Sr. accuses her of blackmail.

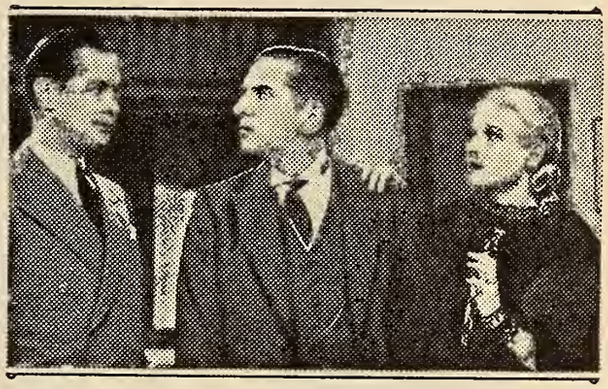
ANN HARDING
ROBERT MONTGOMERY
IN
"BIOGRAPHY of a BACHELOR GIRL"

with

EDWARD EVERETT HORTON • EDWARD ARNOLD • UNA MERKEL

Directed by Edward H. Griffith

A Metro-Goldwyn-Mayer Picture



YOU CAN'T PRINT THAT! Publication of biography threatens rift in Horton-Merkel engagement. Publisher Montgomery dangles fortune for serial rights.

Put the ad in your local newspaper!

AND YOU'LL THANK LEO WHEN THE CROWDS FLOCK IN!


THE AMERICAN WEEKLY
Sunday, Jan. 6,
How The Earth Looks From Other Worlds
GRACE MOORE'S GLAMOROUS
SERENA
MYSTERY
Collier's
5¢ a copy
TIME
The Weekly Newsmagazine
NEWS-WEEK
The Literary Digest
Who Are Just Home Town Folks
Silver Screen
CLIVE
THRILLING ADVENTURES
TWO-BOOK DETECTIVE
4 EXCITING MYSTERY NOVELS
Mechanics AND HANDICRAFT



Covering THE NATION

OF INDIA

60,000,000 PEOPLE

will read the full-page ads soon to appear in scores of national magazines on this greatest of

20TH CENTURY PICTURES

U. K. Perking Up; Forecast For '35 Good

(Continued from page 1)

Europe affecting this country have to be kept in mind, but offer no reason at the present moment for adopting other than a generally optimistic outlook. Exhibitor and producer will have a bigger and a more prosperous public than in 1934, and the real problems of the year may well prove to be political rather than commercial, it is anticipated.

This becomes plain by a mere statement of the major questions facing the industry. They are three in number:

Entertainment tax.
Theatre overbuilding.
New legislation.

The first two affect every section of the industry; the last is a matter which more immediately concerns American and other importers and may have very important effects on their activities.

The tax problem dates back to war years, but it will have a special significance in 1935 because, for the first time since it began its campaign for relief, the industry waits the budget with the knowledge that the chancellor of the exchequer is half pledged to a reduction of the tax, if revenue permits. Everyone anticipates a handsome surplus and there are reasonable hopes that the cheaper seats will be freed.

The present tax represents a levy on receipts of approximately 16 per cent. Complete repeal would restore the trade to prosperity; even a reduction, coupled with the increase of the public due to generally better conditions, may well result in the increase of the box-office possibilities of the country by from five to seven per cent.

Overbuilding Trade Problem

Overbuilding is a matter with which the trade itself must cope and the past year has seen the adoption of a definite policy of opposition to the erection of new theatres in adequately seated areas. Some notable successes have been obtained,—and, of course, some defeats suffered,—since the C. E.A. took this matter up.

And now to the real problem of 1935. The activities of the House of Commons in the first few months of the year are likely to have a bigger influence on the fortunes of distributors of American films than any single activity within the trade itself. So far as one can judge, the major companies as a whole are either blind to this possibility, or indifferent to it, although they may soon find themselves faced with a situation which may force a complete re-budgeting of their British business and which will certainly compel them to a new attitude to British production.

It is a distinct possibility that the Quota Act will be amended to secure that every registered British film is of a standard suitable for exhibition. This means that, as Hollywood was warned six months ago, the $25,000 "quickie" is doomed. Whether by means of a minimum cost clause, or by a quality test, producers will probably be compelled to spend more on their British films. An expert opinion is that a good second feature can be made for 30 shillings (roughly $7.50) a foot, but in practice it seems probable that the quota film minimum will be somewhere about $50,000.

To put this type of film on the shelf, even if the amended act allows of such action, would be bad business at the present time and it must be remembered that from April next distributors must carry an increased quota of 20 per cent.

From April, therefore, the American distributor will carry one British film for every four American, will increase the cost of each of the latter by at least $12,500 by maintaining his present policy of writing off his British films as a bad debt—if he is allowed to do so. It seems, therefore, that British conditions in 1935 will provide America with a very serious production and distribution problem and that some concerns may decide at last to include British-made films in their general schedule, on lines already followed by United Artists.

Probe Cloaked in Secrecy; Testimony Given Privately

(Continued from page 1)

sentative gathering from New York, that the probe may last three or four days. However, due to the rigid rules covering such investigations, witnesses are not permitted to reveal the nature of the testimony they may give to jurors.

Federal Judge C. B. Faris, who has charge of the grand jury, is extremely strict in enforcing the rules of his court. Therefore, until the grand jury makes its report in open court, no one can officially state what phase the investigation is taking.

Russell Hardy and Harold Schilz, special assistants to Attorney General Cummings, are directing the jury. Federal officials decline to discuss the matter from any angle.

The probe is an outgrowth of a complaint made last spring to the Department of Justice in Washington by Harry Arthur and Harry Koplar of Fanchon & Marco and the receivers for the Missouri, Ambassador and Grand Central. F. & M. leased the three houses for 10 years last summer and declared it was unable to get first run product with the exception of Columbia, Fox and Universal.

Couldn't Block It

Washington, Jan. 7.—While Department of Justice officials are maintaining their usual policy of silence on impending activities in their branch of the Federal government, it is understood efforts were made to head off the St. Louis probe which started in that city today to the extent of industry representatives visiting the White House.

Who they were cannot be learned.

Last Wednesday, major distributors here and New York were summoned to appear before the Federal Grand Jury today for the investigation Home office legal representatives and several executive sales personnel arrived here over the week-end.

Records as far back as 1931 were subpoenaed by exchanges and all files of the local code board were ordered. Lila B. Schofield, code secretary, also was summoned.

Mine Host—U. A.

United Artists yesterday tendered a party to the press at the Music Hall, where "The Tortoise and the Hare" was shown. It was Walt Disney's latest Silly Symphony. In the absence of Hal Horne, Monroe Greenthal played the part of the host.

U. A. Behind "De Luxe"

Reports that 20th Century was financing "De Luxe," new Chester Erskine show which opens Feb. 20 in New York, were confirmed yesterday by an executive of the company.

Mannix Under Knife

HOLLYWOOD, Jan. 7.—Eddie Mannix is in the Cedars of Lebanon Hospital today to undergo a minor operation.

Set for Capitol

"David Copperfield" is definitely set to open at the Capitol on Jan. 18.

California Income Tax Seen Looming

(Continued from page 1)

few days. The session opened this morning.

An income tax appears certain. Senator Culbert Olson, chairman of the Democratic state central committee, who seems to have wrested control of the Epic forces from Upton Sinclair, is in favor of it.

He also wants a tax on "surplus net earnings" of corporations, but isn't very clear as to what he means by the phrase. When asked to define it he said he meant "exorbitant earnings."

Governor Merriam is friendly toward the industry, but he, too, wants an income tax to help reduce the state's $100,000,000 deficit. A five-day week for industry and production-for-use bills are in the air.

March Will See New Warner Program Set

(Continued from page 1)

here this morning en route from Hollywood to New York. He is accompanying Harry M. Warner.

Preliminary discussions have been held on the coast in the last two weeks. Jack L. Warner will come east in about two weeks with the line-up in rough form. Already determined is roadshow handling next season of "Midsummer Night's Dream" and "Anthony Adverse," although the lead for the latter has not yet been selected. It appears Gradwell Sears' trip to Hawaii is not entirely for vacation purposes and that he has a circuit deal pending there.

"Clive" Plug Growing

Thirteen additional magazines have been added to those which will participate in the national campaign planned by United Artists on "Clive of India." This makes a total of 33 magazines.

See St. Louis Probe as Test Of Trust Laws

(Continued from page 1)

In presenting its case in St. Louis, the Department, it is said, will revive the testimony before the Darrow board to show that there has been no correction of the evils then complained of. The case brings again into the limelight Russell Hardy, special assistant to the Attorney General, who attacked the film code last year during the board hearings.

The suit is regarded here as important from a national viewpoint because of charges which have been made since the inception of the National Recovery Administration that the President's program for control of industry has suspended the anti-trust laws. It has been the consistent contention of the Department of Justice that those laws were suspended only so far as necessary to permit industries to act in concert in carrying out the aims of the Recovery Act. The attack against major distributors is intended to show, it is believed, the nation's business that the suspension did not go so far as to permit practices to restrict competition which had theretofore been barred.

Officials of the Department have been careful to explain that the suit is not part of a general campaign, but it is generally accepted that, if it is successful, leading companies in a number of other industries may find themselves up against proceedings as a result of activities they are charged with having engaged in under a blanket interpretation of the privileges granted by the Recovery Act.

Vanni Quits Loew's; Report Warner Shift

NEW HAVEN, Jan. 7.—A. J. Vanni, who has been identified with the Poli houses for a number of years, has resigned from the Loew organization to take over operation of a Warner theatre division in Wilmington. He is due in Philadelphia next Monday to assume his new duties.

It is understood that the Philadelphia Warner theatres will be broken down into three divisions, one to be operated by Vanni, a second by Leonard Schlessinger, and a third by David E. (Skip) Weshner.

PHILADELPHIA, Jan. 7. — Leonard Schlessinger, in charge of the local Warner houses, today referred all inquiries on the reported split-up of theatre operation into three divisions to Joseph Bernhard, who is now in St. Louis attending the Federal grand jury investigation into the Fanchon & Marco product complaint.

He said there is nothing official to the reports and that Bernhard is expected back from St. Louis on Wednesday.

Reports that Lou Davidow, film buyer, was to be replaced by David Miller, formerly with Universal in Buffalo, were denied in face of Miller's resignation from Universal to buy for Warner Theatres here.

The split-up has been under consideration a long time, but Schlessinger will continue as chief, it is reported.

SENSATIONAL SPECIAL RELEASE

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•

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LATEST *EXCLUSIVE* PICTURES OF
A DAY IN THE LIVES OF THE

DIONNE QUINTUPLETS

SEE THEM FROM DAWN TO BEDTIME

Feeding . . sleeping . . bathing . . laughing . . their home . . their parents . . their doctor . . nurses . . special hospital . . *and their washline!*

•

ONE THOUSAND FEET OF HUMAN INTEREST THAT NO HUMAN BEING WILL WANT TO MISS

•

Presented by PATHE NEWS . . . Distributed by
RKO-RADIO PICTURES

Charges Bias, Wants Decisions Reversed

Charging that the Los Angeles grievance board was "biased, prejudiced and partial," William Powers, attorney for Fox West Coast, yesterday asked an appeal committee comprising Roy L. Haines of Warners and Laurence Bolognino of Trio-Consolidated to throw out two bank night decisions against the circuit in Santa Paula and Los Angeles.

In the case of the Mission, Ventura, against the Glen City, Santa Paula, Powers said the houses are 15 miles apart and not competitive. He said that the clearance schedule for Los Angeles has never been adopted and hence it has never been definitely established competition exists between the two theatres.

In the second case, that of the York against the Highland, Powers stated that the complainant asked to withdraw the case, but the board refused and handed down a decision with neither of the litigants testifying.

There were 12 other bank night cases in one form or another acted upon by the committee. They are:

Granada, Alhambra, Cal., against Mission, San Gabriel; Palomar, Oceanside, against Pala, Escondido, Cal.; Princess, Storm Lake, Ia., against Empire, same city; Mission, Ventura, Cal., against Oxnard, Oxnard, Cal.; Capitol, Sioux City, against Rialto, same city; Publix, La Salle, Ill., against Peru and State, Peru, Ill.; Watseka, Watseka, Ill., against Little, same city; Majestic, Milford, Ill., against Lorrain, Hoopeston and Little, Watseka, Ill.; Lisbon Opera House, against Rex, Lisbon, O.; Loew's U. A. and Mary Anderson, Louisville, Ky., against Rialto, same city.

Jan. 22 Set to Air Campi Assessments

WASHINGTON, Jan. 7.—Financial requirements of Campi and assessments to be imposed upon members of the industry for the current year will be discussed at a general meeting called for Jan. 22 by Deputy Administrator William P. Farnsworth. The hearing is expected to bring out the results of the producer-distributor schedule for 1934 approved last November, in which it was promised that if the independents contributed more than $18,000, the excess would be credited pro rata on their obligation for the current year.

As yet, it was said, accountants have not anticipated a full report will be available by the time of the hearing, which will also develop whether, as claimed, the independents' contributions were so heavy as to more than cover the 1935 requirements, in which event it was promised the excess would be refunded.

Duals, Gift Nights Up for Action Soon

MILWAUKEE, Jan. 7.—With organization plans for the new Independent Theatres Protective Assn. of Wisconsin and Upper Michigan completed, the newly elected board of directors is expected to convene within a week to consider dual features, gift nights and other practices which are still facing the industry in Milwaukee and the state. It will also select quarters and name a business manager.

The two-day gathering here last week was concerned chiefly with shaping and adopting by-laws drawn from the former M.P.T.O. of Wisconsin and Upper Michigan and the Allied Independent Theatre Owners of Wisconsin associations.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 1)

as well as of film technique. A group of M-G-M men have shown they know both in "David Copperfield." They have created something for women to weep over and for men to enjoy.

Howard Estabrook did the scenario, George Cukor directed and David O. Selznick was the producer. After some judicious trimming their work should stand as a faithful transcription of Dickens and real entertainment.

Visualizing the life path of sensitive David, after the death of his father, it traces his heartaches with his heartless stepfather, reveals his buffetings in a workaday world, his haven with the jolly Micawber, his home with the eccentric Aunt Betsy Trotwood, his contacts with the strange Uriah Heep, his affection for Mr. Wickfield and Agnes, and his disillusionment resulting from his friend's marriage to the impractical Dora. Life's forces resolve between him and Agnes.

The cast has been chosen with meticulous care. Characters, limned like Cruikshank sketches, are endowed with warmth. They are delineated with fine detail where necessary and caricatured when needed.

No finer performance has been done on the screen than that of Freddie Bartholomew as the young David—tender, sensitive and curious. He engraves an image that wrings the heart.

W. C. Fields' Micawber is a picture broadly painted, but withal lovable and laughable. Edna May Oliver's cantankerous Aunt Betsy tops all her previous achievements. Roland Young's Uriah Heep is superbly shaded and perfectly projected. Lennox Pawle's Mr. Dick combines lunacy and wisdom with truly Dickensian versatility.

Lionel Barrymore's Dan Peggotty, Madge Evans' Agnes, Lewis Stone's Mr. Wickfield, Frank Lawton's grownup David, Elizabeth Allan's Mrs. Copperfield, Maureen O'Sullivan's Dora, Basil Rathbone's Murdstone, Jean Cadell's Mrs. Micawber, Jessie Ralph's Nurse Peggotty, Violet Kemble Cooper's Jane Murdstone, Una O'Connor's Mrs. Gummidge, Hugh Williams' Steerforth, Herbert Mundin's Barkis and Hugh Walpole's Vicar are presented deftly, earnestly and sympathetically.

Cukor's direction and Estabrook's screen play rate palms. Good, too, is Oliver Marsh's photography and Herbert Stothart's musical score.

Production values are evident. It is obvious that money was spent lavishly. M-G-M has produced prestige-building entertainment—something for Britain's lion and Leo to exult over.

Production Code Seal No. 520. Running time, 2 hours and 13 minutes. "G."

Operator Scale Up At a Session Today

Although no local meeting of the NRA fact-finding committee was scheduled until the public hearing in Washington on Friday, Leslie E. Thompson, chairman, yesterday called a special session for today.

The session will probably be held at Campi or Thompson's office. A further discussion of the basic operator wage agreement will be held today and it is expected that independents will meet tomorrow on the plan.

One of the provisions of the tentative agreement is that all working men in Allied and Empire unions will be taken into Local 306.

Urges Skeletonized Formula for Codes

(Continued from page 1)

and that these were designed and in fact tended to eliminate competition.

The representatives of the consumers suggested that the vast majority of codes should be stripped of all but labor provisions and a few "simple" fair trade practices. "Some groups" it was charged, "have employed the codes frequently in violation of the purposes of the Act and even in defiance of their plain terms, as a means of eliminating active price competition."

Culkin for Control Of Industry by U. S.

WASHINGTON, Jan. 7.—Taking up the banner of the fight against films laid down by Representative Patman of Texas in order that he might devote his energies to securing cash payment of the soldiers' bonus, Representative Francis D. Culkin of New York today reintroduced his bill to protect the industry by creation of a Federal Motion Picture Commission.

Hearing on the bill at the earliest possible date will be asked of the Committee on Interstate and Foreign Commerce, to which it was referred, Culkin told the local bureau of MOTION PICTURE DAILY.

Admitting freely that his bill was the same as that sponsored last session by both himself and Congressman Patman, Culkin volunteered the information that it was even older and had originally been introduced by former Representative Hudson of Michigan about five years ago.

The bill declares the industry to be a public utility, subject to full control by the government.

Flash Review

Unconquered Bandit— . . . purely juvenile fare. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Farnsworth Time Shy On Actors' Plaints

WASHINGTON, Jan. 7.—Sharp criticisms of producers, voiced in a report made by the actor contingent of the actor-producer committee which for several months has been deadlocked over the recommendations to be made for inclusion in the code, reached Deputy Administrator William P. Farnsworth from Hollywood today. Confronted by other important matters, that official has had no opportunity to give them consideration.

Refusing to comment on published reports until he has had an opportunity to read the original document, which is voluminous, Farnsworth explained he was not completely acquainted with the situation since former Division Administrator Sol A. Rosenblatt, who conducted the negotiations in Hollywood, has been so pressed by his duties as compliance director that there has been little time to discuss the matter.

The actors' five-five report bitterly attacks industry leaders for drawing large remuneration while actors receive, on the basis of the report's computation, "only one and 3/5 cents of each dollar which came into the box-office."

With the complaint that "actors have exhausted every effort to agree with the producers on working conditions," the report says that "we have been tricked, hamstrung and lied to."

The charge that the Academy of M. P. Arts & Sciences "is and always has been a company union, dominated by the producers," is included in the report which was drawn up by the actor members of the five-five, who are Robert Montgomery, Claude King, Ralph Morgan, Kenneth Thomson and Richard Tucker.

Mourn the Death of Theodore C. Deitrich

Film veterans voiced regret yesterday at the passing of Theodore C. Deitrich, director of publicity for Hearst Metrotone News and Cosmopolitan Prod., who died Sunday from a complication of diseases. He was 58. Funeral services will be held at 8 P. M. tonight from the Columbus Circle Chapel, 43 W. 60th St.

Deitrich was long in the Hearst service and for years was on the reportorial staff of the *New York American*, later to become associated with International News Service.

He began his career as a reporter on the staff of the *Pittsburgh Times* in 1896. He worked up through the ranks into executive posts and capped his caheer in Pittsburgh by becoming managing editor of the *Pittsburgh Dispatch* and of the *Pittsburgh Gazette-Times*.

Transferring his activities to Chicago, Deitrich became a special writer for the *Chicago Chronicle*, a post he held for three years. He served on the editorial staffs of the *Chicago Examiner*, the *San Francisco Examiner* and the *New York American* until 1915, when he entered the employ of the Hearst picture enterprises.

West Burial Here

HOLLYWOOD, Jan. 7.—Jack West, father of Mae West, who died at Oakland Sunday, will be buried by his wife's side in a vault at Cypress Abbey in Brooklyn, N. Y. He died of a heart attack and was 65.

Erpi Exhibit Shows Newest Sound Gadgets

(*Continued from page 1*)

men the story of sound's latest electrical developments will become dramatic. What has happened since 1927 will seem like mere pioneering. What is to come will be a subject to stir the curiosity of producers and distributors.

Even sound men—Erpi, Western Electric and Bell men, who work practically for the same company—haven't been able to keep in touch with each other's progress, it seems, so they have been holding a show up in the old Edison studios somewhere north of Fordham Road near where Jafsie lives.

It's a bit bewildering for a layman at first. He's apt to think decibel is the engineer's girl friend, but gradually it begins to dawn on him that future theatre sound installations are going to have only a fraction of the apparatus they used to have; they're going to take much less space; they're going to be cheaper, and where it used to take from 24 hours to three days to install them, it's going to take only about three or four hours.

Where a one and one-half ton truck used to be necessary to transport a newsreel recording apparatus around, two men can handle the new layout without unbuttoning their vests on a hot day. In fact, the whole equipment, including camera, weighs only 180 pounds. The weight of the sound equipment alone is half that.

Same True of Studio Apparatus

The same is true of studio apparatus. When a director gets ready to start the sound man and his helper can roll the whole equipment in on a truck not much larger than one of those home model tea wagons. Gone are the days of the sound-proof rooms with mixing panels, the elaborate switchboards that looked like power houses. The mixer sits near the cameras after plugging into the nearest socket. If the company goes on location, the whole apparatus goes along, the only difference being that he plugs into a set of batteries for power.

They're not in general use yet, but an engineer who explained the gadgets said the price would be a fraction of the cost of the old equipment.

In this show they divided visitors into groups and took them around to different displays where each engineer explained his pet development. One new projector and reproducer combination designed for houses seating 600 persons or less has been put into about a dozen houses. Ten thousand of the 14,000 theatres in operation come in this class, he said.

This equipment has been so simplified, it was explained, that it will cost 25 per cent less than present equipment and 35 per cent less than Wide Range, and installation charges that used to cost from $400 to $800 will be down to about $75 to $100 in places where electricians are not highly unionized.

They've even gone in for psychology on projection machines. The reproducing part of projectors used to be entirely black. Now they have some of them with gray exteriors and the inside of the metal boxes is white. The thought behind all this is that operators will keep them cleaner if they're white. Even operators are susceptible to suggestion, it seems.

A new kind of dynamic speaker for the lower frequencies—we're beginning to talk that way—has been designed for baffle boards in theatres, and on some of the installations they have only one of those big horns with something that looks like a swan's neck coming out of the back. Something they have done to the inside of these makes a whole flock of swan's necks unnecessary.

Any theatre man who thinks there's something wrong with his sound can call in the sound measurers. They measure it on paper and hand it to you all written out in decibels. Echoes, resonances, die-outs, the pitch of the voice—anything at all, so long as it's sound.

Having gotten sound where it eats out of their hands, they're now going in for pictures. A collection of light-measuring devices was exhibited. These tell how much light the screen is getting, or ought to get, and another machine photographs it, so there is no guesswork.

Upstairs the new "hill and dale" recording is done first in wax and then gold-plated by men who wear silk pajamas and gauze coverings over their faces.

Even the tick of a man's watch is measured. This apparatus tells how many seconds it gains or loses when standing on its edge, and also how it reacts to lying down on the bureau at night.

Some of the new high speed cameras shown take pictures at the rate of 2,500 a second. Another runs up to 10,000 pictures a second. That's where the octanes come in. They photograph the flame in a gasoline explosion and make a record of the sound at the same time. They can even tell how long it takes an egg to break and how long it takes a man to move his hand when he is burned by a cigarette.

Some day theatre audiences will be seeing these things and hearing them. If they don't get dizzy, they'll think it's great.

Mayer Stays On

Negotiations between the new lessee of the Rialto and Arthur Mayer for the latter to give up the house in the Spring are off and Mayer will continue to operate until Nov. 1, when his lease expires.

Mayer asked for $100,000 to step out before the termination of his lease. Since then nothing has been heard from the lessee, who plans to build a new 1,000-seat house on the site.

March of Time Leases

March of Time, Inc., has leased space on the 21st floor of the RKO Building in Radio City for executive offices. Officers of the company are: Roy E. Larsen, president; John S. Martin and Louis de Rochemont, vice-presidents; J. R. Wood, Jr., assistant secretary and treasurer.

Avery Succeeds Hanlon

Roy M. Avery, formerly a salesman in Oklahoma City, has been appointed branch manager of M-G-M's exchange in Atlanta, succeeding the late James Hanlon.

M-G-M Auditors Meet

M-G-M auditors on Saturday wound up a three-day mid-season convention at the Edison. Sales executives also attended the meet.

Wall Street

Most Down on Big Board

	High	Low	Close	Net Ch'nge
Columbia (C1)	39	37½	37½	—1⅝
Consolidated	5¾	5⅜	5⅜	— ⅜
Consolidated, pfd. (½V)	20⅛	19¼	20	— ¼
Eastman (4a)	117¼	117	117	+ ⅜
Eastman, pfd. (6)	142	142	142	+1
Fox Film "A"	13¾	13	13	— ¼
Loew's (1a)	33¾	32⅛	32⅜	—1⅝
Loew's pfd. (6½)	104¼	104	104	— ⅛
Paramount cts.	3½	3⅜	3½	....
Pathe	1⅜	1¼	1¼	....
Pathe "A"	16½	16	16	— ¼
RKO	2½	2⅜	2⅜	....
Warner	4½	4⅛	4¼	— ¼
Warners pfd.	21⅛	21⅛	21⅛	— ⅜

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Ch'nge
Technicolor	13	13	13	— ⅜
Trans-Lux	2⅞	2⅞	2⅞	+ ⅛

Paramount F. L. Bonds Off 2⅛

	High	Low	Close	Net Ch'nge
General Theatre, 6s, '40	8¾	8¾	8¾	— ½
General Theatre, 6s, '40, ctf.	9	9	9	— ⅛
Keith, 6s, '46	73⅝	73⅝	73⅝	— ⅞
Loew's, 6s, '41, ww	105¾	105½	105¾	+ ¼
Paramount B'way, 5½s, '51	44	43¼	43¼	— ⅛
Paramount F. L., 6s, '47	60⅞	60¾	60⅞	—2⅛
Param'nt, 5½s, '50.	62	61½	62	....
Pathe, 7s, '37, ww	102½	102½	102½	— ⅜
Warner, 6s, '39 wd	58⅞	58	58½	....

(Quotations at close of Jan. 7)

Mexican Industry Under Gov't Thumb

By JAMES LOCKHART

MEXICO CITY, Jan. 7.—President Cardenas has approved the bill passed by Congress which places all branches of the industry under Federal control. This makes the law immediately effective.

Supporters of the measure say it will benefit the industry by eliminating conflicting state and municipal regulation. Railroads and petroleum are already regulated nationally.

Soviet Picture Fair Will Open on Feb. 20

Soviet Russia will hold its first world cinema festival in celebration of the 15th anniversary of the Soviet cinema in Moscow the week of Feb. 20, according to V. Verlinsky, Amkino head.

Pictures produced in Europe and America, as well as picked product from Russian studios will be shown and awards in numerous classes will be made by a jury comprised of Eisenstein, Pudovkin, Dovzhenko and others.

Granted Stock Right

WASHINGTON, Jan. 7.—Filing of a registration statement covering issuance of 25,000 shares of $10 par value common stock at $10 a share by the Radio City Amusement Corp., New York, was made public here today by the Securities and Exchange Commission.

The Radio City Amusement Corp. is the operating company for the Music Hall organized by Rockefeller Center following concluding of the RKO lease on the house.

Continuation Of Admission Tax Is Urged

(*Continued from page 1*)

tion of the government during the fiscal year which begins July 1, next, the President made it clear that the deficit could be kept down to the anticipated figure of $4,528,508,970 only by continuation of all taxes now in effect and of the three-cent postage rate.

Reviving business is expected to increase tax and customs collections, so that total revenues for the coming fiscal year will be $3,991,904,639 against expected receipts of $3,711,650,688 for the current year. This increase, together with the lopping of $677,000,000 from the fund for recovery and relief, is expected to make the deficit some $340,000,000 less than the anticipated $4,869,418,338 for the present year.

"While I do not consider it advisable at this time to propose any new or additional taxes for the fiscal year 1936," the President said in his message, "I do recommend that the Congress take steps by suitable legislation to extend the miscellaneous internal revenue taxes which under existing law will expire next June or July, and also to maintain the current rates of these taxes which will be reduced next June."

$14,613,414 Total for Year

Receipts from the admission tax, which during the fiscal year ended June 30, last, amounted to $14,613,414, the budget shows, are expected to amount to $15,000,000 for the current fiscal year and, if the present rate, which is due to expire June 30, next, is continued, to reach $16,500,000 for the fiscal year 1936.

The budget discloses that a slight increase is to be made in the fund for motion picture work of the extension service of the Department of Agriculture, for which $67,045 is provided against $64,426 this year.

A small increase is also given the specialties and motion pictures division of the Department of Commerce, which will get $23,756 against $22,841.

In both instances, the increase is of little importance, being provided chiefly to permit the restoration of full pre-depression salary scales on July 1, next.

The office of education in the Interior Department, which has been interested in motion pictures, is given a total of $2,816,720 compared with $2,783,000 for this year.

An increase of $10,800 in the fund for the purchase and rental of films is given the bureau of navigation of the Navy Department, which is to receive $95,800 as compared with $85,000 this year.

Upstate House Burns

POUGHKEEPSIE, N. Y., Jan. 7.—Fire, Sunday morning, in the Liberty here, completely destroyed the balcony and a large section of the orchestra. Repairs were started today and Benjamin Knobel, operator of the house, expects to reopen shortly.

M-G-M Title Shift

Title of "Only Eight Hours" has been changed to "Society Doctor" by M-G-M.

ALONGSIDE *of* LEO ANY GENERAL WOULD LOOK NAKED—

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Everything
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and of course, Film Daily's 424 critics poll gives M-G-M 4 out of 10 best and 9 honorable mention.

Not only smash hits
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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 7 NEW YORK, WEDNESDAY, JANUARY 9, 1935 TEN CENTS

Monopoly Via Codes Headed Toward Probe

Proposed in Move to Study Entire NIRA

WASHINGTON, Jan. 8.—First steps toward an investigation of alleged or real monopolistic practices under recovery codes have been taken by Senator King (Utah), who has pending before the judiciary committee a resolution calling for a full study of the effect of the Industrial Recovery Act.

Purposes of the probe would be to determine:

(1)—Whether the Recovery Act has encouraged or promoted monopolistic practices.

(2) Whether codes have tended to nullify the anti-trust laws.

(3) Whether legislation is needed to restore those laws to their former position, and

(4) Whether the anti-trust laws are adequate for the control of monopolistic practices.

Administration officials today were studying the effect of the ruling on

(*Continued on page* 14)

Harry Arthur Star In St. Louis Probe

ST. LOUIS, Jan. 8.—Harry Arthur, vice-president of Fanchon and Marco, is star witness in the Federal grand jury investigation into the local product situation as the inquiry went into its second day.

Many other members of the industry in this city and other parts of

(*Continued on page* 14)

Frels Monopoly Suit Comes Up Next May

Rubin Frels' suit against the Jefferson Amusement Co. of Beaumont, Tex., seeking $250,000 damages for alleged monopolistic practices is expected to come up in the U. S. District Court in Victoria, Tex., the latter part of April or early May, Frels stated yesterday.

Frels, who is in New York on an overbuying appeal against the same

(*Continued on page* 14)

Decision Reserved On Para.-Tobis Deal

Special Master John E. Joyce reserved decision yesterday on a proposal for settlement of claims filed

(*Continued on page* 13)

Bank Nights May Not Figure In NRA Code Hearings Today

WASHINGTON, Jan. 8.—No discussion of bank nights over which opinion rages pro and con in many sections of the country may come before the National Industrial Recovery Board during the hearings on price provisions of all codes which will open Wednesday, it was indicated today by lack of any application for time to speak on that subject.

Intimations that the board was to be asked to approve bank nights led to consideration in Washington of the question whether they constitute a lottery, as has been held by Campi in New York. It is pointed out that the Federal Trade Commission has consistently prosecuted lottery cases in other industries, that the post office department prohibits the transmission

(*Continued on page* 14)

New Haven's Board Keeps at Clearance

NEW HAVEN, Jan. 8.—Protests by second run exhibitors against the local clearance and zoning schedule were discussed today by the board, indicating that efforts to complete a plan for this territory will be furthered until Campi orders it dropped.

John C. Flinn conferred with the board yesterday and urged members to try to clean up clearance matters locally. He left for New York after the session.

BOSTON, Jan. 8.—Although there are minor disputes over clearance in

(*Continued on page* 14)

Jersey Houses Not In Basic Wage Pact

New Jersey theatres are not involved in the basic wage scale tentatively agreed upon by the NRA fact-finding committee, Deputy Administrator William P. Farnsworth yesterday advised Sidney Samuelson, president of Allied of New Jersey. The scale is only for metropolitan New York houses, Farnsworth stated.

The fact-finding committee met yesterday further to discuss the scale, the session having been called by Leslie E. Thompson, chairman.

Publisher in Omaha Agrees to End Shows

OMAHA, Jan. 8.—Henry Doorly, publisher of the *World-Herald*, has assured a committee of Omaha exhibitors that he and his newspaper will not compete with theatres. However, the "Monte Carlo Ballet Russe,"

(*Continued on page* 14)

$25,000 Top

Washington, Jan. 8.—Sharp cuts in salaries of officers of film and other corporations might follow enactment by Congress of a bill introduced in the House today by Representative Wesley Lloyd of Washington.

The measure would limit salaries and bonuses by making it unlawful for any board of directors of a corporation engaged in interstate commerce to pay salary, bonus or commissions in excess of $25,000 without the approval of a majority of the stockholders.

Roxy Theatre-Fox Suit Set Jan. 21

Trial of a suit which seeks to recover from William Fox defaulted Roxy Theatre stock payments of $1,000,000 is scheduled to get under way in state supreme court here on Jan. 21, it was learned yesterday.

The suit is brought by the Chicago Title & Trust Co., as assignee for Herbert Lubin. The suit contends that Fox issued written guarantees covering the payments on the stock purchases at the time of the sale of

(*Continued on page* 12)

Production Spurts With '35's Advent

HOLLYWOOD, Jan. 8.—Production activity for the week ending Jan. 5 has started the new year with a splurge by registering a total of 41 features and three shorts in work as compared to 36 and one for the preceding week.

Paramount leads with eight features before the cameras, one preparing and

(*Continued on page* 12)

Conservatives Win California House

SAN FRANCISCO, Jan. 8.—Forces favorable to the industry demonstrated their control over the House at its opening session today by electing their candidate for speaker, Edward Craig, by a two-to-one vote.

Craig, a Republican from Orange county, had 52 votes against 25 for

(*Continued on page* 12)

Court Again Urges Merger Of Fox Units

Manton for Joining Met, Theatres Litigation

The combining of Fox Theatres' reorganization with that of Fox Metropolitan Playhouses was urged again yesterday by Federal Judge Martin T. Manton at a hearing at which he continued the Fox Theatres receivership for another six months with Milton C. Weisman as receiver.

Judge Manton has repeatedly advocated a merger of the two reorganizations but the move has been opposed by Fox Met bondholders who contend that Fox Theatres can have no participation except in the inconsiderable assets of Fox Met which are not pledged as security for the latter's bonds. Weisman, however, is preparing a plan of reorganization for Fox Met, all of the common stock of which is owned by Fox Theatres, which will provide for Fox Theatres' participation on a larger scale.

The report of the Fox Theatres' receiver for the six months ended Dec. 31, 1934, showed cash on hand of $823,469, after disbursements of $130,139 for the period. Other assets of the company disclosed in the report include the Elizabeth and Audubon, under lease to Fox Met; the Academy of Music, under lease to Skouras at $175,000 annually, and the Nelson at

(*Continued on page* 14)

Radio Men Jolted In the Ascap Suit

The Pennsylvania Broadcasting Company's anti-trust suit seeking the dissolution of the American Society of Composers, Authors & Publishers received a setback yesterday when the complaining radio company won its

(*Continued on page* 14)

Jersey Allied Unit Approves IEPA Deal

Both Allied of New Jersey and the I.E.P.A. of Philadelphia yesterday ratified a cooperative plan between the units whereby southern New Jersey

(*Continued on page* 12)

Decision Withheld In FWC Litigation

SAN FRANCISCO, Jan. 8.—Decision as to whether the Marshall Square Theatre Corp. of this city and Harry

(*Continued on page* 14)

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Burkhard in Vanni Post

NEW HAVEN, Jan. 8.—Howard Burkhard has been appointed successor to A. J. Vanni as manager of the Poli here. Vanni, who was tendered a dinner last night by his friends, will join Warners on Monday to handle a theatre division in Wilmington.

Roxy Books "Chairman"

Howard S. Cullman has closed with Fox for "The County Chairman," Will Rogers' latest, which will go into the Roxy either Jan. 18 or Jan. 25. It's the first Fox film booked for the Roxy since the split between the two organizations last September.

Ritchey Takes Over 24

J. C. Ritchey of Ritchey Export Corp. has secured foreign distribution rights to 24 features being distributed in this country by Superior Talking Pictures, Inc., and Stage & Screen Attractions, Inc.

Film Board to Induct

Newly elected officers of the New York Film Board of Trade will be inducted into office Jan. 16 at a dinner at the M. P. Club. Following the ceremonies, the members of the board will take in "Thumbs Up."

Brandt Takes Two More

Brandt Brothers have added two more houses to their circuit, the Fortway, Brooklyn. from RKO, and the Capitol, Bayside, L. I.

Insiders' Outlook

IF the mystery, surprise, and—at times—comedy, go to make up the elements of entertainment—and most people agree that they do—Erpi, Western Electric and Bell engineers have material on hand for a first class series of shorts. Most people can listen to a talk on decibels, wave lengths, cycles, and whatnot for an hour, and then yawn, but give them a look at the fascinating journey of a sound wave from somebody's throat or violin string into a mixing panel, onto a wax plate, through a few tanks of acid to a gold platter, before a quivering light beam back onto a piece of film and finally around back of a screen into a theatre, and they've seen something. It's a cross-country chase, but loaded with excitement. . . .

▼

All of this suggests itself, gratuitously advanced with no retainer sought for the idea offered, as a result of the one-night stand sound exhibit displayed by Erpi in the Bronx Monday afternoon. Some of the devices on display kept a curious crowd of reporters walking its legs off and straining the eardrums not to miss anything. After all, a photographic record of all of the complications, which are more than you might imagine, of an egg breaking or of a flame doing its combustion stunt in an automobile cylinder, dramatized by authentic sound, can be just as interesting as an ant crawling into a hole or getting careless with a grasshopper. A smart short subject producer, turned loose in the Bell labs one of these days, might be successful in injecting emotion into the souls of those staid Massachusetts Tech men and walk out with a series of adventure pictures de luxe for himself. . . .

▼

Kentucky colonels who shed modesty for bragging may revert to the safer of the two virtues when they learn Governor Laffoon of the Bluegrass State commissioned 2,368 honorary aides in 1934, a chosen few rating admirals, commodores and one a skipper ship. Statistical research shows miscellaneous aides appointed in the last two decades in that state total 5,500. A select company and reminiscent of the press dispatch from Hollywood, now several years old, which told of the party Vic McLaglen gave at his Hollywood estate with 200 of his "intimate friends" attending. . . .

▼

The open season for crack-pot legislation has arrived. Yesterday an obscure Washingtonian named Wesley Lloyd offered the House of Representatives a bill restricting salaries and bonuses to $25,000 a year with nothing beyond that without the sanction of a majority of stockholders. If Congressman Lloyd keeps that up, the circuits will take away his theatre passes. . . .

▼

The most expensive lion's roar on record: Leo's column which runs in the New York dailies once a week. Cost to Metro about $1,100 per flash. . . . What causes high blood pressure in Brooklyn: Final check-up of 1934 business over the Randforce (Frisch and Rinzler) circuit of 40 odd theatres showed paper worth $80,000 had been issued during the year. . . .

▼

"London Ponders Great Garbo Mystery" headlines the gullible *Evening Post* here which then reports excitement over the new poser of the year: Did Garbo really appear in "The Painted Veil" or was it a double? Don't blame it on Si Seadler. He's in Havana, renewing acquaintance with Sloppy Joe's. . . . There are those who subscribe to the idea that the way for films to meet the radio question is to romance with it. Perhaps this explains why Metro and Columbia Broadcasting are doe-eyed about each other these days. . . .

KANN

Sees British Gains Aid to Trade Here

James A. FitzPatrick sees in British production improvement a stimulus for the entire industry, here and abroad.

"Hollywood needs competition and I believe the improved product of British studios, released in the United States, will help relieve the factory strain in Hollywood so that more time may be given to the general improvement of American product," he says.

"Production has been developing physically at a pace too rapid for mental digestion."

"Sequoia" to Start M. P. Club Showings

First of a series of special previews will be given at the M. P. Club Sunday night. "Sequoia" will be shown to members and guests. Among those invited is Dr. Raymond L. Ditmars.

"Sequoia" is the film that has stirred widespread comment because much of its drama is supplied by animal actors. It was produced for M-G-M by Chester Franklin.

Allied Board to Elect

Election of Allied officers will be held at the annual board of directors' meeting in Washington either Jan. 24 or Jan. 25.

Purely Personal

FLOYD ST. JOHN, Monogram franchise holder in Los Angeles and San Francisco, is in town conferring with NORTON RITCHEY on a deal closed with the Hong Kong Co. of China. He'll be here for about two weeks.

Compliance Director SOL A. ROSENBLATT has been fogbound on the *Empress of Britain* for the past two days. The elements are conspiring to delay Rosenblatt until tomorrow when Campi meets.

CHARLIE EINFELD hit the town from Hollywood yesterday and made his first order of business over at Warners a conference. They're serious things in EINFELD's life, these conferences.

FRED MCCONNELL was in constant touch with the weather bureau yesterday. He's waiting to hop a Jacksonville-bound plane to close a deal with ED SPARKS on the "March of Time" reel.

SAM DEMBOW is that proud. After years of marital bliss, unadorned by offspring, the family is now three. The addition is a girl born at the Doctors' Hospital Monday evening. Weight: 7 lbs., 10 oz.

HAL HORNE is going great guns on the national campaign for "Clive of India." He's bouncing copy all over the country, preparatory to that January 25 release date.

RUBIN FRELS of Victoria, Tex., leaves for home today after a two-day visit. He attended the Allied of N. J. meeting yesterday.

O. H. BRIGGS, whose favorite raw stock is Du Pont, shoves off for California—about eight weeks of it—in a couple of days.

JULIUS CHARNOW, vice-president of Allied of N. J., is mourning the loss of his mother, killed in an auto crash on Monday.

ARTHUR STEBBINS failed to make yesterday's Century, but is committed and pledged to start his dash toward California sunshine today.

ADRIENNE AMES returned from London yesterday. BRUCE CABOT, who returned three weeks ago, met her at the boat. They're married.

SAM BERGER, was due from the coast yesterday via plane, but was forced to take a train at Albuquerque because of bad weather.

HERMAN ROBBINS spent most of his two weeks' cruise in warm waters in bed parting himself from a cold.

DOUGLAS SHEARER and TREM CARR are in town at the Warwick, but not together.

JOE RIVKIN is due back from the coast next week. Later in the month HENRY GINSBERG will come on.

E. T. CARR, manager of the London U. A. office, sails for home today on the *Majestic.*

WHITFORD DRAKE sat at the head of an Erpi table at Schrafft's 57th St. yesterday.

TERRY TURNER is in New Orleans and from there goes to Shreveport, La., dishing out Quaker Oats tie-ups.

AL LICHTMAN will return to this city from Los Angeles on Monday.

PAUL LAZARUS returned from Hollywood yesterday.

Telegraphic News of a Happy Hit!

Broadway Bill Broke House Record Tonight

Ed. Collins, Houston, Texa

Swell Business Overcoming Strong Opposition

L. Roy Smith, Huntington, W. V

House Howling Enthusiastically Looks Like Holdover

Howard Ralston, San Bernardino, Cal

Biggest Business Theatre Has Ever Done Cinch For Indefinite Run

Jo Huff, Stockton, Cali

Broadway Bill Great As Any Opening I Have Ever Seen

Carl J. Walker, Santa Barbara, Cali

Delighted Audience Filling House Again and Again

C. L. Yearsley, Parkersburg, W. Va

Broadway Bill Receipts Set All Time Boxoffice Record

Kerasotes Bros., Springfield, Ill

It's the Prize Winner of Nineteen Thirty-Five

Chas. Hayman, Buffalo, N. Y

Broadway Bill Opening Even Bigger Than Happened One Night

Geo. E. Landers, Hartford, Conn

Will Beat Night of Love By Eighty Percent

Bob O'Donnell, Dallas, Texas

Exceeded Opening Day of Happened One Night

Frank V. Merritt, Birmingham, Ala

Broadway Bill Grand Show Tremendous Business

Mrs. June Dodge, Ventura, Calif

Broadway Bill Biggest Business in Past Two Years

James Olson, Clare, Mich.

COLUMBIA PICTURES


SALUTE!
DAVID COPPERFIELD
The greatest barrage of advertising ever given a picture since the industry started!



PAVING THE WAY TO M-G-M's MIGHTIEST HIT "DAVID COPPERFIELD"

Retain this list of 40 national magazines containing full page ads reaching 34,048,736 families

MAGAZINE	DATE OF ISSUE	OUT	CIRCULATION
Screenland	Jan. 1935	Nov. 25	232,500
Motion Picture	Jan. "	Nov. 25	250,000
Movie Mirror	Jan. "	Nov. 28	300,000
Screen Book	Jan. "	Nov. 28	300,000
Hollywood	Jan. "	Dec. 1	200,000
Film Fun	Jan. "	Dec. 1	125,000
Screen Romances	Jan. "	Dec. 1	135,000
Modern Romances	Jan. "	Dec. 1	325,000
Modern Screen	Jan. "	Dec. 1	475,000
Radio Stars	Jan. "	Dec. 1	250,000
Picture Play	Jan. "	Dec. 1	262,500
Home	Jan. "	Dec. 1	1,250,0000
Mystery	Jan. "	Dec. 5	250,000
Serenade	Jan. "	Dec. 5	425,000
New Movie	Jan. "	Dec. 7	200,000
Tower Radio	Feb. 1935	Jan. 5	385,000
Movie Classic	Feb. "	Jan. 5	1,705,922
Photoplay	Jan. 12	Jan. 9	750,310
Screen Play	Feb. 1935	Jan. 10	1,042,508
Silver Screen	Feb. "	Jan. 10	2,334,161
True Story	Feb. "	Jan. 10	1,614,746
Red Book	Feb. "	Jan. 10	2,059,704
Literary Digest	Jan. 12	Jan. 10	1,055,044
McCall's	Feb. "	Jan. 11	100,000
Cosmopolitan	Jan. 19	Jan. 11	2,535,563
Pictorial Review	Jan. 19	Jan. 12	2,326,808
Women's World	Jan. 19	Jan. 12	2,765,228
News-Week	Feb. 1935	Jan. 25	2,207,140
Ladies' Home Journal	Feb. "	Jan. 15	310,026
Collier's	Feb. "	Jan. 15	226,549
Saturday Evening Post	Feb. "	Jan. 15	175,000
Liberty	Feb. "	Jan. 15	2,591,515
Parents' Magazine	Feb. "	Jan. 15	1,872,460
Boys' Life	Feb. "	Jan. 15	2,173,056
Shadoplay	Feb. "	Jan. 15	256,590
Woman's Home Companion	Feb. "	Jan. 15	228,252
American Magazine	Feb. "	Grand Total	34,048,736
Delineator	Feb. "		
American Boy	Feb. "		
Open Road for Boys	Feb. "		

Shirley, Show 2d Week Hit, Philadelphia

PHILADELPHIA, Jan. 8.—Some of the New Year's week grosses were remarkable. At the Fox "Bright Eyes," in its second week, with two days of Guy Lombardo's Esso show, more than doubled the normal take, going $15,000 over average for a gross of $27,000.

Roxy got into his stride for the second week at the Mastbaum, with "Here Is My Heart" on the screen, and cleared a neat $41,000. This tops the estimated average by $10,000. In its second week at the Aldine "The Mighty Barnum" cleared $12,000, over par by $5,000, and "The Secret Bride" at the Earle, helped by a stage show headed by George Givot, piled up $18,000, up by $6,000.

Total downtown business was $156,700. Average is $117,600.

Estimated takings for the week ending Jan. 3:

"THE MIGHTY BARNUM" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 2nd week, 6 days. **Gross:** $12,000. (Average, $7,000)

"EVELYN PRENTICE" (M-G-M) (Second Run)
ARCADIA—(600), 25c-35c-40c, 6 days. **Gross:** $3,700. (Average, $2,400)

"THE LITTLE MINISTER" (Radio)
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** $13,000. (Average, $12,000)

"SECRET BRIDE" (Warners)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: George Givot, Eton Boys, Do-Re-Mi, Nina Olivette, Irene Vermillion, Gilbert Bros. **Gross:** $18,000. (Average, $12,000)

"BRIGHT EYES" (Fox)
FOX—(3,000), 40c-55c-65c, 2nd week, 6 days. Stage: Singer's Midgets. (Two days of Guy Lombardo's Marketeers Revue.) **Gross:** $27,000. (Average, $12,000).

"ANNE OF GREEN GABLES" (Radio) (Second Run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,500. (Average, $3,500)

"SWEET ADELINE" (Warners) (Second Run)
KEITH'S—(2,0003, 30c-40c-50c, 3 days (plus New Year's Eve show). **Gross:** $1,500. (Average for 6 days, $4,000)

"MY HEART IS CALLING" (Gaumont British)
LOCUST—(1,300), 55c-$1.10, 6 days. **Gross:** $4,700. (Average, $5,000)

"HERE IS MY HEART" (Para.)
ROXY-MASTBAUM—(4,800), 55c-75c-85c-$1.10, 6 days. Stage show (Roxy). **Gross:** $41,000. (Average, $33,000)

"BROADWAY BILL" (Col.)
STANLEY—(3,700), 35c-40c-55c, 9 days. **Gross:** $22,000. (Average for 6 days, $12,000)

"LIMEHOUSE BLUES" (Para.)
STANTON—(1,700), 35c-40c-50c, 6 days. **Gross:** $7,500. Followed by four days of "Man Who Reclaimed His Head" (Univ.) **Gross:** $2,800. (Average for 6 days, $6,000)

"Bright Eyes" Big Indianapolis Draw

INDIANAPOLIS, Jan. 8.—Most houses made some quick shifts for the New Year midnight shows, but the Apollo held "Bright Eyes" for 10 days and made a cleanup. The $7,000 take was $4,500 over average for seven days.

"The Little Minister" pulled a neat $3,500 in four days, and "Forsaking All Others" got off to a flying start in five days with a take of $4,300.

Total first run business was $22,500. Average is $25,000.

Estimated takings:

Dec. 25 to Jan. 3:

"BRIGHT EYES" (Fox)
APOLLO—(1,171), 25c-40c, 10 days. **Gross:** $7,000. (Average for 7 days, $2,500)

(*Continued on page* 10)

Looking 'Em Over

"The Scarlet Pimpernel"

(*London Films-United Artists*)

LONDON, Dec. 20.—Baroness Orczy's story is one of the best known in the English language and a very successful stage play has been founded on it. A film version, therefore, inevitably faces comparisons. This London Films version should not disappoint those who remember either the book or the play, but it certainly presents the familiar story in yet another aspect.

Essentially melodrama, "The Scarlet Pimpernel" has, as its central character, a figure who can be presented either as a super-adventurer or as a subtle schemer. London Films, choosing the second interpretation, has emphasized comedy values throughout so that Leslie Howard's Sir Percy Blakeney is seen chiefly in his pose of a fop, and his achievements as the leader of a counter-revolutionary movement have very largely to be taken on trust. True, there are vividly posed scenes of the guillotine, an escape or two, and a very effective last scene in which the Pimpernel turns the tables on the French ambassador after the latter has cornered him in an inn at Boulogne, but for the most part the action is placed in salons in London. It is a battle of wits rather than of pistols.

Plot values are good. Blakeney, actually "The Scarlet Pimpernel," who helps French aristocrats to escape from the grip of the Terror in Paris, pretends in London to be a nit-wit with no interest beyond clothes. Even his wife, a Frenchwoman, is deceived, for the Pimpernel thinks she was guilty of betraying aristocrats to the guillotine and does not trust her with the secret. The French ambassador, with Lady Blakeney's brother in his power, tricks her into a scheme which reveals the Pimpernel's identity. Realizing she has betrayed her husband, Lady Blakeney goes to France and is herself captured, but the Pimpernel frees her and, condemned to execution, himself escapes because the firing squad is composed of his own men.

Howard gives a brilliant performance and has been provided with effective situations and sparkling lines. Merle Oberon acts well and looks beautiful. Nigel Bruce as the Prince of Wales is outstanding among the others.

Production values are exceptional. The film has a polish superior even to that of earlier films from the London studio; settings and costumes in scenes portraying the court and society of 18th Century London are brilliant and convincing. The dialogue is witty and convincing.

Harold Young, the director, shares with Howard the honors of the production, which, for all its slow tempo, should appeal strongly to any audience which can appreciate the finer shades in production. Running time, 90 minutes. "G." ALLAN

"Best Man Wins"

(*Columbia*)

Because of some striking underwater scenes and their arresting photography, here is an action thriller that should have particular appeal in neighborhoods and small towns. It is a typical Jack Holt vehicle, with Holt his usual virile self and in love with a girl who doesn't feel the same way about him.

The character portrayals are good, with Edmund Lowe and Florence Rice maintaining the pace set by Holt. Bela Lugosi and J. Farrell MacDonald stand out from the rest of the cast in their handling of minor roles.

The yarn deals with Holt and Lowe, deep sea divers, with the former planning to join the harbor police. On their last trip their ship's anchor becomes fouled and Holt dives to free it. While below his lines become entangled and Lowe rescues him, but loses his right arm while doing so. Holt joins the police and Lowe, unable to find work in his crippled condition, postpones his marriage to Miss Rice and finally winds up salvaging stolen jewels for Lugosi. Holt tracks him down and rather than face his punishment Lowe cuts his air lines while below and drowns. Holt winds up consoling Miss Rice.

Earl Kenton's direction gets the most out of the screen play by Ethel Hill and Bruce Manning from Ben G. Kohn's original. Production Seal No. 506. Running time, 85 minutes. "G."

"The Unconquered Bandit"

(*Hollywood*)

If this Tom Tyler western did not ask too much to be taken for granted, it might prove acceptable entertainment of its kind. From the standpoint of action it leaves little to be desired, but some of the incidents are so implausible, even for a western, that an audience can hardly be expected to view it with a serious eye. As a result the film must be

(*Continued on page* 10)

Hepburn and "Babes" Top Twin Cities

MINNEAPOLIS, Jan. 8.—"Little Minister" and "Babes in Toyland" led a general pickup in the Twin Cities, the former having an edge. The Katharine Hepburn opus piled up $7,500 at the Orpheum here, thereby topping average by $2,000. Laurel and Hardy were the same amount over the line on a gross of $6,000 at the St. Paul Orpheum.

"Bright Eyes," "Here Is My Heart," "Romance in the Rain," "Lady by Choice," "Great Expectations," "The Mighty Barnum" and "Broadway Bill" were all in the money.

Total first run business in Minneapolis was $28,000. Average is $23,000. St. Paul's total was $22,000. Average is $16,000.

Estimated takings:

Minneapolis:
Week Ending Jan. 2:

"BRIGHT EYES" (Fox)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"THE ST. LOUIS KID" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 3:

"THE LITTLE MINISTER" (Radio)
ORPHEUM—(2,900), 25c-50c, 7 days. Benny Meroff and orchestra. **Gross:** $7,500. (Average, $5,500)

"HERE IS MY HEART" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"ROMANCE IN THE RAIN" (Univ.)
PALACE—(900), 15c-25c, 7 days. **Gross:** $3,000. (Average, $2,000)

"LADY BY CHOICE" (Col.)
TIME—(300), 20c-30c, 7 days, 2nd week. **Gross:** $2,000. (Average, $1,500)

"GREAT EXPECTATIONS" (Univ.)
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,500. (Average, $3,000)

St. Paul:
Week Ending Jan. 3:

"THE MIGHTY BARNUM" (U.A.)
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $6,500. (Average, $5,500)

"BABES IN TOYLAND" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"BROADWAY BILL" (Col.)
ORPHEUM—(2,000), 25c-40c, 7 days. Pat Rooney heading five acts. **Gross:** $6,000. (Average, $4,000)

"THE ST. LOUIS KID" (Warners)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"EVERGREEN" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

"Forsaking" Pulls Top in Providence

PROVIDENCE, Jan. 8.—Extending the runs of pictures downtown proved great business. Loew's State, which kept "Forsaking All Others" for 10 days, netted $16,000 with more to come.

Bing Crosby took only nine days to poll a net of $13,000 at the Strand, and the Majestic caught $10,000 with a straight week booking of "Sweet Adeline" and " One Exciting Adventure."

The RKO Albee did $11,600 with "Little Minister" and a revue, and the same sort of vaudefilm policy at Fay's caught $8,800.

Moved to the Carlton for a second week from the Majestic, "Bright Eyes" and "Bachelor of Arts" caught

(*Continued on page* 10)

MEN WERE *lured* BY HER BEAUTY . . . *baffled* BY HER SECRET!



This exotic creature staked her life on a mission veiled in the depths of her languorous eyes.

MYSTERY WOMAN

A FOX Picture with
MONA BARRIE
GILBERT ROLAND
JOHN HALLIDAY
ROD LaROCQUE
Produced by John Stone
Directed by Eugene Forde

SIGNATUR

They sell

one of the most suspenseful thrillers it was ever your pleasure to play!

DANGEROUS TO MEN . . .

DISHONEST WITH THE WORLD but true to love!

This glorious creature of haunting beauty became a woman of intrigue . . . to solve the deadly secret that took from her the only man she loved!



MYSTERY WOMAN

A Fox Picture with
MONA BARRIE
GILBERT ROLAND JOHN HALLIDAY
ROD LaROCQUE
Produced by John Stone Directed by Eugene Forde

SIGNATURE

2G

FASCINATING . . . UNSHA . . .

RELENTLESS on her mission of intrigue . . .

MERCILESS to all who stood in her way . . .

BEAUTIFUL beyond resistance!

This alluring woman of mystery set a deadly trap that destroyed men . . . but saved the one she loved!



MYSTERY WOMAN

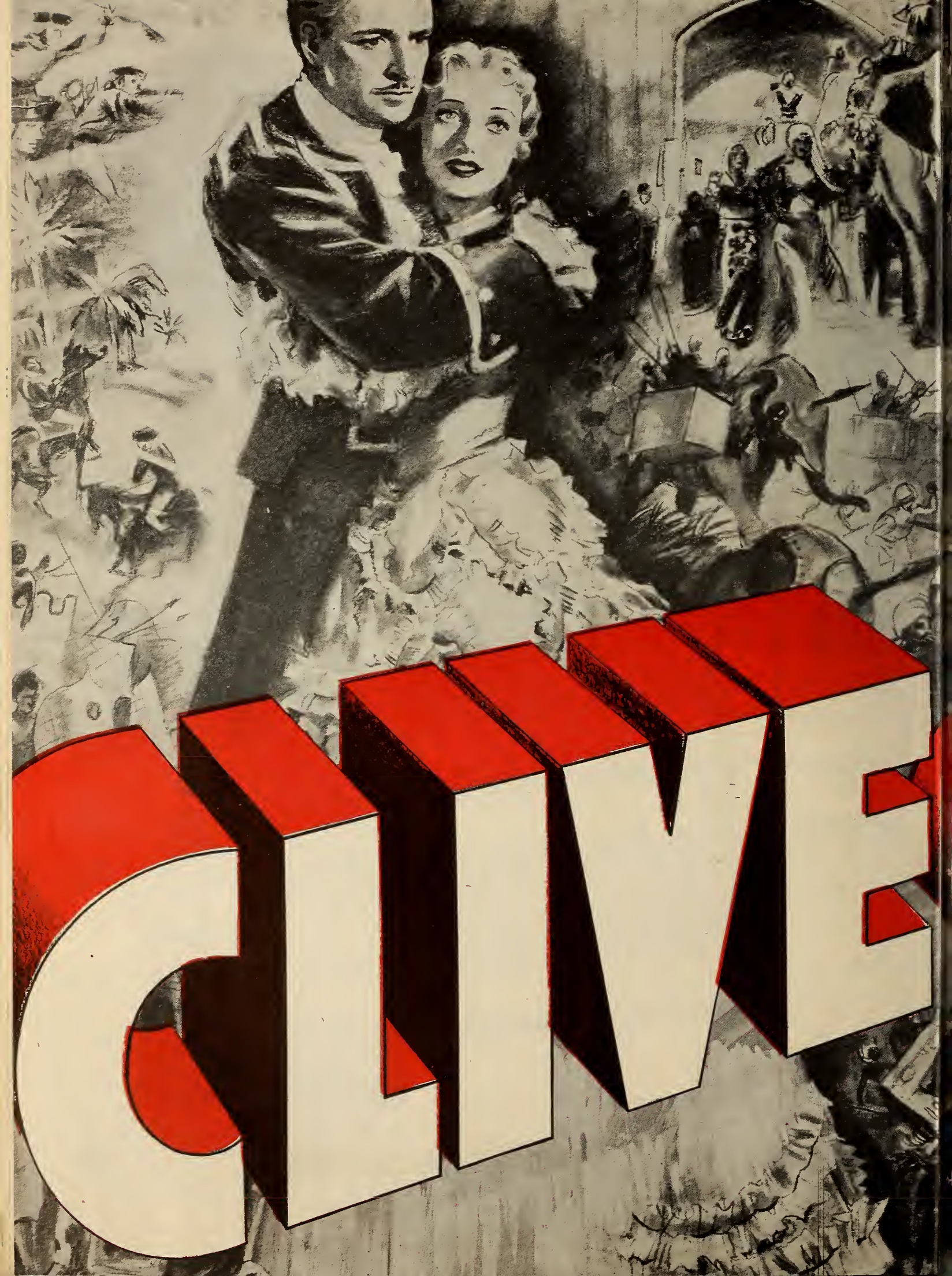
A FOX Picture with
MONA BARRIE
GILBERT ROLAND JOHN HALLIDAY
ROD LaROCQUE
Produced by John Stone Directed by Eugene Forde

SIGNATURE

2C

- *Illustrated above are ads number 1E, 2C and 2G from the FOX press book.*

FOX


CLIVE



Get Set FOR 20th CENTURY'S FIRST MILLION-DOLLAR PRODUCTION!

OF INDIA

BACKED UP WITH FULL-PAGE ADS IN NATIONAL MAGAZINES REACHING 60,000,000 READERS!

•

Released thru

UNITED ARTISTS

"Forsaking" Leads Heavy Loop Pickup

CHICAGO, Jan. 8.—Aided by extra New Year's shows at advanced scales, Loop houses got off to a fine 1935 start.

"Forsaking All Others" hit a two-year record at the Roosevelt by taking $27,000, which is just $16,000 over average. "Imitation of Life" was also in the big money, getting $46,000, over the line by $11,400, at the Chicago. "Big Hearted Herbert" was $10,000 up on a $25,000 gross at the Oriental.

Total first run business was $173,000. Average is $140,600.

Estimated takings:

Week Ending Jan. 1:

"POWER" (Gaumont British)
McVICKERS—(2,284), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $9,000)

Week Ending Jan. 3:

"IMITATION OF LIFE" (Univ.)
CHICAGO—(4,000), 25c-50c-60c, 7 days. Stage: B. & K. production and Ina Ray Hutton. **Gross:** $46,000. (Average, $34,600)

"BIG HEARTED HERBERT" (Warners)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Duke Ellington & Band and vaudeville. **Gross:** $25,000. (Average, $15,000)

"ROMANCE IN MANHATTAN" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Milton Berle, Dorothy Lee, Sid Gary, Earl Hines orchestra. **Gross:** $28,000. (Average, $22,000)

"KID MILLIONS" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 4th week, 5 days. **Gross:** $8,000. (Average, $17,000)

"BRIGHT EYES" (Fox)
(Second Loop Week)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

Week Ending Jan. 4:

"HOME ON THE RANGE" (Para.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $12,000)

"FORSAKING ALL OTHERS" (M-G-M)
ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $27,000. (Average, $11,000)

Week Ending Jan. 5:

"BY YOUR LEAVE" (Radio)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Gene Austin, Medley & Duprey, Ben Dova. **Gross: $15,000.** (Average, $15,000)

"Bright Eyes" Big Indianapolis Draw

(*Continued from page 6*)

Dec. 31 to Jan. 3:

"HERE IS MY HEART" Para.)
CIRCLE—(2,638), 25c-40c, 4 days. **Gross:** $2,500. (Average for 7 days, $4,000)

Jan. 1 to Jan. 4:

"THE LITTLE MINISTER" (Radio)
INDIANA—(3,133), 25c-40c, 4 days. **Gross:** $3,500. (Average for 7 days, $7,000)

Dec. 28 to Jan. 3:

"LOTTERY LOVER" (Fox)
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $5,250. (Average, $7,000)

Dec. 31 to Jan. 4:

"FORSAKING ALL OTHERS" (M-G-M)
PALACE—(2,431), 25c-40c, 5 days. **Gross:** $4,300. (Average for 7 days, $4,500)

First to Hold Over

PITTSBURGH, Jan. 8. — "Forsaking All Others" is the first picture in the Penn eight-year-old history to play a second week. Takings were so much above the house's recent grosses that a holdover was decided upon.

John M. Guthrie Dead

GROVE CITY, Pa., Jan. 8.—John M. Guthrie, for more than 25 years an exhibitor here, is dead at his home at the age of 60. His widow survives.

Looking 'Em Over

(*Continued from page 6*)

regarded as purely juvenile fare. The acting for the most part does little to help matters.

Tyler is out to avenge the death of his father in a gun fight with a gang working for a fellow trying to seize a tract of gold-bearing land to which his father intends to buy a half interest. He proposes to do it by breaking the villain financially, breaking his heart for good measure by making love to his niece, whom he loves more than anything else in life, and then throwing her over. He does the financial breaking by posing as a notorious bandit.

As per expectations, he falls really in love with the girl and confesses to her. Tyler is captured but wins his release when the girl tells her uncle the young man's story. The uncle goes soft in the end and repents his villainy. The final shot shows the lovers leaving the altar.

The girl is played by Lillian Gilmore. Others in the cast include Charles Whitaker, William Gould and Dick Alexander. Produced by Reliable. Harry S. Webb directed. Running time, 58 minutes. No code seal. "G."

"St. Louis Woman"

(*Showmen's Pictures*)

Cut out of old cloth, this production is mediocre stuff that may stand a chance in small houses. The acting is no better than the material.

The hero of the story is John Mack Brown, studying to be a doctor. Expelled from college, where he is the star of the football team, as a result of a rumpus in a night spot, he finds it impossible to find work. Through the intercession of Jeanette Loff, an entertainer at the club with whom he is in love, and who is the sweetie of Earl Foxe, who runs the joint, Brown gets a place on a professional team in which Foxe has an interest.

Foxe, jealous, tries to break Brown, but is foiled when Miss Loff tells the hero's team-mates they are a pack of double-crossers and spurs them on to cooperate with Brown in bringing victory to the team. In the end, realizing Brown's life will be ruined if he is not reinstated at college, she turns sacrificial and calls it quits, going back to Foxe.

The film is for the most part hokum. The football sequences may help sell the picture. It was produced by Screencraft Prod.

Albert Ray directed. No code seal. Running time, 73 minutes. "G."

"The White Cockatoo"

(*Warners*)

Three murders, two attempted murders and one man left unconscious from a blow on the head sustain the mystery and suspense, but leave little time for romance. A mystery serial at this rate would leave only the director for the final clinch with the heroine.

It is designed to keep audiences balanced out on the edges of seats, and, no doubt, it will.

The scene of "The White Cockatoo" is laid entirely in a French hotel near the Pyrenees where Jean Muir is stopping awaiting the time when she can prove she is the heiress to half an American fortune. Her brother has the other half.

Ricardo Cortez gets into the plot by finding a man murdered on the balcony of his room the night of his arrival. A young man of all work is trying to tell him something about the hotel's mysteries when he, too, is shot. Then a mysterious figure called Dr. Roberts disappears and is found dead in a piano. Cortez is attacked twice. It develops that Miss Muir has a double, Noel Frances. Minna Gombell and Walter Kingsford are found to be in a plot aimed at taking the inheritance away from Miss Muir. A white cockatoo finally helps solve the crimes by squawking at the perpetrator. Mystery story fans will like it; children won't sleep after they see it. Alan Crosland directed.

Production Code Seal No. 497. Running time, 70 minutes. "G."

"Mills of the Gods"

(*Columbia*)

In this one the names of Fay Wray, Victor Jory and, particularly, May Robson, should attract customers into theatres, but once inside they are apt to be disappointed with what's handed them. The redeeming feature is the sterling performances rendered by Miss Robson, as a big business woman, and Raymond Walburn, as her foppish son. Victor Jory handles his role capably, but Miss Wray plays her part with her tongue in her cheek, literally and figuratively. She spends a greater part of the picture making facial contortions at the camera, attempting to register sophistication and boredom.

The yarn has Miss Robson at the head of large mills, carrying on in the place of her dead husband, and with no one to take charge after her.

(*Continued on page 12*)

"Forsaking" Washington's $25,000 Hit

WASHINGTON, Jan. 8. — "Forsaking All Others" did a smash business at Loew's Palace, going $10,500 over par for a gross of $25,000 in seven days. It was the outstanding feature of the post-Christmas revival.

"Babes in Toyland" was also a heavy grosser. It reached $7,000, over the line by $3,900, at Loew's Columbia. "Little Minister" was in the big money with a gross of $17,000, up by $5,600, at RKO Keith's.

Total first run business was $101,500. Average is $104,300.

Estimated takings:

Four Days Ending Dec. 24:

"THE GAY BRIDE" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 4 days. **Gross:** $2,200. (Average, 7 days, $3,100)

"IT'S A GIFT" (Para.)
LOEW'S PALACE—(2,370), 35c-77c, 4 days. **Gross:** $4,000. (Average, 7 days, $14,500)

"ONE NIGHT OF LOVE" (Col.)
METROPOLITAN — (1,591), 25c-40c, 4 days. **GROSS:** $2,400. (Average, 7 days, $4,100)

"KENTUCKY KERNELS" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 4 days. **Gross:** $4,700. (Average, 7 days, $11,400)

Week Ending Dec. 27:

"BEHOLD MY WIFE" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Johnny Marvin, Liazeed Demnati Troupe, Fred Nichols & Allie White, Nina Olivette, Murray & King. **Gross:** $16,400. (Average, $17,600)

"MUSIC IN THE AIR" (Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "Song Writers on Parade," Lucille Page & Buster West, Bobby May, Jean Devereaux, Tucker & Johnson, Jack Seymour. **GROSS:** $18,000. (Average, $20,500)

Six Days Ending Dec. 30:

"PECK'S BAD BOY" (Fox)
METROPOLITAN — (1,591), 25c-40c, 6 days. **Gross:** $4,800. (Average, 7 days, $4,100)

Week Ending Dec. 31:

"BABES IN TOYLAND" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** 7,000. (Average, $3,100)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S PALACE — (2,370). 35c-77, 7 days. **Gross:** $25,000. (Average, $14,500)

"THE LITTLE MINISTER" (Radio)
RKO-KEITH'S—(1,836). 25c-55c, 7 days. **GROSS:** $17,000. (Average, $11,400)

"Forsaking" Pulls Top in Providence

(*Continued from page 6*)

$6,800. This house has been dark for months.

Total first run business was $67,500. Average is $40,500.

Estimated takings for the week ending Jan. 4:

"HERE IS MY HEART" (Para.)
"HOME ON THE RANGE" (Para.)
STRAND—(2,300), 15c-40c, 9 days. **Gross:** $13,000. (Average, $6,500)

"SWEET ADELINE" (Warners)
"ONE EXCITING ADVENTURE" (Univ.)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 10 days. **Gross:** $16,000. (Average, $12,000)

"HELLDORADO" (Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Night Club Revelry." **Gross:** $8,800. (Average, $7,000)

"LITTLE MINISTER" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Broadway Happenings." **Gross:** $11,600. (Average, $7,000)

"THE SILVER STREAK" (Radio)
"BORDER VENGEANCE" (Col.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,300. (Average, $1,000)

"BRIGHT EYES" (Fox)
"BACHELOR OF ARTS" (Fox)
CARLTON — (1,500), 15c-40c, 7 days. **Gross:** $6,800.



JOIN THE PARADE

DAVID L. LOEW, in a letter to Roy E. Larson, President of THE MARCH OF TIME, says:

> "We were glad to be able to complete arrangements today for the showing in Loew's theaters throughout the country of THE MARCH OF TIME. We are anticipating a fine box office response to this new and unique screen feature."

Thus into Loew's Theaters goes THE MARCH OF TIME with its world premier on Friday, February 1st.

> Also into Broadway's Embassy, whose Managing Director, Francis Carter Wood, Jr., says:
>
> "Never had so many requests for a picture before showing. It's all new to me. I simply had to book it."

goes this new feature on February 22nd.

Talk to your FIRST DIVISION exchange about THE MARCH OF TIME. Don't overlook one of 1935's biggest box office assets.

Distributed by **FIRST DIVISION**

HARRY H. THOMAS, PRES., ROCKEFELLER CENTER, NEW YORK CITY

THE MARCH OF TIME

Conservatives Win California House

(Continued from page 1)

William Mosely Jones, Democrat. Jones was a major figure in Upton Sinclair's campaign for the governorship. The vote is taken as an indication of the waning of Sinclair's influence.

The so-called liberal Democrats captured the pro-tem speakership by electing John O'Donnel of Woodland with 44 votes against 34 for Clifford Kallam of Watsonville, a conservative Democrat.

Among the film people present were W. H. Lollier of Fox West Coast, Los Angeles; Hulda McGinn, and J. C. Bryson of the Hays office.

Roxy Theatre-Fox Suit Set Jan. 21

(Continued from page 1)

the Roxy stock to Fox Theatres Corp. for approximately $4,000,000. Of this amount $3,000,000 had been paid by the theatre company up to the time of the default in 1932. Basil O'Connor, former law partner of President Roosevelt, will represent Fox Theatres in the trial. Fox Film, also involved, will be represented by Max D. Steuer. The trial is expected to last a month or six weeks.

Clemmons Adds New Theatre in Texas

With the opening recently of the Texan, a 600-seat theatre in Port Arthur, Tex., the Jefferson Amusement Co. and East Texas Theatres now operate a total of 50 in Texas, J. C. Clemmons, president of the first named circuit, stated yesterday upon his arrival from Beaumont. He is here with Sol E. Gordon, head of the East Texas circuit, and both plan to spend about 10 days in New York on business.

Conditions in Texas are very satisfactory, Clemmons said.

Won't Face Witnesses

BOSTON, Jan. 8.—Herbert Logan, Connecticut actor, held here in $10,000 bail on his alleged admission he was hired to burn a Boston theatre, refuses to see witnesses for his possible identification as the person responsible for a $12,000 fire in New Haven last August in which a warrant of arrest was issued. E. M. Loew, several of whose houses were bombed recently, said: "I have ordered my night watchmen to shoot to kill any prowlers they find in any of my theatres."

Bernerd Back Shortly

LONDON, Jan. 8.—Jeffrey Bernerd arrives in New York Jan. 15 on the *Olympic* for a stay the length of which is uncertain. He says it depends on conditions as he finds them in the States.

Mark Ostrer remains here.

To Succeed McGuinnis

BOSTON, Jan. 8.—Joseph Brennan, manager of Loew's State here, has been named executive secretary of Allied Theatres of Massachusetts, succeeding James J. McGuinnis, who died recently. Anna Hughes will continue as secretary, according to indications.

Looking 'Em Over

(Continued from page 10)

Her children and grandchildren are interested in having a good time and not in work. Comes 1929 and a crisis. The workers of the mill must be protected and so Miss Robson goes on their side, winning out in the end and saving the company. A romance develops between Miss Wray and Jory in the meantime, but the finish of this affair falls flat when the lovers are not united.

Roy William Neil directed and got the most out of the story. Al Seigler's photography is exceptionally good. Production Code Seal No. 465. Running time, 67 minutes. "G."

"Within the Rock"

(Hollywood)

There's no telling, they say, what love will drive men to.

Take Creighton Chaney in this Showmen's Pictures production. A mountaineer with an ambition to sit in the state legislature as the champion of the unprivileged mountain folk, he wants Lila Lee badly. To get her he threatens her father, a wealthy judge a bit crooked, he'll tell the authorities he saw the old fellow throw a lad over a cliff during a fight over the honor of a younger daughter.

Miss Lee marries the youth to save dad. Her loathing for Chaney does not subside until the last few feet, when, offered her release by her husband, she goes back to him. Meanwhile, she has made it possible for Chaney to improve his knowledge and run for state representative.

The film has its unbelievable moments, but on the whole is fairly entertaining. The acting is adequate and the atmospheric treatment commendable. Lafe McKee, Francis McDonald, Edmund Breese, Fern Emmett, Audrey Ferris, Vic Potel and Tommy Bond are other players. Albert Ray directed.

No code seal. Running time, 65 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Man Lock"

(Fox)

HOLLYWOOD, Jan. 8.—This picture is punctuated with thrills as its entertainment strength. It is an original story by Borden Chase and Edward J. Doherty and is a vivid, realistic cross-section view of sand hogs building a tunnel under New York's East River.

The yarn deals primarily with two tunnel construction gangs, one headed by Victor McLaglen and the other by Charles Bickford, racing their halves of the job to the middle under the river. Following exciting sequences picturing fire and flood in McLaglen's portion of the tunnel, he wins the race. Edmund Lowe, as McLaglen's wisecracking pal, gives a splendid performance. McLaglen contributes a fine portrayal of a hard-boiled gang leader. Florence Rice is adequate as the romantic interest. Marjorie Rambeau is effective as a waterfront beer parlor owner. Raoul Walsh aimed his direction for suspense. Jack Otterson's art direction is good. The photography by Hal Mohr and L. W. O'Connell is a feature.

This is a good average show attractive to McLaglen and Lowe fans. Previewed without production code seal. Running time, 65 minutes. "G."

Dog Film, Roadshow

HOLLYWOOD, Jan. 8.—"Life Returns" will be handled as a roadshow by its producer, Dr. Eugene Frenke, and not by Universal which was considering it. This is the picture which deals with Dr. Robert Cornish's bringing a dead dog back to life.

Promises a Fight

J. A. Koerpel of Eureka Prod., which planned to market "Ectacy" in this country, declared yesterday his company would serve notice of an appeal from the ban placed on the film by the Treasury Dep't. This, he added, will be followed by a suit in Federal court.

Hold Herbert Marshall

HOLLYWOOD, Jan. 8.—Herbert Marshall has signed a new Paramount contract which calls for three pictures in 1935 and one in 1936. The first will be "Morning, Noon and Night," an unproduced play by Marcella Burke. Sylvia Sidney will have the feminine lead.

See A.T. & T. Net $5.75

Advance estimates indicate that the American Telephone & Telegraph Co. system in 1934 will show earnings of $5.75 a share on 18,662,275 shares. This will provide for absorption of another substantial deficit of Western Electric and would compare with $5.38 a share in 1933 and $5.96 in 1932.

Production Spurts With '35's Advent

(Continued from page 1)

two editing. M-G-M has five, two and six; Fox five, three and two; Radio six, three and one; Warners four, three and five; Universal four, zero and three; Warners four, two and six; Columbia two, two and five while the independent group shows four, two and six.

In the short subject division, the independents show three before the cameras, four preparing and five editing. M-G-M zero, five and four; Universal zero, one and zero; Columbia zero, zero and two and Radio zero, zero and five.

Jersey Allied Unit Approves IEPA Deal

(Continued from page 1)

exhibitors, in addition to being members of the New Jersey organization, can benefit by the activities of the Philadelphia association.

Dave Snaper was chairman of the session and Louis Gold will wield the gavel next Tuesday.

A committee has been appointed to check into a shortage of prints locally. Members of the unit claim they cannot get prints from all major exchanges when availabilities fall due.

Reports were made by committees on the following subjects: release dates, a cooperative program which the national organization plans to publish weekly, finance, executive, film survey, substitutions, code, supply buying and entertainment. A supper and card party will be given on Jan. 10 for members at Harry Hecht's Ritz restaurant in Passaic.

The agreement between the two associations will be put in writing after minor modifications have been made.

PHILADELPHIA, Jan. 8.—The I. E. P. A. at its meeting today ratified an agreement on dual membership with Allied of New Jersey, which will bring 48 new theatres into the fold. The new exhibitors will be welcomed at a luncheon next Tuesday.

According to the agreement, Allied will service the local unit with code and film information in addition to keeping the I. E. P. A. in touch with legislative problems.

Efforts have been resumed to merge the I. E. P. A. and the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, but the stumbling block, according to an I. E. P. A. spokesman, is the affiliated members in the M. P. T. O. unit. The I. E. P. A. wants the merged unit strictly independent.

The M. P. T. O. is expected to make a statement Friday on the merger plan. At that time Lewen Pizor, who was elected president last week, will be installed.

Constitution Defender

WASHINGTON, Jan. 8.—The industry today was given a part in the movement to defend the Constitution with the appointment by the American Liberty League of Hal Roach as a member of its advisory committee.

George Roberts Gaining

CLEVELAND, Jan. 8.—George Roberts, Fox district manager, who has been ill with pneumonia, is in Atlantic City and expects to be back on his job shortly.

Sharon Sunday Law Joker Causes Upset

SHARON, Pa., Jan. 8.—Despite the discovery by opposition forces of a "joker" in the new city ordinance designed to repeal an earlier enactment banning Sunday shows, managers of Sharon's three threatres said they will continue to offer Sunday shows.

The joker found by opponents of Sunday shows is in the wording of the new ordinance, which provides fines of from $25 to $100 for presenting shows which are "unlawful or immoral." As there is a state law against Sunday theatre performances, any show presented on Sunday would be "unlawful," according to attorneys who have been consulted on the issue.

The repeal ordinance, finally approved by city council on December 13, became effective December 23. For the past several Sundays the theatres have remained closed awaiting the city's action.

For remaining open on Sunday, December 2, the theatre managers were fined $25 and costs each under the old ordinance.

Hays Wants Coast's Wonders Played Up

LOS ANGELES, Jan. 8.—Will Hays called upon the members of the Los Angeles Realty Board at their annual dinner tonight at the Roosevelt Hotel to revive a little of that old-time bragging about the wonders of sunny California.

"In the years I've been coming to California the motion picture has found its voice and you appear to have lost yours," he chided. "The film industry found its voice through tremendous struggle and labor. You seem to have become silent without a struggle."

Group Like Ampa to Be Started on Coast

HOLLYWOOD, Jan. 8.—At a meeting of studio publicity men at Levy's Tavern today a movement was launched to organize an organization patterned after the Ampa for the purpose of developing confidence between studios and press. Tom Baily of Paramount was named as temporary president and Al Parmentor of Fox as secretary.

Membership is being confined to studio staffs. All in attendance favored the idea unanimously.

West Body Starts East

LOS ANGELES, Jan. 8.—Funeral services for Jack West, father of Mae West, were held today at the Church of Christ the King. Tonight the body was on its way to New York, escorted by West's son, Jack, Jr., and a daughter, Mrs. Vladimir E. Baikoff. Interment will be there at the Cypress Abbey Cemetery near Miss West's mother.

Fred C. Dawes Passes

LOS ANGELES, Jan. 8.—Fred C. Dawes, 60, claimed to be the oldest projectionist in Los Angeles, died yesterday at the Hollywood Hospital after a short illness. He was former owner of the National Film Library here.

A Disney Winner

Walt Disney has another winner in his latest Silly Symphony, "The Tortoise and the Hare." Three sequences are outstanding. They are the ones where the hare pulls a William Tell, plays a one-man tennis game and a baseball game all by himself.

The subject is all about a race between the turtle and rabbit, the latter a streak of lightning, but the loser in the end because of his antics during rest periods. The pastel shadings are a treat to the eye. Running time, 8 minutes. Code seal No. 494. "G."

U. A. is releasing it.

ORNSTEIN

Decision Reserved On Para.-Tobis Deal

(*Continued from page 1*)

against Paramount Publix by Tobis Tonbild-Syndikat and associates for royalties up to March 13, 1933, on the basis of the 1930 Paris agreement on sound patents.

The proposal calls for settlement of the claims by payment to Tobis of $19,300, and to Warners, as assignee of the claims owing Tobis up to Dec. 31, 1932, of $25,700. Provision is also made for payment of royalties from March 13, 1933, to Tobis by Paramount Prod. or Paramount International.

Minneapolis House to Steffes for $250,000

MINNEAPOLIS, Jan. 8.—Al Steffes' Peoples Theatre Co. today bought the Shubert here for $250,000 cash and trade. The company, which operates seven houses, will spend $60.-000 within the next six weeks refurnishing the theatre. No policy has been announced.

Built in 1909, the Shubert was used for many years by A. G. Bainbridge, now mayor, as a stock house.

Kent Spikes Rumors Al Rockett May Quit

HOLLYWOOD, Jan. 8.—Sidney R. Kent today met reports that Al Rockett was bowing out of Fox with the statement that the producer's status remains unchanged at the studio. The Fox president said a new contract may come up for consideration in a week or so. At present Rockett is vacationing.

Cleveland Scales Cut

CLEVELAND, Jan. 8.—Downtown first runs which have been charging 44c top under the 10 per cent state admission tax, have cut to 42c under the present emergency tax law which substitutes a three per cent gross receipt tax.

Breitbart Bill Up Again

ALBANY, Jan. 8.—Charles H. Breitbart, Brooklyn Democrat, today reintroduced in the Assembly the bill he filed at the midsummer session providing for special censorship of films intended for children.

Wall Street

Pathe "A" Off ¾ on Big Board

	High	Low	Close	Net Change
Columbia vtc (C1)	37⅜	37¼	37⅜	— ⅛
Consolidated	6	5⅝	6	+ ¼
Consolidated, pfd. (½V)	20	19¾	19⅞	— ⅛
Eastman (4a) 117		116½	116½	— ½
Eastman, pfd. (6).142		142	142	
Fox Film "A"....	12⅞	12¾	12⅞	— ⅛
Loew's (1a)	32¾	32	32½	+ ⅛
Loew's, pfd. (6½).104⅝		104¼	104¼	+ ¼
Paramount, cts. ..	3⅝	3¼	3½	
Pathe	1⅜	1¼	1¼	
Pathe "A"	16	15¼	15¼	— ¾
RKO	2⅜	2⅛	2⅛	— ¼
Warner	4¼	4⅛	4¼	

Trans-Lux Gains ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅞	12⅞	12⅞	— ⅛
Trans-Lux (20b)..	3	2¾	3	+ ⅜

Paramount F. L. Bonds Up 1⅛

	High	Low	Close	Net Change
General Theatre, 6s, '40	9	9	9	+ ¼
Loew's, 6s, '41, ww deb rights..105⅜		105⅜	105⅜	— ⅜
Paramount F. L., 6, '47	62½	60⅞	62	+1⅛
Param'nt, 5½s, '50	62½	61¼	62½	+ ½
Warner, 6s, '39 wd.	58⅞	58½	58⅞	+ ⅜

(Quotations at close of Jan. 8.)

Stromberg Is Re-signed

HOLLYWOOD, Jan. 8.—Hunt Stromberg today was signed to a new long term contract as an M-G-M associate producer.

Don Gledhill Has "Flu"

HOLLYWOOD, Jan. 8.—Don Gledhill, secretary of the Academy, is home with the "flu."

Two Managers Tied For December Award

It was a tie. The Quigley Award judges couldn t agree on a December winner, so they picked two of them—William Hendricks, Warner manager in Memphis, and Morris Rosenthal, Majestic, Bridgeport.

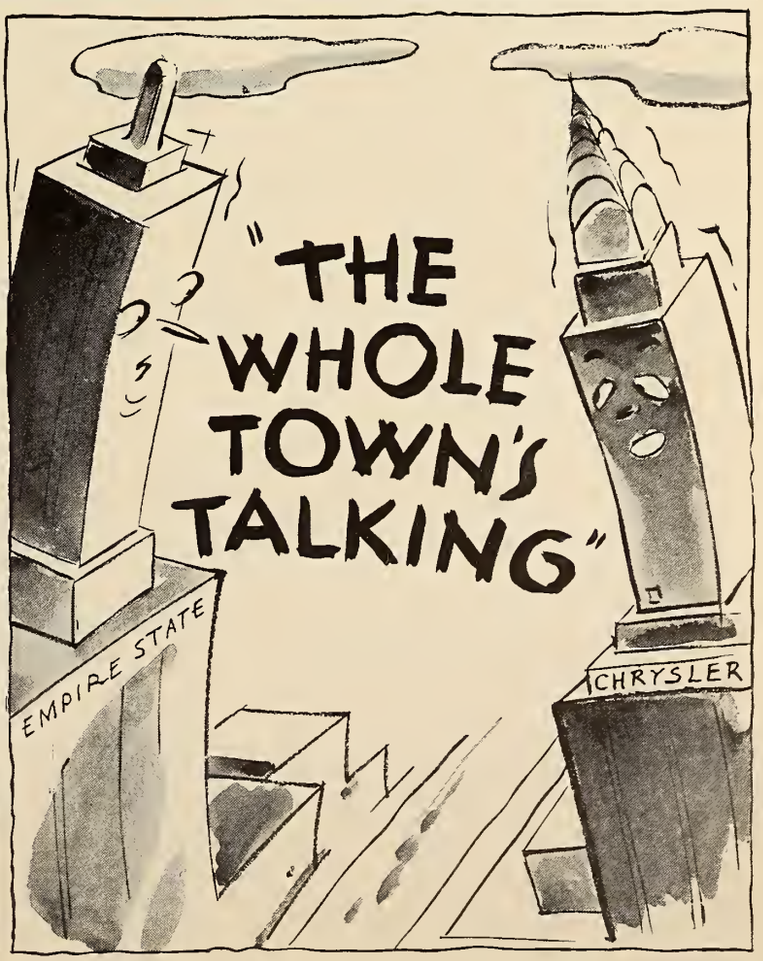
The judges were Jack Cohn, Oscar A. Doob and Leon J. Bamberger. Hendrick's "Six-Day Bike Rider" campaign and Rosenthal's "The Mighty Barnum" entry caused the deadlock, while A. Mike Vogel, chairman of the Managers' Round Table Club of *Motion Picture Herald*, sat on the sidelines with his fingers crossed.

First mentions were taken by John Armstrong, publicity director, Paramount London Theatres, and Jack Lykes, Stillman manager, Cleveland.

Honorable mentions went to Wally Akin, Paramount, Abilene, Tex.; Paul Binstock, Republic, Brooklyn; Harry Botwick, State, Portland, Me.; Peter De Camac, Globe, Calcutta, India; Roscoe Drissell, Parkway, Wilmington, Del.; Ken Grimes, Warner, Morgantown, West Va.; Ed. Hart, Paramount, Plainfield, N. J.; George Laby, Victory, Holyoke, Mass.; Matt Saunders, Poli, Bridgeport, and James Totman, Warner, Erie, Pa.

Gable, Ill, Delays Film

HOLLYWOOD, Jan. 8.—Twentieth Century's "Call of the Wild" is being delayed by the illness of Clark Gable, as well as retakes on M-G-M's "Copy Cat," in which the actor has been playing. As soon as Gable is available the company will go on location at Mt. Baker, Wash.



Monopoly Via Codes Headed Toward Probe

(Continued from page 1)

Monday of the Supreme Court denying the President's authority to control illegally produced oil, the most serious blow the recovery program has yet experienced.

The court's decision will have no effect upon codes and is significant chiefly in the implication that the nation's highest tribunal will examine the Recovery Act microscopically as its various provisions are presented.

The next Recovery Act case to come before the court is expected to be one involving the lumber code and will give that body its first opportunity to rule on code activities.

Harry Arthur Star In St. Louis Probe

(Continued from page 1)

the country were in the long parade of witnesses called today, among whom was John S. Leahy, attorney for Allan Snyder, lessee of the Ambassador, Missouri and Grand Central, generally credited with being the person responsible for bringing about the investigation to ascertain whether the anti-trust laws have been violated in the sale of films in this territory.

In addition to Abel Cary Thomas, Warner legal head, Harold S. Bareford, A. W. Smith, Joseph Hazen and Joseph Bernhard are here from New York to attend the investigation. Today's session was shrouded in secrecy the same as yesterday.

Neil Agnew has joined Louis Phillips, Paramount home office attorney, and Paul Burger of the United Artists sales force in New York is now sitting in with Edward Raftery of O'Brien, Driscoll and Raftery, law firm handling United Artists matters.

Cresson Smith arrived tonight and joined Jules Levy and Robert Youngman, the latter handling legal matters at Radio's home office.

Others who have been called here by the investigation include Moe Silver, western division manager for Warner theatres; Sam Dembow, Jr., former vice-president of Paramount-Publix; Louis Astor, assistant sales manager of Columbia, and W. J. Kupper, western division manager for Fox.

Frels Monopoly Suit Comes Up Next May

(Continued from page 1)

circuit, said that the suit charges "conspiracy in violation of the anti-trust laws." He added he has not been able to get product for the last two years. He has two houses in Victoria, one in El Campo and another in Yorktown. He claims that Jefferson has come into each of these towns with new theatres and has deprived him of product. He recently sold the Orphic, Columbus, Tex., to A. E. Moore. Patrick Russel, Dallas attorney, is representing him in this action. He also has a house in Belleville.

The overbuying complaint, scheduled to be heard yesterday by a Campi committee, was put over until 10 A. M. today due to inability to get a board together. When the case was tried before the Dallas grievance board, Frels was awarded a 50-50 split of all 1933-34 product, he says, and has been able to get only 32 pictures.

Asked for an opinion on conditions, Frels stated "they are improving, but would be much better if I could get some pictures."

Bank Nights May Not Figure In NRA Code Hearings Today

(Continued from page 1)

of lottery matter through the mails and that the attitude of the whole government is against lotteries, the inference being that little sympathy would be accorded any plea for legalization of any lottery projects.

Failure to discuss bank nights at the Washington hearings beginning today will prove a sharp disappointment to Kansas City interests concerned with prizes and rebates. R. W. McEwan, bank night distributors, had predicted in the midwestern city on Saturday that a move to eliminate or sharply revise code sections restricting the practice would come to a head at the meetings to be held before the National Industrial Recovery Board beginning today.

Radio Men Jolted In the Ascap Suit

(Continued from page 1)

motion to require Ascap to supply it with a complete list of the music titles to which Ascap holds the copyright.

Federal Judge Julian W. Mack, in granting the motion, ruled that, while Ascap could be required to compile the list, Penn Broadcasting would have to pay for the work of compilation. Ascap estimates that it has between 1,500,000 and 2,000,000 titles and that the preparation of a complete list would require the labor of six persons for six months, 10 hours daily, and would cost about $250,000.

Ascap was given 10 days in which to furnish its formal cost estimate and Penn three days thereafter in which to challenge it. The only other information sought by Penn which Judge Mack ruled that Ascap could be required to furnish is the number of Ascap's radio licensees. Ascap estimates that there are approximately 600 of these.

Judge Mack's ruling, it is believed, will influence the procedure of the Department of Justice which, it is understood, was preparing to seek similar information from Ascap for the prosecution of the Federal anti-trust suit against the organization.

Decision Withheld In FWC Litigation

(Continued from page 1)

L. Hartman of San Diego will be allowed to carry an appeal against transfer of Fox West Coast assets to National Theatres Corp. to the U. S. Circuit Court of Appeals will be handed down next Monday, it is expected.

Attorneys for the two plaintiffs appeared before the court yesterday and argued their case. Briefs were ordered filed.

Publisher in Omaha Agrees to End Shows

(Continued from page 1)

which had already been booked before exhibitors had decided to protest against the publisher's activities, will play here as scheduled some time in February.

Doorly has assured the exhibitors "it would be the last attraction to be brought in by him and he would not in the future attempt further bookings of road shows."

Garner Joins 1st Div.

ATLANTA, Jan. 8. — Ray Garner, formerly branch manager of Pathe here, has been appointed branch manager of the First Division offices.

Boston Code Cases Reach Total of 48

BOSTON, Jan. 8.—A total of 48 cases had been filed with code boards here up to the beginning of this week. Of these, 32 have been with the clearance and zoning board, while 16 have been grievances. Of the former, 11 remain not set for hearings, two are as yet undecided, one has been settled by the establishment of a schedule, and one has been withdrawn. Of the latter, two have been withdrawn and the disposition of one is still doubtful.

One interesting detail here is that although no actual complaint of competition from non-theatrical sources has been actually filed, theatremen have twice called for forms. These blanks have never been filled in and returned, however.

New Haven's Board Keeps at Clearance

(Continued from page 1)

this territory, John C. Flinn, on his visit here last Saturday, told members of the board to get disputants together in an effort to settle problems between themselves.

Several territories have been zoned and there is only one dispute of any consequence. This matter, in all probability, will be straightened out between the litigants. Flinn left for New Haven after the conferences.

Zoning Cases Discussed

Clearance and zoning and grievance cases pending before Campi were discussed yesterday by a joint committee at a session held at the M. P. Club. Attending were R. H. Cochrane, Charles L. O'Reilly, I. Levinson, John C. Flinn and Tyree Dillard, Jr.

Franklin Assigned

HOLLYWOOD, Jan. 8.—Samuel Goldwyn has assigned direction of the new version of "The Dark Angel" to Sydney Franklin, borrowed from M-G-M. Cast top spots have not been named as yet.

Puts Up New Marquee

Laurence Bolognino, president of Trio-Consolidated, is putting up a new marquee at the Kingsbridge, Bronx.

Court Again Urges Merger Of Fox Units

(Continued from page 1)

Springfield, Mass., under lease to Harry Arthur. In addition, the report lists as assets a claim of $5,500,000 against Fox Met; claims against William Fox aggregating more than $1,000,000 and claims against Erpi and A. T. & T. for alleged violations of the Sherman Act in collecting allegedly excessive payments for servicing of Fox theatres.

Claims against Fox Theatres, now in process of hearing before Special Master Courtland Palmer, are being rapidly disposed of, Weisman reported. About $5,000,000 of the claims have been reduced to $100,000, it was stated, and of the $6,000,000 of claims against the company remaining to be heard, satisfactory adjustments are expected in most instances.

Fox Met Plan to Court

The Fox Metropolitan Playhouses plan of reorganization developed by the bondholders' committee will be presented to Federal Judge Julian W. Mack at a hearing in U. S. District Court here today. The plan continues operation of the circuit's houses by Skouras and Randforce, but their operating contracts are cancellable by the bondholders after May 1, 1936. Complete details of the plan were published in MOTION PICTURE DAILY of Dec. 20, 1934.

G. T. E. Nears Revamping

Reorganization of General Theatres Equipment is approaching, declared Winthrop W. Aldrich, chairman of the board of Chase National Bank, in his report to stockholders at the annual meeting held yesterday. That portion of his report which dealt with Chase's interests in the film industry follows:

"During the past year further progress has been made in the reorganization and liquidation of the bank's investment position in the motion picture industry. This investment in Fox Film Corp. has been reduced by the sale of 200,000 shares of Class A stock at $15 a share and additional shares have been placed under option at higher figures for limited periods. The corporation itself has continued to operate practically.

"Additional progress has been made in reorganizing the affairs of the Fox Film affiliated theatre chain and, while the several bankruptcies involved have not been terminated as of this date, it is hoped that a complete reorganization of these properties will be accomplished within the next few months.

"General Theatres Equipment, Inc., is still in receivership. Its underlying companies have, however, made headway during the past year and progress has been made in developing a plan of reorganization which it is hoped will be promulgated in the near future.

"The Loew's, Inc., stock acquired by the bank as a result of the foreclosure of the two-year secured gold notes of the Film Securities Corp. in the principal amount of approximately $5,000,000 held by the bank has been liquidated without loss."



C. H. BUCKLEY

Operates
4 theatres,
spends upward
of $350,000
annually for film.
He reads

MOTION PICTURE DAILY

The Industry Buying Power Reads
MOTION PICTURE DAILY

MONOGRAM'S GIFT TO THE TRADE FOR 1935



MINNA GOMBELL

in

"Women MUST DRESS

with

GAVIN GORDON
HARDIE ALBRIGHT
and ROBERT LIGHT

•

With the Winners in the recent National Screen Star Contest. Directed by Reginald Barker. A Mrs. Wallace Reid Production. Story and Screen Play by Dorothy Reid and Edmund Joseph.

•

A MILLION DOLLARS IN SHOWMANSHIP

•

Screen Star Contest
National Agfa-Ansco tie-up backed by extensive advertising campaign in leading fan magazines and newspapers.

Cooperative Campaign
Display material and accessories for dealers tying-up contest and "Women Must Dress" with Agfa-Ansco products.

Celanese Dress Tie-up
Advertising and publicity breaks with leading stores throughout country

Modern Merchandising Tie-up
Cooperative campaign with over 500 big department stores.



THESE AND MANY OTHER READY-MADE EXPLOITATION AIDS ARE AVAILABLE WITHOUT COST TO PUT OVER THIS GLAMOROUS DRAMA OF MODERN WOMANHOOD

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 8 NEW YORK, THURSDAY, JANUARY 10, 1935 TEN CENTS

Board Makeup Now a Hurdle To Para. Plan

Two of Creditor Groups For Industry Men

At least two important factions in the Paramount Publix reorganization are insisting upon industry men as members of the new board of directors and may withhold their formal approval of the plan until such men have been elected, it was learned yesterday.

Whether these groups will carry their insistence on board representation as far as objecting to the plan itself at the resumed hearings before Federal Judge Alfred C. Coxe today, could not be ascertained last night. It is recalled, however, that Nathan Burkan, counsel for the merchandise creditors' committee, advised the court immediately prior to the last adjournment, Dec. 28, that he might have "plenty to say" about the plan "later on," and at that time asked an ad-

(*Continued on page* 8)

SEC Probe of Para. Setup One of Many

WASHINGTON, Jan. 9.—Investigation by the Securities and Exchange Commission of the Paramount reorganization plan is simply part of a general inquiry into corporate reorganizations being made under instructions from Congress, it was said here today.

As part of its study the commission has sent questionnaires out to some

(*Continued on page* 8)

Loew's 12-Week Net Is Up to $2,001,308

Loew's, Inc., net for the 12 weeks ending Nov. 22 was $2,001,308 after depreciation and taxes. This is an increase of $406,700 for the same period in 1933, and is equal to $14.64 per share of preferred and $1.23 per share on the common. In 1933 for the same quarter the preferred earnings were $11.53 per share and the common earned 95 cents per share.

Campi to Set 1935 Budget Total Today

Campi today will approve the budget for 1935, which calls for $360,000, the same as in 1934. From March 1 to Jan. 1, expenses of Code Authority

(*Continued on page* 8)

Dependable film delivery by members of National Film Carriers, Inc.—Adv.

Dual Ruling Soon

Philadelphia, Jan. 9.—Decision on the Perelman action striking at the ban of dual features through riders in contracts of major distributors may be made public prior to the return to the city of Judge George A. Welsh, Federal jurist who conducted the trial but who is now on vacation until next month.

The possibility exists that the judge will mail his decision and authorize publication while he continues on holiday.

Charges Fox Units' Assets Were 'Gutted'

The charge that Fox Metropolitan Playhouses and Fox Theatres Corp. became insolvent only because they had been "stripped of their assets and thoroughly 'gutted,'" was made before Federal Judge Julian W. Mack yesterday by Milton C. Weisman, receiver of Fox Theatres.

"These properties," Weisman declared, "were all good, sound and valuable and could have met all of their obligations. There is no question but that they were 'gutted.' Commissions amounting to $4,000,000 were

(*Continued on page* 10)

New York Lawyers Study Censor Bill

ALBANY, Jan. 9.—Nine New York City lawyers, two upstate newspaper men, a Rochester school teacher and a professor at Vassar are on the Assembly committee on public relations

(*Continued on page* 8)

INDICTMENT TALK STIRS ST. LOUIS

Federal Film Moves Delayed For St. Louis

By BERTRAM F. LINZ

WASHINGTON, Jan. 9.—No effort looking toward a Congressional investigation of the code is expected until the results of the Department of Justice inquiry into the St. Louis product situation are made known, it was indicated today at the capitol.

If the department secures indictments, it is considered likely there will be little discussion of the code situation until the President's new recovery legislation is taken up for consideration.

Although it has been reported a resolution calling for an inquiry was to be introduced in the Senate this week by Senator Borah of Idaho, it was said at his office today no measure has yet been prepared or even discussed, although it was pointed out

(*Continued on page* 8)

Committees Chosen For MPTOA Session

NEW ORLEANS, Jan. 9.—Committees in charge of various phases of the M. P. T. O. A. convention to be held at the Roosevelt February 25, 26, 27, 28, have been announced by H. S. McLeod, general chairman, after conferences with Ed Kuykendall.

The committees are: Entertainment, Frank Heidrich, chairman; Warren Salles, Robert Blair, E. J. Myrick, A. J. Higginbotham, M. F. Barr; banquet sub-committee, Robert Blair,

(*Continued on page* 8)

Reports Are Heard as Federal Grand Jury Probe Is Ended

ST. LOUIS, Jan. 9.—Indictments against some major companies and certain individuals are reported to have been asked today by the Department of Justice as the closing phase of the Federal grand jury probe into the local booking situation. Anti-trust violations are charged, it is said.

A report by the jury is expected some time tomorrow.

The investigation started as a probe of the first run booking situation, it is said, but broadened to take in many phases of production, distribution and exhibition, as a result of numerous complaints from independents. It is said that the inquiry became national in scope, and even took in radio broadcasting problems back as far as 1928.

Russell Hardy, one of the special assistants of Attorney General Cummings, was one of the witnesses before the Clarence Darrow review board

(*Continued on page* 8)

Texas Buying Case Drags Out All Day

Overbuying charges by Rubin Frels against Jefferson Amusement Co. and J. G. Long of Texas turned into a complex affair yesterday as an appeal committee comprising Edward McEvoy of RKO Radio and Charles E. Casey of Century Circuit developed into an all-day session. Executive Secretary John C. Flinn sat on the committee in the absence of a Campi member to certify the fact.

A decision handed down by the Dallas grievance board on Oct. 23, 1934,

(*Continued on page* 8)

Du-Art Sues 'U' on A Laboratory Deal

Du-Art Film Laboratories, Inc., yesterday filed application in the New York Supreme Court for an injunction to compel Universal to continue its printing and laboratory work on the complainant's premises.

It is alleged Universal leased the Du-Art plant and agreed to center its laboratory work on those premises and that, in anticipation of its $2,000,000 deal with Consolidated Film Industries, Inc., recently closed in Hollywood, the defendant is endeavoring

(*Continued on page* 10)

Hearing on Booth Scales for New York Set Back to Jan. 18

Washington, Jan. 9.—Postponement for one week of the hearing originally scheduled for Friday to discuss proposed New York booth scales was announced today by Deputy Administrator William P. Farnsworth. The hearing is now set for Jan. 18.

The understanding in New York yesterday was that proposals on booth scales to prevail in New York were not in their final form despite formal announcement of the detailed schedule, calling for a minimum of 75 cents per hour, made several weeks ago from Washington.

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Hecht-MacArthur Dicker with Coward

Contracts calling for the appearance of Noel Coward in a picture to be produced by Ben Hecht and Charles MacArthur at the Eastern Service studio are now in the hands of lawyers representing both parties. It is expected they will be signed any day now after certain minor difficulties have been ironed out.

Coward will be starred in the proposed feature, which will be the third of a series of five that Hecht and MacArthur are producing for release through Paramount.

B. & D. 1934 Profit Placed at $400,000

LONDON, Jan. 9.—Profits for the year of $400,000 and a final dividend of four per cent, making eight per cent for the year are reported by British & Dominions. This was after income tax payments.

In 1933 the company was reorganized and 425,220 shares of $5 shares were issued at par for the purpose of reducing liabilities.

Goes Double Feature

The Paramount, Brooklyn, swings into double features tomorrow with "It's a Gift" and "The White Cockatoo" on the same program. No change in the price scale is contemplated. Top is 65 cents.

Purely Personal

HUSTLE and bustle around The Tavern yesterday with the following contributing to the scene:

EDDIE GOLDEN, who did the shuffling off to Buffalo act last night, and PETE HARRISON very busily engaged in conversation all by their lonesome.

ABE MONTAGUE, JOE MCCONVILLE, GEORGE BATCHELLER, SR., and, later, HARRY THOMAS in another party while BATCHELLER, JR., sat it out with WILLIAM F. BARRETT of AmerAnglo.

R. M. ROLAN of Batten, Barton, Durstine and Osborn, Inc., big-time agency handling "The March of Time" account.

JOE BRANDT, who has a world cruise in the offing, and BILL JAFFE chit-chatting about this and that.

DICK BRADY, TED CURTIS, LOWELL CALVERT and MARTIN QUIGLEY in one foursome.

IRVING LESSER waiting for LEON NETTER and not disappointed.

O. H. BRIGGS and ARTHUR LEE.

CHARLIE PAINE.

MARVIN KIRSCH.

JIMMY CRON.

Compliance Director SOL A. ROSENBLATT finally got out of the fog yesterday. He immediately left for Washington. One of the radiograms he received while fog-bound read: "Come home, all is forgiven."

CHARLES A. MORLA is now special representative for Ritchey International Corp. in Cuba. Here now, he leaves for Havana shortly under mandate of NORTON V. RITCHEY.

MARTIN DICKSTEIN is back in New York reviewing pictures for the *Brooklyn Eagle* again when he'd rather be where he had just come from: Miami.

DAVE PALFREYMAN will wade through a heap of correspondence today that accumulated while he was in Washington for the first half of the week.

CAROLE LOMBARD is due today from Hollywood by train. The plane in which she was en route east was forced down at Abilene, Kan.

AL FINEMAN is leaving M-G-M to go to Arizona for his eyes. He has been having considerable trouble with his optics for several years.

JENNIE JELIN, operator of the Opera House, New Brunswick, says she hasn't any intentions of getting married.

BEN SERKOWICH is in Philadelphia on special promotion for "My Heart Is Calling" at the Locust. It's a G. B. film.

SIDNEY JUSTIN says he was ill for three days on the boat when he went to Bermuda recently. He called it the grip.

MILT KUSELL shuffled off to Buffalo yesterday and from there goes to Albany. He expects to be gone two days.

JOSEPH SCHENCK is still in town.

R. H. COCHRANE has been made a member of the M. P. Club.

ED TARBELL of Allied of New York leaves for Albany today after a two-day visit.

ED KUYKENDALL's train from New Orleans is due at Penn Station this a. m.

CLAUDE RAINS sailed on the *Majestic* last night to say "Hello" to his native England, from which he has been absent since the war. He'll be away six or seven weeks, not returning to the Universal studios before March.

RUBINOFF returns to the Paramount this week. He'll have his fiddle and orchestra, but CANTOR is still in Europe. RUBINOFF says business should be okay because he hears a good picture is going in with him.

ROBERT PASKOW succeeds JULES CURLEY as advertising manager for Warner Theatres in the Newark zone. He has been working in the Stanley, Jersey City. The appointment was made by MORT BLUMENSTOCK.

BORIS MORROS has presented MAYOR LA GUARDIA a special newsreel covering the mayor's activities during the first year in office. It is not known whether MORROS wore his Admiral's uniform at the presentation.

MEYER SCHINE, who operates 60 houses in Upper New York and Ohio, takes to the rails today after a two-day visit to attend code hearings in which he and WILLIAM SMALLEY are involved.

JOSEPH HANLEY, formerly with Van Beuren and Pathe, has been spotted by NORTON V. RITCHEY as chief accountant for Ritchey International Corp., the Monogram foreign distributors.

ACHMED ABDULLAH, who worked on the script of "The Lives of a Bengal Lancer," is in town for the opening of the film at the Paramount this week.

KATHARINE HEPBURN is catching up on her film content around town. She's seeing lots of pictures, but doesn't always wear that beret.

HELEN O'DONNELL, tawny-haired secretary to BOB SISK, leaves for the coast next week to resume her duties on the other coast.

WILLIAM TROY, film critic on the *Nation,* will talk on "The Film as an Art" at the Film & Photo League Sunday evening.

W. A. SCULLY of M-G-M plans to leave for Miami next month if he can get away. DAVE LEVY is now basking in Florida sun.

GEORGE AGIMAN, of the French film firm, Les Distributeurs Francais, arrives today from Paris on the *Champlain.*

SAM DEMBOW hurried home from St. Louis last night to give the latest addition to his family paternal approval.

RUBIN FRELS changed his mind and left for Washington yesterday instead of Victoria, Tex., his home town.

MERVYN LE ROY has gone the way of thousands of others. He became a Kentucky colonel yesterday.

FRED COOPER, ninth floor receptionist at Paramount, among the diners at the 44th St. Childs cafeteria.

SAM BERGER came through from the coast yesterday. The fog spoiled a swell flying trip for him.

ED FINNEY explains the lack of color after his Bermuda jaunt as "I tan take it."

BEN GOETZ, vice-president at Consolidated, is in town from the coast.

ABE LYMAN, tunesmith, heads west shortly on assignment at Warners.

CHARLES REAGAN is out of town.

Taxation Problems Up at Sacramento

SACRAMENTO, Jan. 9.—Taxation came to the fore at the opening of the Legislature today, but specific proposals were lacking. Governor Merriam stressed the need of new taxes in his inaugural address, but reserved details for his budget message. Lieutenant Governor George J. Hatfield, in his message, reiterated the Republican platform promise of a 30-hour week and a more equitable distribution of the tax load.

It was learned definitely that two bills will be introduced soon by Democrats, one providing for an increased tax on negatives, the other for censorship.

Walter McGovernor, new senator from San Francisco, said that because his district is a theatre center he has a friendly interest in the business.

J. G. Bryson, representing the Hays organization, said he would remain throughout the session, "principally as an observer." Nothing inimical to the industry is in sight as yet, he said. W. H. Lollier and Hulda McGinn left for their homes today, feeling that the situation for the time being is favorable.

Senator Culbert Olson of Los Angeles said today he was preparing bills to tax all advertising and was also considering the introduction of a 10 per cent admission tax. Others say an admission tax will be included in a general sales tax.

Assemblyman Rodney Turner of Kern County says he will put in a bill. His tax ideas are not clarified as to detail thus far.

U. A. Course Unknown

Six telephonic efforts to communicate yesterday with Arthur W. Kelly, vice-president in charge of foreign distribution for United Artists, for comment on the company's course following the banning of "The Gold Rush" in Germany were fruitless.

The picture was banned by an order from Dr. Paul Joseph Goebbels, Minister of Propaganda, who explained "the film does not coincide with world philosophy of the present day in Germany."

Set "Copperfield" Dates

M-G-M has decided to open "David Copperfield" in key spots as rapidly as bookings can be set and prints secured following the showing at the Capitol which starts Jan. 18. This ends tentative plans for roadshows.

'U' to Tell Serial Plans

HOLLYWOOD, Jan. 9.—Within a few days Universal will make a full announcement of its serial lineup for the 1935-36 season. It will mark the company's 23rd year of serial production.

Hungarian Film Here

"Cornflower," Danubia Pictures' film made from the Hungarian operetta of the same name, opens at the Tobis tomorrow.

Night Start for "Clive"

"Clive of India" will go into the Rivoli next Thursday evening. This is a deviation from the usual morning opening.

Here They Come!



PARAMOUNT'S "BENGAL LANCERS" SWEEPING BOX OFFICE RECORDS Before Them

"THE LIVES OF A



GARY COOPER · FRANCHOT TON

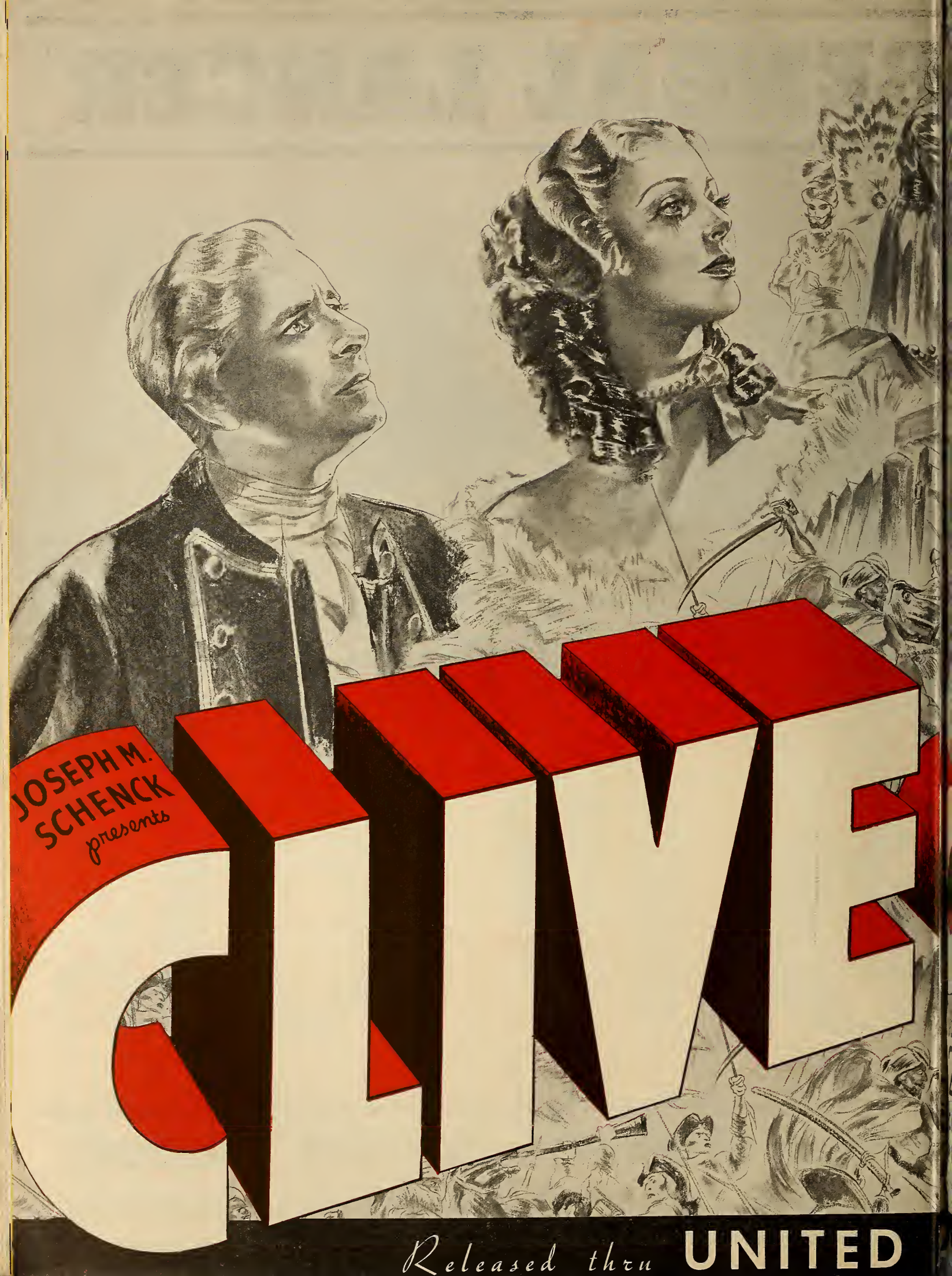
C. AUBREY SMITH · MONTE BLUE · KATHLEEN BURK

BENGAL LANCER"



RICHARD CROMWELL · SIR GUY STANDING

A Paramount Picture • Directed by Henry Hathaway


JOSEPH M. SCHENCK presents
CLIVE
Released thru UNITED



SIX WORDS FROM A WOMAN CHANGED A NATION'S DESTINY!

When she spoke...bugles screamed...drums roared... and Clive of India led a handful of men to victory over countless thousands of natives! Fiction can never equal the drama of Clive . . . who conquered all India for a nation that had exiled him in disgrace . . . whose sword carved out a throne for a girl he had never seen!

CLIVE OF INDIA

starring **RONALD COLMAN**

LORETTA YOUNG

Directed by RICHARD BOLESLAWSKI

DARRYL F. ZANUCK'S Production

•

BACKED UP WITH FULL-PAGE MAGAZINE ADS REACHING 60,000,000 READERS!

20TH CENTURY PICTURE

TISTS

Board Makeup Now a Hurdle To Para. Plan

(*Continued from page* 1)

journment of a month while counsel for other reorganization committees were urging haste in concluding the hearings and advocated an adjournment of not more than a week. Burkan's committee is known to advocate industry men for the board.

The stockholders' committee, represented by Alfred Cook, who is also counsel for Paramount Publix in the proceedings, is known to favor the naming of additional Paramount or industry men to the board. Although that committee recently advised its members by mail that it would not formally approve the reorganization plan until a new board had been completed to which it could give its approval, Cook has urged the necessity of a speedy reorganization and, at this point, at least, will not oppose the plan.

Among Those Proposed

These two factions have proposed George Schaefer, Paramount general manager; Frank C. Walker, vice-president of M. E. Comerford Circuit, and Charles E. Richardson, former Paramount trustee, for the new board. Also proposed were Barney Balaban and E. V. Richards, Paramount theatre operating partners. Conclusive developments on the election of some or all of these may occur within the next few days.

Schaefer will resume the stand today when the hearings on the plan reopen before Judge Coxe. Counsel for the debtor expects to complete the presentation of formal proof at today's session. Whether an additional hearing will be required depends on the amount of time which the court is prepared to give to the opposition, which has been confined to date to Samuel Zirn, counsel for a small bondholders' group, and Archibald Palmer, who is appearing as friend of the court. New opposition of any significance might also result in further delay. However, if the testimony is concluded today the court will take the plan under advisement and accept, reject or alter it. If accepted, it will then go to individual creditors, two-thirds of whom must approve it before it becomes effective.

SEC Probe of Para. Setup One of Many

(*Continued from page* 1)

1,600 corporations in process of reorganization, Paramount and probably Radio among them. The information developed will be studied and a report made to Congress carrying recommendations for such legislation as the commission may consider desirable.

Discussing the Paramount situation, officials of the commission pointed out that the matter is in the courts and that, therefore, the commission does not yet have any direct interest. That interest will not be created, it was said, unless and until the concern files a registration application for new securities.

Texas Buying Case Drags Out All Day

(*Continued from page* 1)

giving Frels a split of 1934-35 product bought by the respondents was appealed by both complainant and defendant.

Frels, acting on his own behalf, said that the decision of the lower board did not give him enough pictures to meet his requirements. He said he hasn't been able to get any as yet and it will probably be six months from the date he originally filed the complaint before he gets a feature.

Louis Nizer, representing Long, contended that Long was an innocent party, having purchased the Queen and Rita, Victoria, Tex., from Jefferson on Sept. 27, last, because he felt that the "feud" between Frels and Jefferson was directly hurting business in his theatres in nearby towns. Long later testified that when he bought the houses he tried to increase the prices from 15 cents to 25 cents, but that Frels refused to go along.

Extended arguments over pictures bought took up a great deal of the time, particularly the Columbia contract. Nizer had to call Abe Montague in as a witness in order to settle a controversy over this company's product.

The Dallas board's decision was three to one in favor of Frels, John Maroney, attorney for Karl Hoblitzelle, being the dissenting voice. Leroy Bickel of M-G-M, Lehman Marshall, an independent exhibitor, and W. G. Underwood, associated with Claude Ezell in the operation of Monogram's exchange, voted in favor of Frels.

Yesterday a letter was received from Bickel in which he said that he agreed with the opinion of Maroney, but the board took it under advisement. In addition to operating the Victoria and Uptown in Victoria, Frels also has theatres in El Campo and Yorktown in opposition to Long which were involved in the product situation. He recently sold the Orphic, Columbus, to A. Moore, whom he represented as a co-complainant.

Committees Chosen For MPTOA Session

(*Continued from page* 1)

chairman; Rodney Toups, Joe Estes; finance, H. S. McLeod, Vic Meyer, Philip Sliman; registration, Meyer, chairman; J. Walker Ross, Jr., Bert Kiern; film carnival, Harold Wilkes, Jimmie Briant, Luke Connor.

Hurls Burning Film

WALLACE, Idaho, Jan. 9.—Leo Amato, operator at the Grand, is a local hero today. He yanked a magazine of flaming film from a projector and threw it out of a window. He was severely burned.

"Voice" Into Films

The "Voice of Experience," radio lecturer, will make 26 short subjects based on dramatizations of human problems presented to him for assistance, his office stated yesterday in a publicity release.

Zanuck Signs Conroy

HOLLYWOOD, Jan. 9.—Frank Conroy has been signed by Darryl Zanuck for a supporting role with Clark Gable and Loretta Young in "Call of the Wild."

Wall Street

Loew's Up One on Big Board

	High	Low	Close	Net Change
Columbia vtc (C1)	37⅝	37½	37½	+ ⅛
Consolidated Film.	6	5⅞	5⅞	+ ¼
Consolidated Film, pfd. (½V)	20	19⅞	19⅞	.....
Eastman (4a)	117½	116¾	116¾	+ ¼
Eastman, pfd. (6).	143	143	143	+1
Fox "A"	12¾	12½	12⅝	— ¼
Loew's, Inc. (1a).	33½	32⅜	33½	+1
Loew's, Inc., pfd. (6½)	104¼	104¼	104¼	.....
Paramount, cts.	3½	3⅜	3½	.....
Pathe	1¼	1¼	1¼	.....
Pathe "A"	16	15¾	16	+ ¾
RKO	2¼	2⅛	2¼	+ ⅛
Warner	4⅛	4	4	— ¼
Warner, pfd.	20⅝	19¼	19¼	—1¼

Technicolor Loses ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12¾	12½	12¾	— ⅛
Trans-Lux (2V)	3	2⅞	3	.....

Bonds Down or Unchanged

	High	Low	Close	Net Change
General Theatre, 6s, '40	9½	9	9	.....
General Theatre, 6s, '40, ctf.	8¾	8¾	8¾	— ¼
Keith, 6s, '46	73⅝	73⅝	73⅝	.....
Loew's, 6s, '41, ww deb rights	105	105	105	— ⅜
Paramount F. L., 6s, '47	62¾	62	62	.....
Paramount Publix, 5½s, '50	62½	62½	62½	.....
Warner, 6s, '39 wd.	58⅞	58¼	58½	— ⅜

(Quotations at close of Jan. 9)

Campi to Set 1935 Budget Total Today

(*Continued from page* 1)

and its agencies totaled around $240,000. At the request of the NRA, the new fiscal year will run from Jan. 1.

While assessments from producers and distributors have generally been met, the records will show that a number of independent exchanges have been delinquent in paying. However, there is no means by which Campi can force the smaller exchanges to pay levies, but it is hinted that some kind of an amendment to the code regarding delinquents will be recommended.

The $240,000 operation cost for the 10-month period, was considerably under the budget figure.

RKO-Century Appeal Delayed; Nizer Busy

Because Louis Nizer, who has been retained by RKO to represent the company in the matter, had been tied up in another Campi appeal case yesterday, the Century clearance complaint against the major circuit was put off until next Wednesday.

Century contends that its Fantasy, Rockville Center, L. I., is not competitive to RKO's Strand and Columbia, Far Rockaway, and Alden, Jamaica.

Many interesting developments are expected at the hearing, according to the litigants. Mitchell Klupt, attorney for Century, will represent the complainants.

Arizona Bank Cases Up

LOS ANGELES, Jan. 9.—The grievance board will meet Tuesday to hear two bank night cases from Arizona. One will be a complaint of the Fox Alden, Globe, against the Grand, Miami, and the other will be the Elk against the Studio, Prescott.

Indictment Reports Stir Up St. Louis

(*Continued from page* 1)

and at that time aired the complaints of independents that major companies were attempting to control all branches of the industry.

Block booking and the code were discussed by the jurors, it is understood, and testimony covering these angles is reported to have included affidavits from exhibitors in many cities obtained the past four months.

Some here have gone so far as to express the opinion that the investigation here was intended to forestall a Congressional probe of the industry and that the President was fully advised as to the Department of Justice plans.

It is understood Neil F. Agnew, sales manager of Paramount, was on the stand most of today.

Delay Federal Film Moves for St. Louis

(*Continued from page* 1)

that if the senator decided to act it would not take long to write such a resolution.

It was also pointed out in explanation of a delay in taking the matter up in Congress that court proceedings, if successful, would prove a quicker and more efficacious way of eliminating practices which have been complained of than an investigation and amendment of the code.

New York Lawyers Study Censor Bill

(*Continued from page* 1)

which will consider the drastic new censorship bill introduced last week.

The lawyers are: Christopher C. McGrath, chairman, and Doris L. Byrne, Bronx; Jacob H. Livingston and C. Thomas Le Re, Brooklyn; Patrick H. Sullivan, Irving D. Neustein, Leonard Farbstein and Francis J. McCaffrey, Manhattan, and Peter T. Farrell, East Elmhurst, all Democrats.

The teacher is Joseph Di Fede of Rochester, also a Democrat.

Both newspaper men, Harry L. Averill of Palmyra and Wheeler Milmoe of Canastota, and the college professor, Emerson D. Fite of Vassar, are Republicans.

Sennett Sale Today

HOLLYWOOD, Jan. 9.—Sale of all operating equipment of the bankrupt Mack Sennett estate will be held tomorrow by Referee Earl E. Moss. It is believed the bulk of the equipment will be bought by Nat Levine, new lessor of the studio property.

Leo Young in New Job

BOSTON, Jan. 9.—Leo Young has resigned as press agent for Fred E. Lieberman to join American Film Exchanges in the same capacity. He is putting on radio programs with Chesterfield, Invincible and Majestic product as material.

Out today

The Inside Story
of a nationwide syndicated
newspaper attack on
the motion picture industry
and Hollywood

Exclusively in

Motion Picture Herald

"My Heart" Is Frisco Leader With $28,500

SAN FRANCISCO, Jan. 9.—Practically all of the downtown first runs got off to a fine start for the New Year, with "Here Is My Heart" making the best showing at the Warfield where the $28,500 take passed normal by $5,500.

"The Mighty Barnum" went through a second week at the United Artists with flying colors passing average by $5,000 for a total of $13,000. "Romance in Manhattan" was over the line by the same amount on an $18,000 gross at the Golden Gate.

Total first run business was $107,500. Average is $83,000.

Estimated takings:

Week Ending Jan. 1:

"ROMANCE IN MANHATTAN" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: Band. **Gross:** $18,000. (Average, $13,000)

Week Ending Jan. 2:

"THE BAND PLAYS ON" (M-G-M)
"THAT'S GRATITUDE" (Col.)

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $13,000. (Average, $11,000)

Week Ending Jan. 3:

"BROADWAY BILL" (Col)

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $12,500. (Average, $9,000).

"BRIGHT EYES" (Fox)

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $9,000. (Average, $8,000.)

"THE MIGHTY BARNUM" (U.A.)

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 2nd week. **Gross:** $13,000. (Average, $8,000).

Week Ending Jan. 4:

"HAPPINESS AHEAD" (Warners)
"PRESIDENT VANISHES" (Para.)

PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $13,500. (Average, $11,000.)

"HERE IS MY HEART" (Para.)

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $28,500. (Average, $23,000.)

Friedlander Tours On Exchange Deals

Al Friedlander yesterday left for Chicago to look into the local exchange situation. From there he will fly to New Orleans, Des Moines, Omaha, Denver, Salt Lake City, Seattle, San Francisco and Los Angeles.

When he visits these key centers he will look over sites for First Division exchanges and also negotiate "March of Time" deals. In Hollywood he will meet Nicholas Ludington and John Curtis where production plans at the Mack Sennett studios will be discussed. Friedlander expects to complete the entire western exchange setup in six months.

Charles Rosenzweig, general sales manager, departed last night for Buffalo, Cincinnati and Detroit and then to the south.

Harry H. Thomas, president, leaves tomorrow for Albany and Boston for a week-end trip.

Coast Tax Case Up Soon

LOS ANGELES, Jan. 9.—Action brought by Fox, Universal, M-G-M and Paramount against Los Angeles County for an injunction restraining collection of current taxes pending an adjustment of assessed property valuations was speeded up today when a hearing was set for next Saturday in U. S. District Court here.

The claimants allege the present assessment system is illegal and in many respects erroneous.

Hollywood Personals

Hollywood, Jan. 9.—Nancy Carroll back from New York. . . . Ramon and Rosita, dancers, signed for "Gold Diggers of 1935" at Warners.

Fox rounding up 400 hogs for a hog-calling contest to be filmed for "Life Begins at Forty," starring Will Rogers.

Mozell Britonn (Mrs. Alan Dinehart) cast as her husband's secretary in "Dante's Inferno" at Fox. . . . a letter addressed to "The Dark Cloud of Vaudeville" was delivered to Bill Robinson in Hollywood over the holidays. Robinson was billed in that manner 25 years ago.

Wallace Ford buys a chicken ranch in Laurel Canyon.

Farina, who outgrew Our Gang comedies, has a role in "Reckless" at M-G-M.

Mrs. Frank Borzage learning badminton from Jess Willard, the international champion.

"Millions" Pulls $10,500, Montreal

MONTREAL, Jan. 9.—"Kid Millions" pulled the Princess take up to $10,500, or $4,500 more than average, and was held over.

Wintry blasts helped to keep the folks at the fireside, but "Enter Madame" and vaudeville put Loew's over the top with $12,000. Special advertising gave the Imperial $4,500 on "Here Comes the Navy," the run being played up as the Canadian premiere.

Total first run business was $47,500. Average is $40,500.

Estimated takings for the week ending Jan. 5:

"HERE IS MY HEART" (Para.)
"FATHER BROWN, DETECTIVE" (Para.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,500)

"HERE COMES THE NAVY" (Warners)

IMPERIAL—(1,914), 25c-30c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"ENTER MADAME" (Para.)

LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Benny Davis and his Star Dust Revue; Will and Gladys Ahern; Herbert, Lynne & Pearl. **Gross:** $12,000. (Average, $10,500)

"BRIGHT EYES" (Fox)

PALACE—(2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

"KID MILLIONS" (U. A.)
"FUGITIVE LADY" (Col.)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $10,500. (Average, $6,000)

Max Aberson on Coast

HOLLYWOOD, Jan. 9.—Max Aberson, recently named Pacific coast representative of Amkino, arrived here from New York today to give Hollywood production activities the once-over. He will also line up top names in all branches to attend the film festival which will open in Moscow on Feb. 20 in celebration of the 15th anniversary of the Soviet industry.

Raft Is Hurt on Set

HOLLYWOOD, Jan. 9.—George Raft injured his leg today while working on "Stolen Harmony" at Paramount. Production will shoot around him for at least a week.

Awards Poll on Today

HOLLYWOOD, Jan. 9.—Voting will start tomorrow for Academy awards. Today final rules for nominations were issued.

Transfer Alden Smith

BOSTON, Jan. 9.—Alden Smith has been transferred to the Strand at Watertown by E. M. Loew.

"Forsaking" Hits $13,000, Oklahoma

OKLAHOMA CITY, Jan. 9.—With the help of the holiday excitement and a stage show, the Warner ran up a sensational $13,000, which is $8,000 above par. The film was "Forsaking All Others."

"Behold My Wife" was also in the money on a $3,000 take at the Capitol. The Liberty split the week with "Father Brown, Detective" and "Murder in the Clouds," getting $1,100 on the former and $1,200 on the latter.

Total first run business was $21,300. Average is $13,500.

Estimated takings for the week ending Jan. 5:

"FORSAKING ALL OTHERS" (M-G-M)

WARNER—(1,900), 10c-35c-50c-75c, 7 days Stage show. **Gross:** $13,000. (Average, $5,000)

"SWEET ADELINE" (Warners)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

"BEHOLD MY WIFE" (Para.)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $2,000)

"FATHER BROWN, DETECTIVE" (Para.)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,100. (Average week, $2,500)

"MURDER IN THE CLOUDS" (F. N.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $1,200. (Average week, $2,500)

Omaha World Off Duals

OMAHA, Jan. 9.—The World, Tri-States house, enters the new year as the only single feature house in town. It will be closed Jan. 24 for renovation, including a new name, and will resume operations sometime in February. The World first went on dual policy in the summer of 1933 and is the first to drop it.

Nebraska MPTO to Meet

OMAHA, Jan. 9.—Charles Williams, president of M. P. T. O. of Nebraska, has issued a call for the annual meeting for Jan. 15-16 at the Loyal Hotel. Thus far, the questions scheduled are merely routine.

To Build in Portland

PORTLAND, Jan. 9.—Two new theatres are planned here. Leon B. Gorman will build a 600-seater at a cost of $25,000. Sam Bernstein will build the other in South Portland.

Re-Sign Lowell, Brent

HOLLYWOOD, Jan. 9.—Warners have given new contracts to George Brent and Helen Lowell. Their next will be "The Goose and the Gander."

Charges Fox Units' Assets Were 'Gutted'

(*Continued from page* 1)

paid out of Fox Theatres' assets for acquiring Loew's stock at prices which were twice as high as it could have been purchased for in the street. Real estate was bought by one dummy corporation for $1,000,000; sold to another dummy corporation for $1,800,000, and then sold to Fox Theatres for $3,000,000."

Weisman's charges were made in the course of a hearing at which the Fox Met bondholders' committee was prepared to submit its plan of reorganization for the circuit to the court. Weisman, who, as Fox Theatres' receiver, holds all of the stock of Fox Met, objects that he had not had enough time to study points of law involved in the method of submitting the plan attempted by the bondholders' committee, so Judge Mack adjourned the hearing until Jan. 17 and extended the time for the actual filing of the plan to Feb. 11.

The hearing next week will be on applications of the Fox Met bondholders' committee for leave to intervene in the reorganization proceedings, for permission to send copies of the plan and acceptance forms to Fox Met noteholders and for a waiver which would relieve all Fox Met bondholders of the necessity of filing a statement detailing their trading in the company's bonds with their acceptances.

Weisman, objecting to the latter application, described it as "in effect, an attempt to exempt the noteholders from the criminal and civil provisions of the Securities Act." He asserted that he did not believe the court had the power to grant this application.

William L. Bainton, of counsel for the bondholders' committee, denied the charge that the procedure was an attempt to evade the Securities Act provisions, pointing out that the court retained full jurisdiction over the proceedings and could require the trading information when the acceptances and plan came before the court.

Du-Art Sues 'U' on A Laboratory Deal

(*Continued from page* 1)

to throw out its agreement with Du-Art. The show cause order granted yesterday is returnable this morning.

Efforts to reach Willard S. McKay, Universal attorney, for a statement last night failed. His telephone was reported "disconnected."

Spitz Joins Industry

HOLLYWOOD, Jan. 9.—Edward M. Spitz, former New York and Philadelphia department store operator, is here to become associated with Cameo Pictures.

Roxy Gets "My Wife"

Because of a product jam at the Paramount, "Behold My Wife" has been sold to the Roxy, dated in for Feb. 8, and "Enter Madame" goes into the Palace tomorrow.

Films No Hazard on Ships, Report Says

WASHINGTON, Jan. 9.—Motion pictures today were given a clean bill of health by the National Bureau of Standards for use on shipboard, as far as fire hazards go.

A report on safety in marine transportation prepared by the bureau shows that since the adoption of safety recommendations more than a decade ago no instance has been found of "fire or jeopardy to life" resulting from the showing of films.

The bureau pointed out the exhibition of nitrocellulose films was formerly prohibited on ships of United States registry, but that the same range in subjects obtainable with slow burning film and the difficulty of inspectors in distinguishing between the two types led to the adoption of safety measures 12 years ago.

These recommendations provided for properly designed and ventilated projection booths and examination of projectors for needed safety features.

"While it is more difficult to obtain a desired degree of safety on shipboard than in theatres on account of the use of portable booths and screens, the records show no instance of fire or jeopardy to life during the 12 years that these regulations have been in effect," the report stated.

Warner Quaker City Moves Long in Work

PHILADELPHIA, Jan. 9.—Breakdown of the Warner circuit into three divisions is designed to facilitate handling and has been in contemplation for some time.

David E. ("Skip") Weshner, former zone manager in Wisconsin, is operating the "A" houses in the city proper and Leonard Schlessinger all of the neighborhood spots, continuing as zone manager for the entire local circuit at the same time.

A. J. Vanni, starting Monday, will operate out-of-town houses controlled from this city.

Evergreen Men Moved

SEATTLE, Jan. 9.—Herb Sobottka will become managing director of Evergreen's Fifth Avenue next week. Sobottka has been managing the Coliseum for several seasons. He will replace Vic Gauntlett, who will again devote full time to advertising and publicity for the circuit. J. Lloyd Miller, assistant to Sobottka, will hold the same post at the Fifth Avenue. He will replace Ron Harrington, who will move to one of Evergreen's houses in Bellingham or Portland as a manager.

Music in Rogers' Next

HOLLYWOOD, Jan. 9.—The George Kelly stage comedy, "The Torch Bearer," will be the next Fox vehicle for Will Rogers. B. G. De Sylva will produce, and several songs will be inserted in the picture.

Oscar Morgan at Sea

NEW ORLEANS, Jan. 9.—Oscar Morgan, district manager for Paramount, who was operated on recently in Atlanta, sailed from here on a sea cruise which will keep him on the water for a month.

"Minister" Gets $65,000

"Little Minister" closed its second week at the Music Hall last night with a take of $65,000.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Notorious Gentleman"

(Universal)

HOLLYWOOD, Jan. 9.—This is a gripping murder mystery melodrama, at times draggy and complicated. Expert editing will probably eliminate this when it should please customers appreciating art figuring out who killed who.

The yarn, taken from Florence Ryerson and Colin Clement's original, "I Murdered A Man," features Charles Bickford, Helen Vinson, Onslow Stevens, Dudley Digges, Sidney Blackmer and John Darrow enmeshed in a web of incriminating circumstances brought about by Bickford, a criminal lawyer, murdering his worst enemy and suitor for his girl (Miss Vinson). The fight from then on takes place in the courtroom, where Bickford, believing he has committed the perfect crime, outwits the district attorney to the point where the jury disagrees. But the district attorney investigates further and through clever detective work traps Bickford and wins the girl. Cunning and tricky situations sustain suspense from the beginning, yet, in the interval several complications appear that may overtax the patience of the audiences.

Edward Laemmle delivered a good piece of direction with the entire cast grooving adequately in portraying the story.

Production Code Seal No. 511. Running time, 75 minutes. "G."

"Winning Ticket"

(M-G-M)

HOLLYWOOD, Jan. 9.—Centering its entertainment around the human interests of chancing an Irish Sweepstakes ticket, an amusing film is concocted here.

Ted Healy importunes his barber brother-in-law (Leo Carrillo) to buy a ticket against the vehement protest of Louise Fazenda, Carrillo's wife, opposed to gambling. When the ticket wins the family indulges in a spending orgy on borrowed money but catches up with itself when it is discovered the prize ticket is lost. The searching for and finding of the ticket winds up the action.

While the production is robbed of suspense by the audience's knowing the location of the lost ticket, the show has a down-to-earth element of family love, greed and human interest with top comedy supplied by Healy, who is a howl without his stooges. Carrillo, Miss Fazenda, Healy and Luis Alberni highlight the cast in effective roles.

All in one mood, tempo and treatment of idea without variegated gags keep this film from attaining its utmost possibilities. Charles Reisner directed from the screen play by Ralph Spence and Richard Schayer. Charles Clarke photographed. An average one from Leo. Previewed without production code seal. Running time, 74 minutes. "G."

"Lives of a Bengal Lancer," which opens at the Paramount tomorrow, was covered by wire from Hollywood on Dec. 26.

"The Night Is Young," new picture at the Capitol beginning tomorrow, was also reviewed from Hollywood on Dec. 22.

"Unfinished Symphony," which will be previewed at the Roxy tonight, was reviewed from London on Sept. 12.

Illness Hits Coast Stars

HOLLYWOOD, Jan. 9.—The hospital list here is increasing daily and the latest to be hit by various illnesses are Dolores Del Rio, Archie Mayo and Thomas Meighan. Miss Del Rio is down with tonsilitis, Mayo is in St. Vincent's Hospital with what doctors call a dangerous case of the flu, and Meighan has pleurisy. Walter Futter, Al Santell and Charlie Chaplin are others down with the flu.

A. H. Blank to Bermuda

DES MOINES, Jan. 9.—A. H. Blank, president of Tri-States Theatres, Inc., will take a vacation trip to Bermuda this month. He and Mrs. Blank leave for New York the last of the week.

Lincoln Kiva to Close

LINCOLN, Jan. 9.—The Kiva, a Dent house, will close Jan. 19 or so.

Saenger in N. O. Court

NEW ORLEANS, Jan. 9.—Saenger Theatres bondholders' committees today filed a petition in Federal court here for approval of the certificates of deposit issued by them to noteholders. The move is preliminary to submission of the Saenger plan of reorganization, already approved by the Federal court in New York, to the district court here.

'Folies Bergere' Resumes

HOLLYWOOD, Jan. 9.—Work on "Folies Bergere" has been resumed by 20th Century after a five-day suspension due to the illness of Roy Del Ruth, director.

Ross, Marston Join G. B.

BOSTON, Jan. 9.—Nathan Ross and R. D. Marston have joined the Gaumont British sales staff.

Ampa Resumes with Forks Again Today

Ampa luncheons resume today at the M. P. Club after the holiday lapse. The March of Time program presented last week dramatizing the 10 best pictures of the year as selected by *Film Daily's* poll will be reenacted. The usual array of guest talent will also be present, including Frank Marshall, chess champion, who is expected to give a demonstration of his prowess with bishops, queens and pawns as the Ampa-ites follow him, using table utensils for chessmen.

The list of guests includes Pauline Stark, Martha Sleeper, Al Shane, Raggini, Biferno & Lyons, Dorothy Hall, Jans & Whalen and Mrs. Curtis B. Railling.

Celler Is Asked to Address MPTO Unit

WASHINGTON, Jan. 9.—Representative Emanuel Celler (Republican, New York), author of the current anti-block booking bill before Congress, has been invited to speak before the M. P. T. O. of the District of Columbus, Feb. 6.

Local exhibitors have consistently opposed similar legislation in earlier congresses.

A. Julian Brylawski, president, will head the delegates to the annual convention of the M. P. T. O. A. in New Orleans next month. William P. Herbst, Nathan Stiefel, Louis Bernheimer and Sidney B. Lust also have been named as delegates.

Floyd St. John Here For Monogram Talks

Floyd St. John, Monogram franchise holder in the California territory, is in town for conferences with Norton V. Ritchey, head of Ritchey International Corp., Monogram's foreign distributor.

St. John has just returned from a three-month visit to Japan, China and the Philippines in the interests of Monogram. While in China he closed with the Hongkong Amusement Co. for 100 pictures, 20 of which have already been shipped.

St. John will return to the coast in about two weeks.

Seattle Liberty to Duals

SEATTLE, Jan. 9.—Jensen-Von Herberg's Liberty will reduce its scales and revert to a dual feature policy next week, says Leroy V. Johnson, general manager of the circuit. A scale of 10 cents until 1:00 P.M., 15 cents until 6:00 P.M. and 25 cents thereafter will be inaugurated, replacing a former 15-25-35-cent scale. The house has been running single features for the last three months, with Columbia product emphasized. It will be Seattle's only first run dual when the new policy is inaugurated.

To Talk on Film Plan

Details of a plan to "enable those interested in character education to use selections from current photoplays for educational and character-building purposes" will be revealed by Dr. Howard M. LeSourd, dean of the Graduate School of Boston University and chairman of the Committee on Social Values in Motion Pictures, in a lecture tonight before the Lower West Side M. P. Council at the School of Education of New York University.



Get ready for M-G-M's

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(pronounced See-quo-yah)

—and pronounced the most remarkable film since "Trader Horn"

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 9 NEW YORK, FRIDAY, JANUARY 11, 1935 TEN CENTS

U. S. GRAND JURY PROBES MAY BLANKET THE NATION

Para.'s Annual Cash Need Put At 36 Million

Annual cash requirements of Paramount Publix film subsidiaries were estimated at $36,000,000 by George Schaefer, vice-president and general manager, testifying at the hearing on the company's reorganization plan before Federal Judge Alfred C. Coxe yesterday.

Schaefer, with Y. Frank Freeman, vice-president of Paramount's Famous

(Continued on page 15)

What is Paramount's weekly studio payroll? What is the average salary of its 2,700 Hollywood employes? Its estimate of the amount for which it may be liable in the event American Tri-Ergon is successful in proving its infringement claims? These and other questions are answered on page 15 of this issue.

Figure Para.'s '34 Net at $6,682,000

Paramount Publix consolidated film subsidiaries will show an estimated net profit for 1934 of approximately $5,800,000 and theatre subsidiaries a consolidated net profit of $882,000, making an estimated net profit of $6,682,000 for the company for the year, according to testimony given at the Federal court hearing yesterday on the Paramount reorganization plan.

George Schaefer, Paramount general manager, estimated that net profit of the picture group for the last

(Continued on page 15)

Dr. Short Expires Suddenly in Phila.

Dr. William H. Short, director of the M. P. Research Council since 1927, died suddenly yesterday in Philadelphia. He was returning to New York from Washington and had stopped in Philadelphia for a confer-

(Continued on page 15)

Reports Today

St. Louis, Jan. 10.—Findings of the Federal grand jury which has been secretly probing the product situation here are expected to be handed up on Friday. While talk today persisted that indictments had been voted, no confirmation of the rumor could be obtained.

New York film executives who had been subpoenaed for the St. Louis probe returned from that city last night.

Church Bodies Start Detroit Theatre Lists

Detroit, Jan. 10.—The Detroit Council of Catholic Organizations has started blacklisting theatres as well as pictures and has warned the houses listed that it will send a representative to talk to managers.

Raymond R. Cameron, executive secretary of the organization, has told them:

"A representative of our organization who is affiliated with parish groups in your neighborhood will call on you in the near future to explain our stand on the movies and the purpose of the enclosed list."

Theatres are to be rated in semi-monthly bulletins. The first bulletin

(Continued on page 15)

Three in Cleveland Resume Dual Billing

Cleveland, Jan. 10.—Three suburban houses are now playing duals and a fourth will adopt this policy within the next few days. The trio

(Continued on page 15)

Denver Court Denies Huffman Injunction

Denver, Jan. 10.—Harry Huffman today was denied a temporary restraining order against major distributors

(Continued on page 19)

Los Angeles Follows St. Louis — Justice Department Seen Preparing to Strike For Indictments in Wholesale

By BERTRAM F. LINZ

Washington, Jan. 10.—Despite rigorous efforts of the Administration to prevent a "leak," it was learned authoritatively today that the Department of Justice is making plans to cover the country in an extension of the Federal grand jury probe in St. Louis and will present complaints against selling practices of distributors in probably every exchange center in the United States.

Los Angeles today was officially revealed as the second city in which the government will seek the prosecution of leading distributors.

Affidavits have been secured from independent exhibitors in many cities and Department officials will seek to secure indictments wherever they can. It is said that one of the avowed purposes of the Justice Department is to break up block booking.

The industry, reliable reports declare, has been warned repeatedly to abandon certain of its practices but certain of its high executives appear to have placed more confidence in their political affiliations than in the government's warning. At least, this is one of

(Continued on page 18)

See Code Hearings Warding Off Probe

Washington, Jan. 10.—Investigation by the National Industrial Recovery Board of the major provisions of codes, at present confined to price-fixing clauses, is seen here as an effort of the NRA to head off a probe by Congress.

The hearings were not decided upon until shortly before the opening

(Continued on page 18)

Borah Bill Would License Companies

Washington, Jan. 10.—Licensing of all corporations engaged in interstate commerce, including those in the film industry, is proposed by Senator Borah of Idaho in a bill introduced today.

Enforcement of the measure would be placed in the hands of the Federal

(Continued on page 19)

Dickstein to Push Actor-Labor Bill

Washington, Jan. 10.—Prompt action in the House on his bill to extend the contract-labor provisions of the Immigration Law to actors will be sought by Congressman Dickstein of New York.

The bill was before the Immigra-

(Continued on page 15)

"In Our Favor," Arthur Telephones Mike Marco

Los Angeles, Jan. 10.—Fanchon and Marco, pivotal figures in the instigation of the Federal grand jury probe completed Wednesday in St. Louis, believe "everything is turning out in our favor," according to Mike Marco, who made this statement to Motion Picture Daily following a long distance telephone conversation with Harry C. Arthur this morning. Arthur is in St. Louis and made this statement to Marco, according to the latter, but at the same time pointing

(Continued on page 18)

No Probe Word Here, Justice Dep't States

Local Department of Justice officials told Motion Picture Daily yesterday they had no knowledge of possible extension of the Federal investigation of monopoly charges to this territory.

It was said no complaints charging monopolistic practices here had been received from any section of the

(Continued on page 18)

MOTION PICTURE DAILY

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D. C. Allied Unit Elects

WASHINGTON, Jan. 10.—Officers have been named by the recently formed District of Columbia unit of Allied, with C. H. Olive as president. A. E. Lichtman is vice-president; J. H. Hiser, treasurer, and E. Laurence Phillips, secretary. The organization has a membership of 30 theatres.

Reports Cleveland Gain

Theatre business in Cleveland, Cincinnati and Pittsburgh is perking up, Nat Lefton, Monogram district manager covering these territories, stated yesterday. He said factories are now humming and people are visiting the shows.

Brown Signed by Fox

HOLLYWOOD, Jan. 10.—Melville Brown has been signed by Robert T. Kane to direct "Man Eating Tiger," written by Ben Hecht and Rose Caylor, for Fox.

Golden to Be Speaker

Edward Golden, general sales manager of Monogram, will be one of the speakers at the annual M. P. T. O. A. session in New Orleans on Feb. 25-27.

"Romance" to Music Hall

RKO Radio's "Romance in Manhattan" has been booked for the Music Hall for the week beginning Jan. 17.

Insiders' Outlook

"NOT at this time" will Consolidated consider sponsoring an exchange organization for the varied assortment of independents in the financing of which the big laboratory company plays a part. Herb Yates says so and that means he knows, for, when you talk about Consolidated, it's virtually the same as saying Yates. The understanding is these selfsame independents have approached him at various times over a period of some months to do something about it to the end that they get the break which they are not getting now but which they say should be theirs in the constant struggle for a proper place in the sun. "Not at this time," it might be said, is as permanent as was yesterday, a hectic day what with all this excitement over Federal grand jury probes thundering up in the north, south, east and west. . . .

▼

Will Hays delivered an address before the Los Angeles Realty Board the other night and wondered aloud over the reasons why the real estate boys were crooning less these days on the wonders of Southern California. "In the years I've been coming to California the motion picture has found its voice and you appear to have lost yours," our favorite trade paper said of Hays' gentle chidings, adding that the loosened celluloid tongue had gotten that way "through tremendous struggle and labor." It must be tough, very tough for those overworked minions filmatic to get along at the current rate of their earnings. Just how tough, in one direction which might be multiplied by many, is demonstrated by reading elsewhere today the cost of maintaining the Paramount studio payroll weekly. . . .

▼

Over the bridge in Brooklyn where the Strand, Fox and Paramount are blood brothers in an operating pool, complications appear to be setting in to the ultimate discomfort, beyond doubt, of Si Fabian. There, the Fox operates on a combination stage show and picture policy at 65 cents top. There, the Paramount yesterday went to double features, first run, with no stage show but with the identical top. You figure what's about to happen. Then add to it, the rising tide of indignation on the part of independent exhibitors in that borough over the duals development and you get a perfect picture of this winter's discontent on the other side of town. . . .

TIME was when Al Steffes, good old political fire-eater all in the cause of Allied, used to stamp up and down the country lambasting producers and their theatres and raising hell in large-sized quantities. For some time now, however, Al has been operating the World theatre in Minneapolis, right in his own bailiwick and what's happened financially has been very comforting and comfortable on Steffes' behalf. He is about to annex the Shubert there with a nice hunk of cash changing hands to cement the deal. The lessen in all of this should be apparent, so apparent as to make unnecessary and futile any observation from this quarter which always has regarded Steffes as more noise than bite anyway. . . .

▼

Following the suggestion, paid for in generous newspaper space by Lynn Farnol and Abe Waxman, this reporter took himself to the Music Hall yesterday to meet Jessie Matthews. It developed to be an unfortunate event in that the introduction turned out to be a long distance affair with Miss Matthews only a shadow of herself on the screen and this column sprawled gracefully, it hopes, in the upper reaches of the theatre's loges. For, this English actress is personable; she has charm, a nice, albeit small, voice, and a definite capability for making herself ingratiating before a camera. "Evergreen," her first picture, which is discussed on another page this morning, promises much for her after something is done about the job of making her known to the customers in this country. She should prove a bet if handled properly and exploited well. . . .

▼

Ed Kuykendall and his ebullience flowed over the dikes yesterday in a statement which had him saying the plans for the M.P.T.O.A. convention in New Orleans had reached the point where, denials notwithstanding, he could say it would be "so novel, so typical of New Orleans and the sunny South that it can be only adequately described as thrilling, colossal, terrific, magnificant, supreme and stupendous." Please, Mr. Kuykendall. . . .

▼

Who is to get the dues from those Philadelphia theatremen, members of the I.E.P.A., who the other day decided to graft their theatres onto the Allied of Jersey structure while, at the same time, keeping the faith with their original organization?

Solomon Gets Award At Newark Luncheon

Sig Solomon of the Regent, Newark, was presented the December Quigley award yesterday at a luncheon in the Hotel Douglas, Newark. Don Jacocks, Newark Warner division manager; the entire personnel of the division, and a number of home office representative attended.

Jacocks expressed the company's appreciation of Solomon's services. A-Mike Vogel, head of the Managers' Round Table Club of *Motion Picture Herald,* one of the speakers, said that five award winners had received promotions.

Gottlieb Quits U. A. To Do Columbia Ads

Alexander Gottlieb, who has been assisting Hal Horne in the U. A. advertising department for more than a year, has resigned to join Columbia under Herschel Stuart. He assumes his new duties Monday.

Kenneth O'Brien has been assigned to press books at U. A., while Al Adams, formerly Monroe Greenthal's assistant, is now in charge of trailers and national advertising copy. Max Hirsh, who has been working under Herb Jaediker, succeeds Adams in the latter's former post.

Du-Art Granted Stay

Du-Art Film Laboratories, Inc., yesterday was granted a stay in the Supreme Court under which Universal's laboratory work will be handled by the plaintiff company until Monday when the action will again be heard.

Du-Art filed suit against "U" on Wednesday alleging the latter is endeavoring to throw out a contract for printing which the plaintiff claims to hold in favor of Consolidated.

Roxy Grosses $29,500

"It's a Gift" garnered a nice take of $29,500 at the Roxy last week, giving the theatre a handsome profit. "Sweet Adeline" at the Paramount was off with a gross of $22,500. The Palace, with "Kentucky Kernels," hit $8,500 on the first Broadway showing. "Enter Madame" opens tonight as another first run attraction.

Plan New Rialto Bldg.

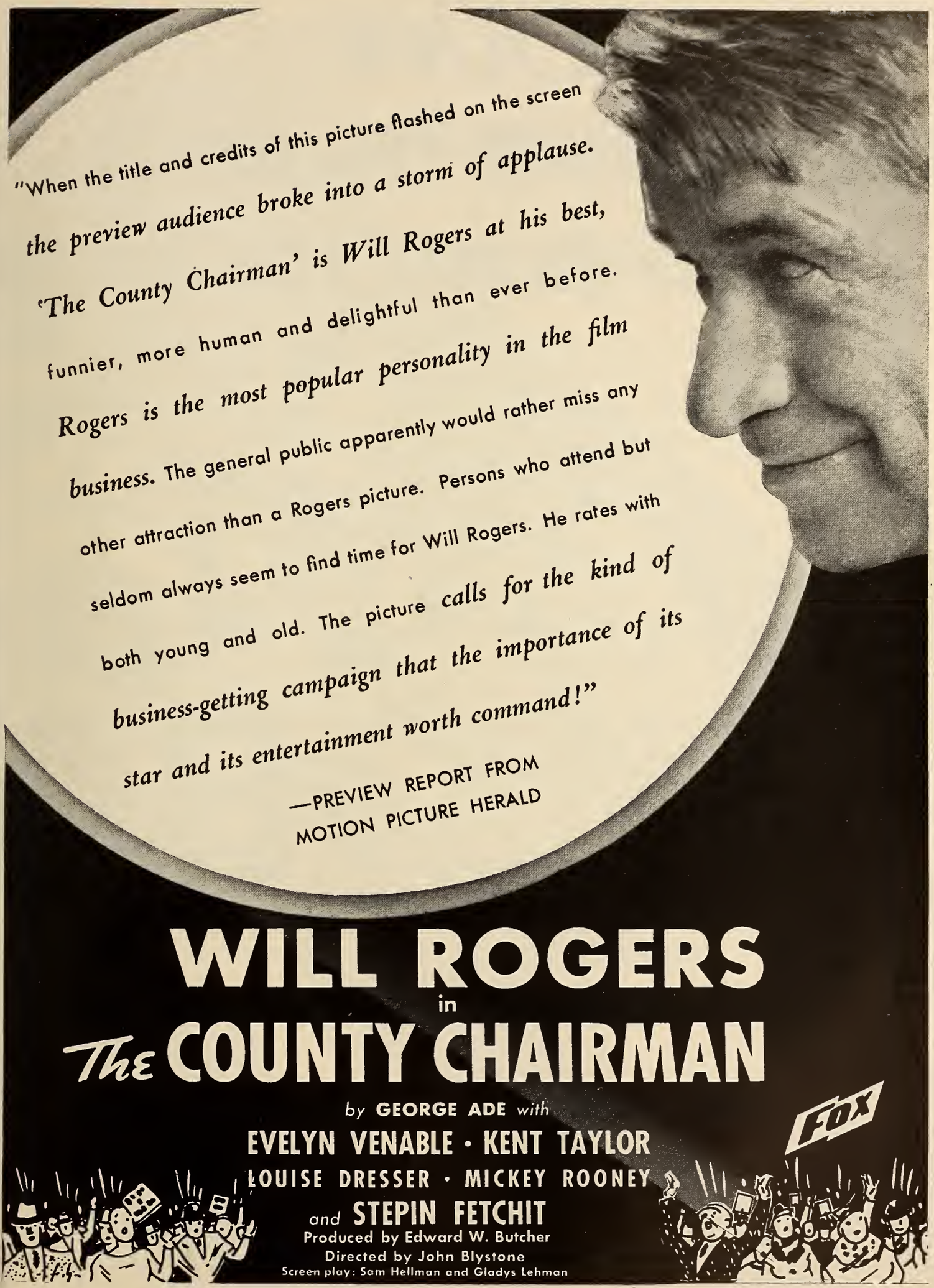
When Arthur Mayer vacates the Rialto it will be torn down for the erection of a four-story building containing a theatre, stores, offices and a restaurant, according to Anthony Campagna, president of Rialto Times Square, Inc., which has leased the property from the Gerry estate. The cost is estimated at $150,000.

Skouras-RKO Deal Set

George Skouras today takes over the Strand, Rockville Center, L. I., and the Embassy, Port Chester, N. Y., from RKO. The contracts were signed last week. Final details have been worked out during the last few days.

That's always an important and usually a non-productive situation in any man's exhibitor association. Ask Myers. Ask Kuykendall. Ask Sydney Cohen. Or Jimmy Walker. . . .

KANN



"When the title and credits of this picture flashed on the screen the preview audience broke into a storm of applause. 'The County Chairman' is Will Rogers at his best, funnier, more human and delightful than ever before. Rogers is the most popular personality in the film business. The general public apparently would rather miss any other attraction than a Rogers picture. Persons who attend but seldom always seem to find time for Will Rogers. He rates with both young and old. The picture calls for the kind of business-getting campaign that the importance of its star and its entertainment worth command!"

—PREVIEW REPORT FROM
MOTION PICTURE HERALD

WILL ROGERS
in
The COUNTY CHAIRMAN

by **GEORGE ADE** with

EVELYN VENABLE · KENT TAYLOR

LOUISE DRESSER · MICKEY ROONEY

and **STEPIN FETCHIT**

Produced by Edward W. Butcher

Directed by John Blystone

Screen play: Sam Hellman and Gladys Lehman

FOX

BY PLANE

THEY BRAVED THE JUNGLE'S TO BRING YOU BACK



FIERCEST PERILS
ITS GREATEST THRILLS!*

Beyond barriers never before penetrated by man . . . above impassable forests and peril-fraught rivers that had baffled the bravest . . . deep into the forbidden kingdom of claw and fang . . . THEY FLEW . . . to witness sights that astounded even them . . . and unearth the innermost secrets of the world's most mysterious continent!

MR. & MRS. MARTIN JOHNSON'S
BOONA

AN AERIAL EPIC OVER AFRICA

Supervised by Truman Talley

FOX

*Says PHIL M. DALY (Film Daily): "YOU AIN'T SEEN AN AFRICAN PIX TILL YOU LAMP THIS ONE!"

"What do you mean — hornin' in when I'm talking to a *lady?* It makes me sick even to look at you. I found out what I want and I'm takin' it. I'm movin' up. From now on, if you know what's good for you, stay outta this place and stay away from me."

"Listen—you! I made you rich. I put those swell clothes on your back. Now — just because you got your neck washed, you think you're a gentleman. Nobody can make you that . . . You're riff-raff . . . So am I! You belong with me . . . and you'll stay with me!"



JANUARY 23rd AT THE B'WAY STRAND

New York will settle the argument that's raging among the preview critics

"WHO GIVES THE GREATEST SCREEN PERFORMANCE OF 1935?"

PAUL MUNI in "BORDERTOWN"

or

BETTE DAVIS in "BORDERTOWN"

The man who beat the chain gangs matched with the enchanting man-wrecker of "Of Human Bondage"—for better or for worse—with no holds barred . . . in

THE *Second* OF "THE BIG SHOTS" FROM WARNER BROS.

With Margaret Lindsay, Eugene Pallette and many others. Directed by Archie Mayo. Vitagraph, Inc., Distributors

"Minister" and "Eyes" Detroit High, $20,200

DETROIT, Jan. 10.—For some unexplained reason the Fox split a week between two of the biggest hits of the season—"Bright Eyes" and "Little Minister." The former was on three days and the latter four, with six acts of vaudeville to round out the program. Business kept the ticket-sellers on the jump, the take going to $20,200.

"Kid Millions" held up to $11,600 in its second week at the United Artists. The Adams had the weirdest bookings of all over a period of 10 days—"Chu Chin Chow," three days; "Hell in the Heavens," three, and "Bright Eyes" four, and the take was only $4,600, under normal by $400.

Total first run business was $77,200. Average is $65,000.

Estimated takings for the week ending Jan. 4:

"CHU CHIN CHOW" (G-B) (3 days). "HELL IN HEAVENS" (Fox) (3 days). "BRIGHT EYES" (Fox) 4 days)
ADAMS—(1,770), 10c-40c. **Gross:** $4,600. (Average, $5,000.)

"BRIGHT EYES" (Fox) (3 days) "LITTLE MINISTER" (Radio) (4 days).
FOX—(5,100), 15c-55c, 7 days. Stage; 6 acts vaudeville. **Gross:** $20,200. (Average, $15,000.)

"BABES IN TOYLAND" (M-G-M) (First run)
"LIMEHOUSE BLUES" (Para.) (Second run)
FISHER—(2,975), 10v-40c, 7 days. **Gross:** $6,100. (Average, $10,000.)

"HERE IS MY HEART" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage; 6 acts vaudeville. **Gross:** $20,300. (Average, $20,000.)

"FATHER BROWN, DETECTIVE" (Para.) "HOME ON THE RANGE" (Para.)
STATE—(3,000), 15c-40c, 7 days. **Gross:** $4,400. (Average, $5,000.)

"KID MILLIONS" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 2nd week, 7 days. **Gross:** $11,600. (Average, $10,000.)

Six-Hour Day Among Kansas Union Aims

TOPEKA, Jan. 10.—A six-hour day and a 30-hour week and a bill to deprive state courts of the power of injunction in labor disputes are included in a legislative program submitted by Kansas labor organizations to Gov. Alf Landon.

Other proposals by labor are: Old age pensions; unemployment insurance to be supported jointly by the state and employers; improvement of the workmen's compensation law, and an increase in the prevailing wage scale by constitutional amendment.

Labor will take joint action with the farm organizations in opposing a sales tax, some sentiment for which exists among state officials. Some of the farm organizations favor a gross income tax, instead of the present levy on net incomes to lessen the burden on real estate.

E. O. Briles, exhibitor of Stafford, Kan., is a member of the legislature, the first Kansas theatre man to be elected in many years. He is expected to be of assistance in safeguarding the industry's interests during the coming session.

Gives Shorts a Break

CINCINNATI, Jan. 10.—The *Times-Star* now carries a box on its Saturday theatre page giving a list of the shorts playing first runs during the week.

"Marines" and Holiday Bill Boston Smash

BOSTON, Jan. 10.—In one of those New Year's eve shifts the RKO Boston ran up a huge $25,000, over par by $15,000. "The Marines Are Coming" with seven acts of vaudeville were bolstered New Year's night with "Romance in Manhattan."

The same situation prevailed at Keith's Memorial where "The Little Minister" ran for the week with "Romance in Manhattan" New Year's eve. Standing room was sold. The $15,500 take was $3,500 over par.

"Forsaking All Others" was the best straight film draw of the week, topping the usual take by $6,000 for a gross of $16,000 at Loew's State.

Total first run business was $76,500. Average is $64,000.

Estimated takings for the week ending Jan. 4:

"BORDERTOWN" (Warners) "BACHELOR OF ARTS" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $3,600. (Average, $4,500)

"THE LITTLE MINISTER" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. "Romance in Manhattan" and vaudeville New Year's Eve. **Gross:** $15,500. (Average, $12,000)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE—(3,687), 35c-50c, 7 days. Arthur Martel at organ. **Gross:** $16,000. (Average, $10,000)

"HERE IS MY HEART" (Para.)
METROPOLITAN—(4,338), 35c-65c, 7 days. Stage: Phil Harris with Leah Ray and acts. **Gross:** $30,000. (Average, $22,000)

"BORDERTOWN" (Warners) "BACHELOR OF ARTS" (Fox)
PARAMOUNT—(1,793), 30c-50c, 7 days. **Gross:** $4,400. (Average, $5,500)

"THE MARINES ARE COMING" (Mascot)
RKO BOSTON—(3,246), 25c-50c, 7 days. Seven acts of RKO vaudeville. "Romance in Manhattan" (Radio) on New Year's Eve. **Gross:** $25,000. (Average, $10,000)

Ahead of Schedule, Will Do One Monthly

HOLLYWOOD, Jan. 10.—With only six features and three westerns yet to be made on the current schedule, Monogram will make only one a month beginning today with "The Hoosier Schoolmaster" until the program is completed.

Of the six remaining, three will be specials, the first being Gene Stratton-Porter's "The Keeper of the Bees," set to start in March.

The first of the new 1935-36 program will go into production following the Monogram sales convention to be held here in March.

Hornig Heads Committee

BALTIMORE, Jan. 10.—Frank A. Hornig, president of the M.P.T.O. of Maryland, has named a legislative committee to watch developments at Annapolis. It includes himself, Herman A. Blum and William Hicks.

Zimbalist Moved Up

HOLLYWOOD, Jan. 10.—Sam Zimbalist, for several years assistant to Hunt Stromberg at M-G-M, has been promoted to a directorial post.

Form Puritan Pictures

ALBANY, Jan. 10.—Puritan Picture Corp. has been chartered by Louis A. Solomon, David Gross and Jean Krausl of New York City.

Give 'Em Classics

Overheard on Broadway as two film "fans" excitedly spotted M-G-M's 24-sheet on "David Copperfield," which describes the picture as the company's "greatest."

"'David Cooperfield'? Wonder what that could be about?"

"Forsaking" Pittsburgh's Top, $17,500

PITTSBURGH, Jan. 10.—While business all over town was up last week, it was still below the general expectations for New Year's Week. Only the Penn managed to keep pace with last year's takings. It did this with "Forsaking All Others," which took $17,500 and held over for another four days.

The Warner, too, made a creditable showing with "The Captain Hates the Sea" and "The Secret Bride," doing around $6,200 for its best showing in some time.

The biggest surprise of the week was the poor showing of "Sweet Adeline" at the Stanley. The picture was originally booked in for nine days, but was yanked in less than half that time after doing only $8,000.

Total grosses in six first run houses were $50,400. Average is $46,500.

Estimated takings for the week ending Jan. 4:

"MARINES ARE COMING" (Mascot)
ALVIN—(2,000), 25c-40c, 3 days, including New Year's Eve midnight show. Stage: Johnny Perkins, Mary Small and others. **Gross:** $8,000. (Average for 6 days, $10,000)

"CHU CHIN CHOW" (Gaumont British)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,500. (Average, $4,500)

"FORSAKING ALL OTHERS" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $17,500. (Average, $12,000)

"GRIDIRON FLASH" (Radio)
PITT—(1,600), 15c-35c, 6 days. Stage: "Chuckles of 1935" unit. **Gross:** $6,200. (Average, $6,000)

"SWEET ADELINE" (Warners)
STANLEY—(3,600), 25c-50c, 4 days. **Gross:** $8,000. (Average for 6 days, $9,000)

"CAPTAIN HATES THE SEA" (Col.) "SECRET BRIDE" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $6,200. (Average, $5,000)

More Than Half N.E. Theatres Sign Code

BOSTON, Jan. 10.—More than 50 per cent of the active theatres in the New England territory, Connecticut not included, have assented to the code during the past year. Of this number, only a few have not followed signatures with checks for assessments. Approximately 1,000 houses are in this section, with about 800 of these lighted. Summer stands, along with several unaffiliated circuits, comprise the majority of non-assenters.

To Refuse Banned Films

KANSAS CITY, Jan. 10. — In a neighborhood with a large Catholic population, J. F. Rigney has announced that pictures considered objectionable by Catholic review lists will not be shown at his Westport Theatre. These are films included in the C or blacklist.

"Minister" Up In Cleveland With $10,500

CLEVELAND, Jan. 10. — Scrambled openings and midnight shows New Year's eve helped business considerably. The outstanding attraction of the week was "The Little Minister" which took $10,500 on a straight seven-day basis with no midnight show. The $10,500 take was $4,500 over normal.

"Bright Eyes" demonstrated its continued drawing power by grossing $3,600 in two days with a midnight show at the Allen. This is $600 better than a full week's average. "Hell in the Heavens" at the Allen for the other five days of the week garnered a strong $3,600.

Total gross for the holiday week was $49,200. Some pictures opened New Year's Eve. Average for seven days is $33,000.

Estimated takings for the week ending Jan. 4:

Week Ending Dec. 29:
"HELL IN THE HEAVENS" (Fox)
ALLEN—(3,300), 20c-30c-40c, 5 days. **Gross:** $3,600. (Average for 7 days, $3,000)

Week Ending Dec. 31:
"BRIGHT EYES" (Fox)
ALLEN—(3,300), 20c-30c-40c; New Year's Eve Midnight, 60c; 2 days, second week downtown. **Gross:** $3,600. (Average for 7 days, $3,000)

Week Ending Jan. 4:
"THE LITTLE MINISTER" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $10,500. (Average, $6,000)

Week Ending Jan. 4:
"SECRET BRIDE" (Warners)
RKO PALACE—(3,100), 30c-40c-60c, 7 days; New Year's Eve midnight, $1.00-$1.50. Stage: Eight acts vaudeville. **Gross:** $18,000. (Average, $15,000)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-44c, for 5 days; New Year's Eve Midnight, 60c. **Gross:** $9,000. (Average for 7 days, $10,000)

"LIMEHOUSE BLUES" (Para.)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 5 days; New Year's Eve Midnight, 44c. **Gross:** $4,500. (Average for 7 days, $4,000)

Soviet Film Raises Ontario Censor Row

TORONTO, Jan. 10.—A battle is waging in various Ontario centres over the propriety of the Soviet film, "Ten Days that Shook the World," municipal and police authorities engaging in a warm discussion with representatives of the so-called Workers' Sport Ass'n. which is sponsoring the exhibitions.

Strangely enough, the Ontario censors are not taking a hand in the wrangle and the film has been publicly shown in a number of halls without the official stamp of the censor board. The latter has taken the stand that the release does not come within its jurisdiction because the film is not of standard width. This is the first time that the width of a print has been the deciding point with regard to censorship by the province and municipalities have set up a censoring system of their own. This, too, is interesting because, heretofore, cities and towns have left the examination of films entirely to the province. Exhibitors are somewhat concerned because the move may be the spearhead for double censorship of theatrical films.

The Soviet picture has been banned in a number of cities but the authorities in other places have adopted a don't care attitude.

"My Heart" Is Hit on Coast; Gets $26,000

Los Angeles, Jan. 10.—Grosses held up well in spite of the post-holiday slump and rain early in the week. "Here Is My Heart" was in the smash hit class with $26,000, over the line by $8,000, at the paramount.

"What Every Woman Knows" took a strong $4,500 at the 900-seat 4-Star, and "The Captain Hates the Sea" was a money-maker at the Pantages on a $4,100 gross. "Power," at the Filmarte, was good for $2,800.

Total first run business was $85,400. Average is $88,450.

Estimated takings for the week ending Jan. 9:

"KID MILLIONS" (U. A.)
CHINESE—(2,500), 50c-65c, 7 days. **Gross:** $8,300. (Average, $12,500)

"POWER" (Gaumont British)
FILMARTE—(800), 40c-55c, 6 days. **Gross:** $2,800.

"WHAT EVERY WOMAN KNOWS" (M-G-M)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,500. (Average, $3,250)

"KID MILLIONS" (U. A.)
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $9,500. (Average, $14,000)

"HERE IS MY HEART" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Pinkie Tomlin, Louise Beavers, Rube Wolf and his orchestra, F. and M. review. **Gross:** $26,000. (Average, $18,000)

"THE LITTLE MINISTER" (Radio)
RKO—(2,700), 25c-65c, 7 days. Baer-Levinsky fight. **Gross:** $6,900. (Average, $8,000)

"THE FIRST WORLD WAR" (Fox)
"GAY BRIDE" (M-G-M)
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $4,400. (Average, $3,500)

"THE LITTLE MINISTER" (Radio)
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days. **Gross:** $10,200. (Average, $14,000)

"MURDER IN THE CLOUDS" (Warners)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. Stage: Six acts vaudeville, Oscar Baum and his orchestra. **Gross:** $8,700. (Average, $12,000)

"THE CAPTAIN HATES THE SEA" (Col.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $4,100. (Average, $3,200)

"Flirtation" Gets $3,200 in Lincoln

Lincoln, Jan. 10. — "Flirtation Walk" at the Lincoln and "Forsaking All Others" at the Stuart swapped blows with the opposition's first box-office magnet, "Broadway Bill" at the Varsity. Both the first two pictures were in eight days, trying to set back to the Thursday opening, which was dodged to start on the Christmas-New Year's holidays.

"Flirtation Walk" took $3,200 in eight days and "Forsaking All Others" headed into $3,500, both films above average. "Broadway Bill," set in four 10 days, tilled $3,000, also over the divide for a good margin. The Orpheum had a full week of stage shows, Georgia Minstrels and "Father Brown, Detective" leading off with four days and "Penthouse Follies" and "Elinor Norton" closing with three and running the take up near $4,500.

The estimated eight-10 days' take was $14,200. Average for seven days is $9,100.

Estimated takings:

Week Ending Jan. 6:
"FATHER BROWN, DETECTIVE" (Para.)
"ELINOR NORTON" (Fox)
ORPHEUM—(1,200), 10c-15c-25c, 7 days.

(*Continued on page* 19)

"Sweet Adeline" Sweet in Washington; $21,200 Swell

Washington, Jan. 10.—"Sweet Adeline" took the Earle to town last week to the tune of $21,200, over par by $3,600. A big stage show helped. Runner-up was "The Little Minister," at RKO-Keith's, where it took $11,500 on the second week.

Loew's Fox slipped with "The President Vanishes" to a take of $19,600. The picture received rave reviews.

"Forsaking All Others," playing a second week at Loew's Palace, took an excellent $14,300. At a return engagement—which added four days to an original three—"It's a Gift" grossed $4,900.

"Home on the Range" at the Metropolitan did a satisfying $5,400.

Total gross for the reported period was $76,900. Average for the usual Friday-Thursday week is $71,200.

Estimated takings, exclusive of tax:

Week Ending Jan. 3:
"SWEET ADELINE" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: "New Year's Frolic," with Paul Ash, m. c., Sylvia & Clemence, Bert Granoff, Trado Twins, Minette, Bobbie Gilbert, Dave & Hilda Murray. **Gross:** $21,200. (Average, $17,600)

"THE PRESIDENT VANISHES" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Nick Lucas, Jans & Whalen; Nayan, Pearce & Carthay, Willie & Joe Wardel. **Gross:** $19,600. (Average, $20,500)

Week Ending Jan. 6:
"HOME ON THE RANGE" (Para.)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $5,400. (Average, $4,100)

Week Ending Jan. 7:
"IT'S A GIFT" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,900. (Average, first run, $3,100)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $14,300. (Average, first week, $14,500)

"THE LITTLE MINISTER" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $11,500. (Average, first week, $11,400)

"U" Suit Up in Scranton

Scranton, Jan. 10.—An equity action brought by Universal Picture Corp. and Worldwide Picture Corp. against Edward Nanawicz, exhibitor at Eynon, Pa., will be heard on Jan. 17 before U. S. Judge A. L. Watson. The case has been before the court for nearly two years.

The plaintiffs allege the defendant exhibited five films early in 1932 without proper license. They seek to recover damages under the copyright laws.

Battles Lincoln Papers

Lincoln, Jan. 10.—Milton Overman, who bosses the Varsity and Kiva here, is having a fight with newspapers and has taken the lion's share of his ads out of the sheets, transferring to radio and shopping guides. His radio idea is novel in that he has a line into his office and goes on twice a day with a little ether "visit" with the listeners chatting about pictures to come and pictures playing. He also has a mike spotted back stage so he can switch into the picture and give a short snatch of the current attraction.

Wanger Signs McCrea

Hollywood, Jan. 10.—Walter Wanger has signed Joel McCrea to play opposite Claudette Colbert in "Private Worlds." Others in the cast include Charles Boyer and Joan Bennett.

Build Up for Jane

Hollywood, Jan. 10.—Fox is planning a buildup for Jane Withers who made her first hit with Shirley Temple in "Bright Eyes." The child is now appearing in "Dante's Inferno" and then is scheduled for a role in "Redheads on Parade."

In the meantime, a role is being written for her in "Dice Woman" and William Conselman is preparing an original especially for her.

"Bright Eyes" Denver Smash With $10,000

Denver, Jan. 10.—"Bright Eyes" ran away with the lion's share of the first run business here last week. The $10,000 gross was nothing short of a sensation, as it was $4,000 over average.

Business was generally good with "Chu Chin Chow," "Here Is My Heart," "Forsaking All Others" and "Babes in Toyland" all showing a substantial profit.

Total first run business was $28,500. Average is $20,500.

Estimated takings for the week ending Jan. 3:

"CHU CHIN CHOW" (Gaumont British)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $2,500.)

"HERE IS MY HEART" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $4,000.)

"FORSAKING ALL OTHERS" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $6,000.)

"BRIGHT EYES" (Fox)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $6,000.)

"BABES IN TOYLAND" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $2,000.)

Canada Government Makes War Feature

Toronto, Jan. 10.—The Canadian Government has become a feature film producer and it's a real war picture.

Government officials have delved into the archives and have brought out a million feet of official battle films taken during the war on the various fronts. A full length feature has been made up, sound effects added and the subject is to be released to theatres soon. Rental proceeds are to be turned over to the Canadian Legion.

Intimation has come that nothing has been left to the imagination in the way of war action.

Hold Gertrude Michaels

Hollywood, Jan. 10. — Gertrude Michaels has been handed a new contract by Paramount, having completed 11 pictures for the studio since signing a year ago. The actress is now working in "The Milky Way."

"Forsaking" $20,000 Hit, Kansas City

Kansas City, Jan. 10.—"Forsaking All Others" just about exhausted the Midland cashiers, with New Year's shows added. The $20,000 take was $1,000 over average, and the film was held for an extra four days.

"Bright Eyes," which more than doubled average at the Uptown with a take of $7,100, was held over for a second week. "Babbitt, helped by a stage show, was in the big money at the Mainstreet, the gross going to $13,000. "Sweet Adeline" was taken out of the Apollo at the end of four and one-half days.

Total first run business was $54,-200. Average is $34,500.

Estimated takings:

Week Ending Jan. 3:
"MILLS OF THE GODS" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: "Hello, 1935," with Sidney Page & Co., Marcy Bros. & Beatrice, Orville Rennie, Frank Evers, others. **Gross:** $8,600. (Average, $7,000)

"BRIGHT EYES" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $7,100. (Average, $3,500)

Week Ending Jan. 4:
"THE UNFINISHED SYMPHONY" (Gaumont British)
APOLLO—(1,100), 25c, 7 days. **Gross:** $1,000. (Average, $1,500)

"SWEET ADELINE" (Warners)
NEWMAN—(1,800), 25c-40c, 4½ days, plus New Year's Eve midnight show. **Gross:** $4,500. (Average, 4½ days, $4,500)

Week Ending Jan. 6:
"FORSAKING ALL OTHERS" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days, plus New Year's Eve midnight show. **Gross:** $20,000. (Average, $9,000)

Week Ending Jan. 7:
"BABBITT" (F. N.)
MAINSTREET—(3,100), 25c-35c-40c, 7 days, plus New Year's Eve midnight show at 75 cents all seats. Stage: "Spices of 1935," featuring Count Verni Vici, Ted Healy's Stooges, Bob Carney & Co., Mlle Caroline, Human Fountain of Versailles, Decounti & Romaine, Mary & Bobby. **Gross:** $13,000. (Average, combination shows, $9,000)

"Minister" Big in Portland Holdover

Portland, Jan. 10.—"Little Minister" continued as a sensational box-office attraction in its second downtown week here. After getting a strong $7,000 at the Orpheum it was moved to the Music Box where it doubled the normal take by piling up $4,000.

Business was good all along the line with only one house under par. "The White Parade" ran $3,000 over the profit side of the line with an $8,000 gross at the Paramount. A stage show helped. "Babes in Toyland" and "The Silver Streak" were each $1,000 over average at the Broadway and Orpheum, respectively.

Total first run business was $33,800. Average is $27,000.

Estimated takings for the week ending Jan. 5:

"BABES IN TOYLAND" (M-G-M)
BROADWAY—(1 912), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"BRIGHT EYES" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"LITTLE MINISTER" (Radio)
MUSIC BOX—(1,000), 25c-35c-40c, 7 days, extended run from Orpheum. **Gross:** $4,000. (Average, $2,000)

"THE GAY DIVORCEE" (Radio)

(*Continued on page* 19)

HE KNOWS WHAT

No. 802 Straight-from-the-Shoulder Talk by Carl Laemmle, President of the Universal Pictures Corporation

During my association with J. R. Grainger (whose trademark seems to be "Jimmie") I have found him the hardest-to-please man I ever met in this business.

He has the job of selling pictures and he wants them to be better than good. Now and then he has bitterly criticized some of the efforts of the Universal studio.

But now he writes me the following office memorandum:

"In my opinion, Mr. Laemmle, 'The Good Fairy,' starring Margaret Sullavan and Herbert Marshall is easily the best picture Universal has produced in years. I am not only willing but eager to give my best friends among the exhibitors my personal guarantee that Miss Sullavan and Mr. Marshall give a marvelous performance in a picture full of laughs, and that they can figure on new records at their box-offices. This is putting it mildly.

"I have also just seen The Mystery of Edwin Drood' and I am delighted to find it an outstanding picture, fast moving and full of mystery, suspense and good comedy, excellently well acted.

IT'S ALL ABOUT!

"Moreover I have seen most of 'Transient Lady,' another splendid picture with every indication of good box-office entertainment.

"I have seen the first rushes on 'Frankenstein Lives Again' and 'Princess O'Hara' and 'It Happened In New York' and they show up even better than the scripts, which I considered great.

"With these, to be followed by 'The Great Ziegfeld' and Diamond Jim' and 'Show Boat,' all beautifully prepared, we are going to show an unheard-of improvement in our product, including bigger pictures than we promised at the beginning of the season.

"You have done a swell job. I am going to do an equally swell one and so are the real showmen of the United States and Canada."

If Mr. Grainger is willing to say that much to me, I have a sneaking suspicion that Universal's pictures from now on are going to tickle you to death!

Carl Laemmle


His
JOSEPH M. SCHENCK presents
CLIVE
DARRYL F. ZANUCK'S Mightiest Product

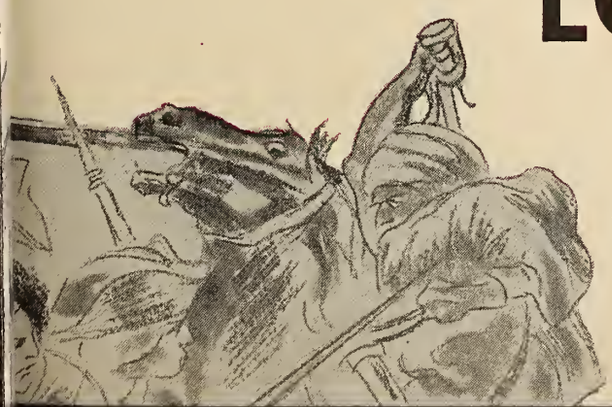
sword CARVED OUT A THRONE FOR A GIRL HE HAD NEVER SEEN!

At twenty-five...a $25 a year clerk...At twenty-six...the conqueror of India...with Asia's fabulous treasures to lay at the feet of a girl he loved...but had never seen! Fiction can never equal the exploits of this dramatic Man of Destiny. Surpassing "The House of Rothschild" . . . The Proudest Achievement of Twentieth Century Pictures!

OF INDIA

starring **RONALD COLMAN**

LORETTA YOUNG



BACKED UP WITH FULL-PAGE ADS IN NATIONAL MAGAZINES REACHING 60,000,000 PEOPLE!

Released thru **UNITED ARTISTS**

20TH CENTURY PICTURE

Dubinsky and IATSE End St. Joseph Row

KANSAS CITY, Jan. 10.—Dubinsky Bros. Theatres have made peace with the I.A.T.S.E. operators' local in St. Joseph, Mo., and have reinstated employes who were replaced last fall during a bitter controversy.

Terms of the settlement were not disclosed. The crux of the argument was the union's demand for continuance of two-men-in-a-booth at the three Dubinsky houses, the circuit contending locals in other cities had granted one-man operation.

It is reported that the operators, ousted members of the Independent M. P. Operators' Union, whom Dubinsky employed after breaking with the I.A.T.S.E., have taken their case to the Regional Labor Board. Meanwhile a Federal court injunction Dubinsky obtained against the I.A.T.S.E. in St. Joseph remains in force.

In Kansas City, operators at Dubinsky houses are employed under terms of an arbitration decision, which has been appealed by Local 170 to Compliance Director Rosenblatt.

May Open in Milwaukee

MILWAUKEE, Jan. 10.—Rumors are rife concerning the Majestic, downtown house dark for several years. One report has it that a former local theatre manager is dickering with the owners for reopening the house, while another says that the theatre will be torn out and replaced with store and office space. The lobby of the house has been occupied by a neckware establishment for many months.

Another local downtown house, the Strand, slated for reopening Christmas day, has had its projection equipment repossessed and will continue dark. Warners were the last operators of the house.

Dunnuck Gets 3 Houses

NORFOLK, Neb., Jan. 10.—Robert Dunnuck, lately with A. H. Blank's Tri-States Theatres, has become city manager of the three Harry Weinberg Central States Theatres here. Weinberg acquired the 800-seat Granada from Ellis & Larue, who had announced the opening of the house recently, rented film and put out advertising. Before the doors opened, however, Weinberg had acquired the house and Dunnuck came in to manage it along with the Grand and Rialto. Rowan Miller formerly was city manager.

Turkish Houses Hold Up

WASHINGTON, Jan. 10.—Despite unsatisfactory business conditions in Turkey, theatre business was about equal to that of last year during the first two months (September and October) of the present season, according to a report issued by the U. S. Department of Commerce.

The Ipekdji Studio has just completed, the report stated, a Turkish film, "Batikli Damin Kizi" ("Girl of the Dilapidated House"), a drama of some 11,000 feet. It will be released shortly.

Acquires Elyria Capital

ELYRIA, O., Jan. 10.—John Perkas has formally taken over the Capitol, recently turned back by Warners. This gives him complete dominance of this town through his additional operation of the Rialto, Dreamland and Rivoli.

Key City Grosses Go Into Nosedives Christmas Week

Grosses took a nose dive prior to Christmas in the 22 cities where weekly statistics are gathered by MOTION PICTURE DAILY, reaching a point lower than at any time since last September—$1,070,800.

During the first week of December the total picked up to $1,401,989, figures comparable with those of the last week in September and the first week in October, but for the week ending Dec. 13-14 the decline set in swiftly.

Only five cities out of the 22 had increases for the week. They were Chicago, Kansas City, Minneapolis, Pittsburgh and Seattle.

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4- 5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1- 2	135	1,288,992
Nov. 8- 9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6- 7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800

Comparative weekly Totals:

	Week Ending Dec. 20-21		*Week Ending Dec. 13-14*	
	Theatres	Gross	Theatres	Gross
Boston	6	$64,450	6	$110,500
Buffalo	5	36,700	5	44,100
Chicago	9	138,500	8	131,000
Cleveland	5	30,050	5	31,600
Denver	5	22,500	5	28,000
Detroit	6	61,700	6	66,000
Indianapolis	5	22,000	5	24,500
Kansas City	5	33,600	5	25,800
Los Angeles	9	66,500	9	76,400
Minneapolis	7	24,200	6	23,900
Montreal	5	35,500	5	41,500
New York	9	154,950	9	224,410
Oklahoma City	4	10,650	4	12,600
Omaha	3	16,900	4	18,950
Philadelphia	8	53,500	8	55,800
Pittsburgh	6	43,500	6	40,350
Portland	7	31,200	7	34,000
Providence	6	39,400	6	43,200
San Francisco	7	77,500	7	89,500
St. Paul	5	17,500	5	18,500
Seattle	7	36,700	7	35,500
Washington	6	53,300	7	68,500
	135	$1,070,800	135	$1,244,610

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Theatre Six-Day Bill In

ALBANY, Jan. 10.—Under the provisions of a bill introduced in the Senate by Julius S. Berg, Bronx Democrat, and referred to labor committee, the labor law is amended by providing every employer operating a place in which dramatic and musical productions are shown, shall allow employes, including performers, at least 24 consecutive hours' rest in each calendar week.

Davis Succeeds Sonin

M. I. Davis, manager of the Hongkong branch for M-G-M, has been promoted to general manager of the South Africa office, succeeding the late Carl J. Sonin. Davis is now in Shanghai conferring with the assistant manager of the office there, who will take his former place in Hongkong.

Borzage Still Laid Up

HOLLYWOOD, Jan. 10.—Frank Borzage is still in the Queen of Angels Hospital as a result of his fall from his polo pony day before Christmas.

Won't Censor "President"

MEMPHIS, Jan. 10.—Answering a request made by several local individuals that it take action against "The President Vanishes," current at Loew's State, on the ground the film is "psychologically wrong and encourages criminal tendencies," the Memphis censor board has taken the stand it can ban or cut a production only in instances of immorality or obscenity.

Ruth Mix to Resolute

HOLLYWOOD, Jan. 10.—With the object of eventually making her a feminine "stunt" star in action pictures, Resolute Pictures Corp. has placed Ruth Mix, daughter of Tom Mix, under a long-term contract. At present the actress is being co-featured with Rex Bell in a series.

Levy Now on Bank Board

NEW HAVEN, Jan. 10.—Edward G. Levy, general counsel of the M. P. T. O. A., has been elected to the board of directors of the Community Bank & Trust Co. here.

McGinley Heads New Seattle Film Club

SEATTLE, Jan. 10.—L. J. McGinley, Universal manager, has been elected president of the newly-organized Northwest Film Club. Hugh Bruen, suburban exhibitor, will be vice-president; Ed Lamb, RKO manager, secretary-treasurer. Trustees will be Al Rosenberg of Evergreen State Theatres, Neal East of the Paramount exchange and B. F. Shearer of the B. F. Shearer Theatre Equipment Company.

Formal opening of the club's quarters in the Washington Hotel was celebrated recently. A membership of 108 has already been signed, and it is expected that more than 200 will be listed before March 1.

Buy Indianapolis Capitol

INDIANAPOLIS, Jan. 10.—The Capitol has been purchased by the Central City Amusement Co., Carl Niesse is general manager. New sound equipment has been installed and the building is being remodeled. Double features will be shown week days with stage shows and pictures Saturdays and Sundays.

Central City also operates the Ambassador, Cozy and Alamo, and has an interest in Zaring's Egyptian.

Charter Two at Dover

DOVER, Del., Jan. 10.—Moultrie Theatres, Inc., of Moultrie, Ga., has been formed here with a capital of $50,000. The incorporators are J. L. D. Powell, C. H. Powell and J. O. Gibson of Moultrie, Ga.

Dur Prod. Inc., has been chartered to produce and present plays and opera with a capital of $100,000. The incorporators are M. M. Lucey, H. I. Brown and L. S. Dorsey, Wilmington.

Form Theatre Companies

ALBANY, Jan. 10.—Cousins Theatre Corp., Bronx, has been chartered with 100 shares of no par value. Joseph Wolowich, Rose Kaplan and Mollie Singleman are the incorporators.

Drama Holding Corp. has been chartered to operate theatres. Betty Finkelstein, Kate Heichman and Edna Schlein are directors and subscribers.

Planning a 700-Seater

COLUMBUS, O., Jan. 10.—C. A. McDonald, who operates the Southland and Thurmania, has awarded a contract for a 700-seat ultra-modern neighborhood house to be known as the Arlington, work on which will be started at once. Plans call for completion in four months.

Four Loew Houses Dark

BOSTON, Jan. 10.—According to the E. M. Loew offices, 24 houses in the circuit are open. Only four are closed—two in Rhode Island, one in Maine, and one in this state.

Open Louisville House

LOUISVILLE, Jan. 10.—The National has reopened under the management of Tom Norman. The policy will be stage and first run pictures. Hale Huston is publicity director.

New House for Brazil

BRAZIL, Ind., Jan. 10.—A new downtown theatre is being completed here from a remodeled business building by a company headed by H. V. Neese. It will seat 500.

Para.'s Annual Cash Need Put At 36 Million

(*Continued from page* 1)

Theatre Corp., and Paul Raeburn, chief statistician for Paramount, completed the formal proof of the Paramount Publix plan with testimony designed to show the cash needs of the company on and after reorganization. The hearing was adjourned to Jan. 18 to complete the proof of the reorganization plan for Paramount Broadway, holding company for the Paramount Building and theatre.

Yesterday's testimony included an itemizing of the obligations to be met with the $3,800,000 cash in the hands of the Paramount trustees and the $6,500,000 to be raised by common stock assessments. It attempted to show that the stock assessment was justified and that an additional $14,000,000 cash on hand in the possession of subsidiaries was necessary for their current operating expenses. Of the other $10,300,000 cash, $5,325,000 would be applied to payment of Paramount's bank debt and approximately $4,500,000 would be needed for costs of administration of the estate, expenses of reorganization, immediate requirements of production and other expenses. Of the latter amount, according to Raeburn's testimony, $1,650,000 would be needed to meet the terest on the new debentures; $1,650,000 for dividends on the first preferred stock, $350,000 for dividends on the second preferred and $550,000 to apply to the sinking fund for new debentures.

Source of 1935 Cash

Normal cash requirements for 1935 would be derived from anticipated earnings for the year, which are being estimated on the basis of 1934 earnings, Raeburn testified in response to a question put to him by Judge Coxe. Raeburn estimated that, in addition to the $14,000,000 cash on hand held by subsidiaries, Paramount would require another $5,000,000 in order to maintain next season a production policy of 60 pictures at approximately the present negative cost.

Freeman testified that the Paramount theatre subsidiaries had approximately $4,500,000 cash on hand at the end of 1934, of which $1,100,000 was held by Balaban & Katz. The bulk of it, he said, was required for current operations and, of the total, Paramount could not collect more than $350,000 or $450,000 at this time. He declared that the theatre group as a whole could take care of its own cash requirements and was in good condition, although a few subsidiaries did not have enough cash to cover an emergency.

Interrogation of the witnesses was conducted by Alfred Cook and Louis Loeb, of counsel for Paramount. Cross-examination was confined mostly to Archibald Palmer, appearing as public defender, who, with Samuel Zirn, representative of a small bondholders' group, still constitute the only opposition to the plan at this time. Palmer's examination of witnesses was directed in an attempt to show that the stock assessment might not be needed; that cash on hand was ample for the company's requirements and that the six per cent interest rate being paid on the bank debt was excessive.

In commenting on probable opposition to the plan which may develop, Cook told the court that he had been advised by an unnamed person that if certain appointments were not made to the board of the new company, new attacks on the plan would be made.

Completion of the proof on the Broadway plan, Jan. 18, is expected to take the entire day, or longer. Austin Keough, Paramount secretary, will be the first witness.

Says Para. Subsidiaries Need $700,000 Each Week

The Paramount film subsidiaries require $700,000 cash each week, George Schaefer, general manager, testified yesterday at the Federal court hearing on the company's reorganization plan.

Of this amount, Schaefer estimated Hollywood requirements were "$375,000 or $400,000" a week. Paramount's Hollywood payroll, he said, was "$230,000 to $250,000" a week for 2,700 employes, or an average of about $90 per person.

Paramount has set aside a reserve fund of $1,500,000 to $2,000,000, the testimony disclosed, as a contingency to cover its estimated liability in the event American Tri-Ergon wins an action for damages against the company for alleged patent infringement.

Emphasizing the desirability of ready cash for production purposes, Schaefer stated that the company was frequently handicapped in properly advertising and exploiting productions because of the dependence of producing activities on distribution returns, which tends to delay the start of new pictures until revenue begins to come in from a completed picture. This, he said, frequently brings the completion of a film so close to its release date that it does not receive proper marketing attention. He pointed out that Paramount was having that problem to contend with at the moment in the case of "Lives of a Bengal Lancer," and intimated that ideal production financing should permit the company to keep "seven or eight" pictures ahead of release dates.

Figure Para.'s '34 Net at $6,682,000

(*Continued from page* 1)

quarter of 1934 would be $1,030,000, as compared with a profit of $2,300,000 for the same quarter of 1933.

Y. Frank Freeman, vice-president of Famous Theatres Corp., Paramount's theatre holding company, testified that the estimated $882,000 theatre group profit for 1934 compared with a loss, undisclosed, on 1933 theatre operations. He stated that a profit of $1,200,000, exclusive of theatre properties in reorganization, was possible for 1935. He estimated that, in addition to this amount, Paramount's 50 per cent interest in Saenger Theatres, now in reorganization, should return it a profit of $200,000 to $250,000 on the basis of an estimated $600,000 net for the circuit for 1935.

Three in Cleveland Resume Dual Billing

(*Continued from page* 1)

now exhibiting double features are the Alhambra, Metropolitan and Temple.

Victor Wolcott, who operates the Temple, has taken over the Family on a lease and plans to reopen it shortly with twin bills. The Family formerly was operated by Singer & Segal, who some time ago attempted to drop the single feature plan for duals, but were stopped by a court restraining order. Immediately after the court action Singer & Segal gave up the theatre.

Only independent pictures are being shown at the three dual feature houses. According to unaffiliated exhibitors, the twin bill policy is expected to spread. Major distributors continue to sell with the dual restriction clause in contracts.

Independent exchange men believe that twin bills will be shown again at most unaffiliated theatres within the next few months. The plan to take court action against major distributors for restricting duals is believed to have been dropped by independent forces.

'Anything Goes' to Para.

"Anything Goes," musical now on Broadway, has been acquired by Paramount.

Roxy to Report Soon

Annual financial report of the Roxy is due within the next few days.

Dr. Short Expires Suddenly in Phila.

(*Continued from page* 1)

ence with a committeeman of the council there. Dr. Short had long suffered from heart disease.

A son, James, left later in the day to bring the body to New York.

Born on a farm near College Springs, Ia., on Dec. 4, 1868, Dr. Short was a clergyman by profession, having been ordained as a Congregational minister in 1897.

Dr. Short was an ardent peace advocate, having been executive secretary of the League to Enforce Peace, with which he had been associated since its organization in 1915. He had served as a delegate to several peace conferences and had been prominently identified with religious activities.

An active part had been played by Dr. Short in organizing studies financed by the Payne Fund to determine the effect of films on the health, conduct and character of children, and early last year he indicated the council would campaign against block booking.

Dickstein to Push Actor-Labor Bill

(*Continued from page* 1)

tion Committee last year and hearings were held. Dickstein does not believe that it will be necessary to go through this formality again.

Church Bodies Start Detroit Theatre Lists

(*Continued from page* 1)

"white lists" 26 metropolitan houses that have shown no Class "C" films, warns 72 theatres that have shown either one or two disapproved pictures, and brands as "unworthy of patronage by those who took the Legion of Decency pledge" 31 houses which have shown three or more Class "C" films during the month.

The 26 houses on the "white list" embraced all of the first runs except the Fisher. This list included the following houses: Adams, Fox, Michigan, RKO Uptown, State, United Artists, Aloma, Annex, Baldwin, Birmingham, Center, Colonial, DeLuxe, Eastown, Globe, Grande, Iris, Martha Washington, Mayfair, Medbury, Oriole, Piccadilly, Roosevelt, Rosedale, Stratford, Tower.

The "offending" theatres were listed as follows: Showing six banned features—Loyal and Irving; five banned films—Belmont, Casino, Astor, Beacon and Boulevard; four Class "C" films—Echo, Hippodrome, Jefferson, Sheridan, and Lincoln; three Class "C" films—Capitol, Amsterdam, Century, Colony, Dox, Hoover, Rex, Uptown, Your, Fenkell, Coliseum, Dawn, East Side, Home, Myrtle, Rivola, Strand, West End and Sun.

List of Warned Houses

The houses that showed one or two Class "C" films and which were warned that "a word to the wise" is sufficient were the Fisher, Hollywood, Madison, Riviera, Ambassador, Alhambra, Arcadia, Avalon, Buchanan, Calvin, Cameo, Carlton, Cinderella, Conant, Cooley, Crystal, Delthe, Dexter, Dix, East End, Family, Farnum, Fine Arts, Flamingo, Ford Grand, Forest, Fordson, Garden, Gladwin, Granada, Grand Victory, Great Lakes, Greenwood, Highland Park, Hoover, Ideal, Kramer, Lasky, Lincoln Park, Linwood LaSalle, Loop, Maxine, Midway, Norwood, Oakman, Oliver, Palace, Park, Plaza, Priscilla, Punch and Judy, Ramona, Redford, Regent, Rialto, Roxy, Royal Oak, Senate, Stanley, Theatorium, Tuxedo, Virginia, Warfield, Whittier and Woodward Grand.

While some 25 exhibitors questioned felt that publication of the list would not affect their business any more than the Legion of Decency drive already has, most of them branded as "unfair" publication of the list, saying that they had had no warning that the organization would issue it.

Referring to the banned pictures, the bulletin said:

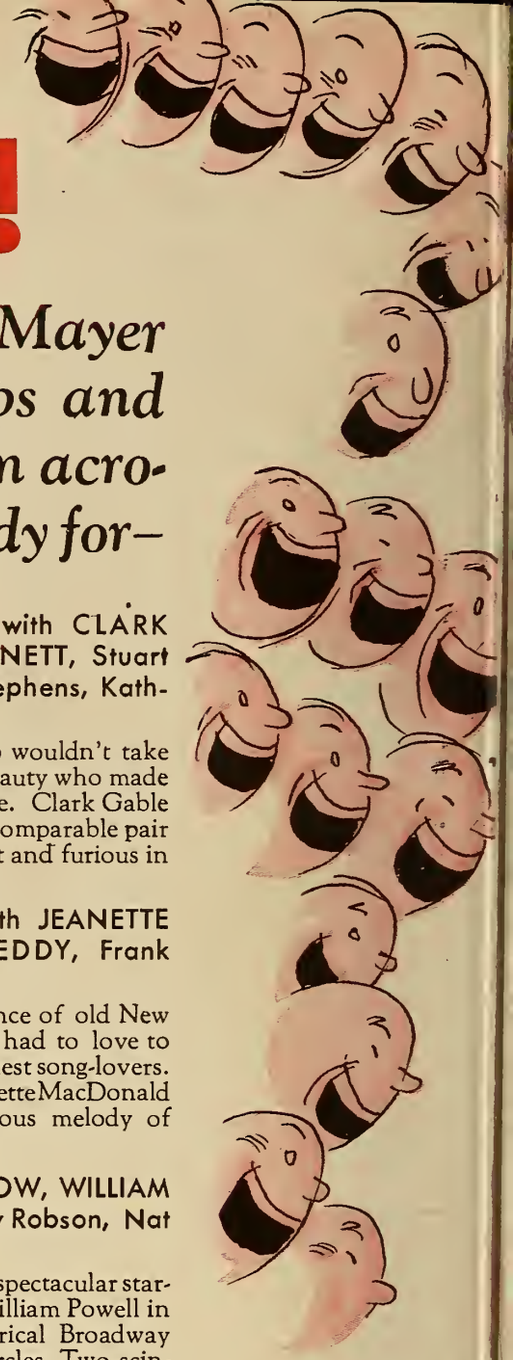
"No exhibitor is forced to remain on this list of offending theatres. The exhibitors' code clearly states that any exhibitor may cancel a picture when there is sufficient local protest. Hence, no exhibitor can use the subterfuge, 'I must block book and blind book my pictures.'"

Exhibitors' comment on this was: "Try and cancel 'em."

RKO Albee 10 Years Old

The RKO Albee in Brooklyn will celebrate its 10th anniversary starting Jan. 19. Ten acts of vaudeville will be added as an extra attraction.

ALLEZ-OOP!



The Next Months of Metro-Goldwyn-Mayer will make box-office receipts do nip-ups and handsprings and other hitherto unknown acrobatic feats. Get your play-date book ready for–

"WEST POINT OF THE AIR" with WALLACE BEERY, Robert Young, Maureen O'Sullivan, Lewis Stone, James Gleason.

Mightiest air thriller of them all. Daring drama of Uncle Sam's flying eagles who live madly, love wildly. New thrills in air, on earth, with a great cast picturing the epic story of aviation from its early beginning in this "Big Parade of the Air."

"VANESSA—HER LOVE STORY" Starring HELEN HAYES, ROBERT MONTGOMERY, Otto Kruger, May Robson, Lewis Stone.

An exquisitely beautiful story of undying love—tender and touching. Helen Hayes, America's finest actress, is superb as the lovely heroine of Hugh Walpole's world-famous novel. Robert Montgomery is in his best romantic style as a dashing and devil-may-care charmer.

"SOCIETY DOCTOR" with Chester Morris, Virginia Bruce, Billie Burke.

A mad whirlpool of human emotions centered in a metropolitan emergency hospital. Teeming with life, packed with thrills and laughs, it keeps moving every second of every minute. This dynamic story of life's beginning and end, might best be described as "the thrilling successor to 'Men In White'."

"SEQUOIA" (*pronounced See-quo-yah*) with JEAN PARKER

We quote Jim Tully, the well-known author. "No picture in years has given me the same emotional quality which I derived from 'SEQUOIA.' I often grow discouraged about films. 'SEQUOIA' renewed my faith. I congratulate its makers."

"DAVID COPPERFIELD" with an all-star cast of 65 players including:—W. C. Fields, Lionel Barrymore, Madge Evans, Maureen O'Sullivan, Edna May Oliver, Lewis Stone, Frank Lawton, Freddie Bartholomew, Elizabeth Allan, Roland Young.

The year's most anxiously awaited production. Charles Dickens' beloved work of art comes to the screen after two years of production as a love-story for the ages. Metro-Goldwyn-Mayer proudly presents its mightiest masterpiece. Your heart will never let you forget it.

"AFTER OFFICE HOURS" with CLARK GABLE, CONSTANCE BENNETT, Stuart Erwin, Billie Burke, Harvey Stephens, Katharine Alexander.

The story of a woman-tamer who wouldn't take a fall for any girl, and a society beauty who made a habit of taking men for a joy-ride. Clark Gable and Constance Bennett are an incomparable pair of lovers, and the laughs come fast and furious in this comedy-mystery-melodrama.

"NAUGHTY MARIETTA" with JEANETTE MACDONALD, NELSON EDDY, Frank Morgan.

The heart-stirring musical romance of old New Orleans in the days when a girl had to love to live, with the screen's two handsomest song-lovers. Golden music fills the air when Jeanette MacDonald and Nelson Eddy sing the glorious melody of Victor Herbert's delightful score.

"RECKLESS" with JEAN HARLOW, WILLIAM POWELL, Franchot Tone, May Robson, Nat Pendleton, Ted Healy.

A modern musical romance with a spectacular star-spangled cast. Jean Harlow and William Powell in a tumultous story of life on theatrical Broadway and in New York's upper social circles. Two scintillating stars in a pulse-pounding, heart-satisfying thrill-romance that will pack theatres from coast to coast.

"THE WINNING TICKET" with Leo Carrillo, Louise Fazenda, Ted Healy.

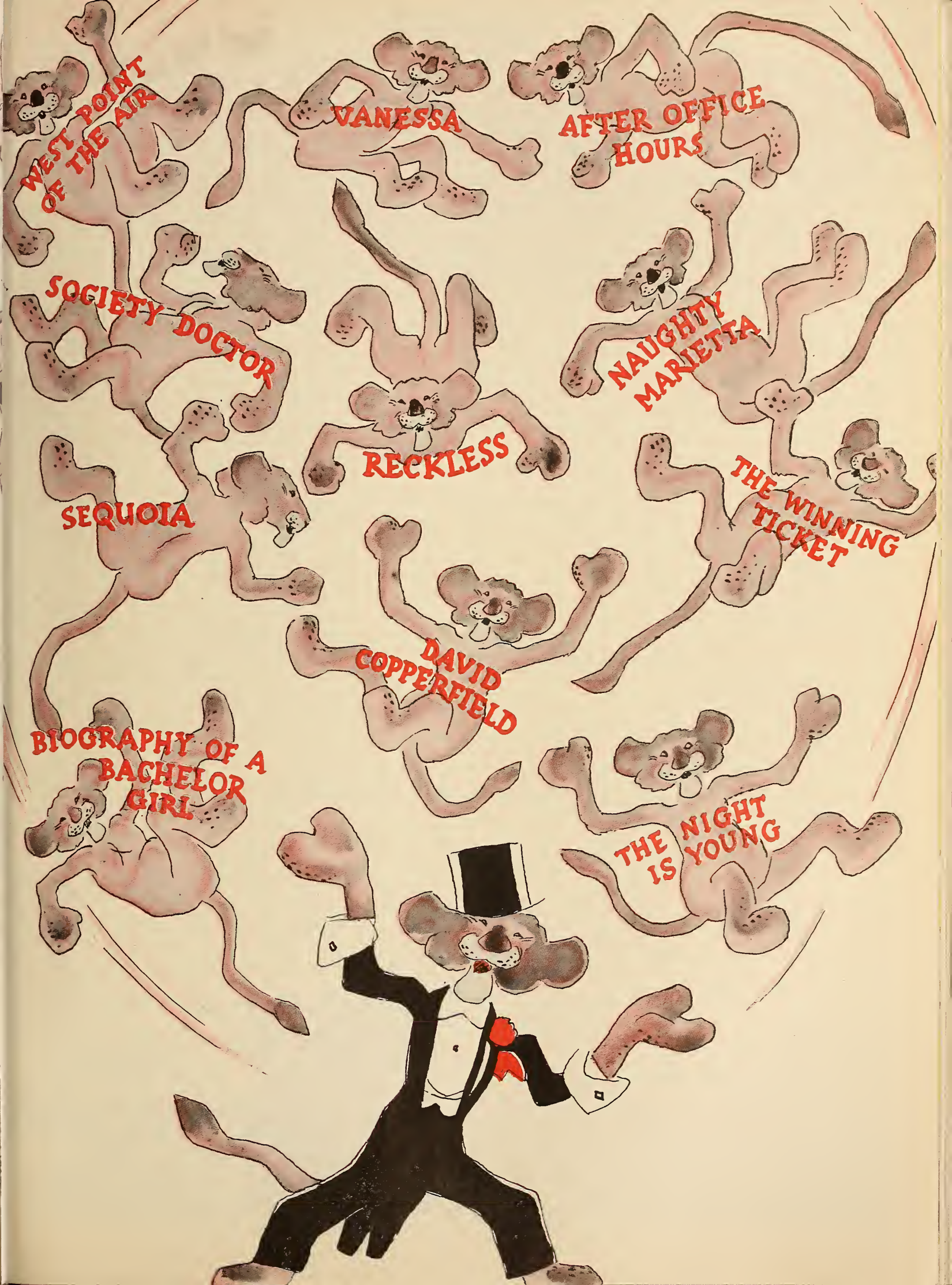
A howling sweepstakes comedy, replete with fast-moving fun, an all-star cast and happy romance. A seventy-minute laugh-diet! And a brand new idea in comedy that makes the laughs come easy. Funniest entertainment since "Caught Short."

"BIOGRAPHY OF A BACHELOR GIRL" with ANN HARDING, ROBERT MONTGOMERY, Edward Everett Horton, Una Merkel.

The gay and merry picturization of the Broadway stage success that kept blase New York audiences howling for eight capacity months. A delightfully joyous romance of a bachelor girl and the men in her life. With the two sweethearts of "When Ladies Meet."

"THE NIGHT IS YOUNG" with RAMON NOVARRO, EVELYN LAYE, Charles Butterworth, Edward Everett Horton, Una Merkel.

The musical romance of the Prince and the chorus girl. By Sigmund Romberg and Oscar Hammerstein II, world-renowned authors of "The Desert Song," "The New Moon," and other hit shows. Tunefully set to the magic melody of Romberg's haunting music. Two romantic favorites in the year's first big screen thrill.


WEST POINT OF THE AIR
VANESSA
AFTER OFFICE HOURS
SOCIETY DOCTOR
RECKLESS
NAUGHTY MARIETTA
SEQUOIA
THE WINNING TICKET
DAVID COPPERFIELD
BIOGRAPHY OF A BACHELOR GIRL
THE NIGHT IS YOUNG

Grand Jury Probes May Cover Nation

(*Continued from page* 1)

the stories circulating in quarters here usually viewed as conservative.

It was indicated again today that the entire situation has been thoroughly discussed with President Roosevelt by Attorney General Cummings, that the latter was told to go ahead with his efforts to prosecute and that his course would be supported by the White House.

Reports reaching Washington today match up with the impressions afloat in St. Louis that the grand jury findings which are expected to be handed up there on indictments.

"In Our Favor," Arthur Telephones Mike Marco

(*Continued from page* 1)

out that he (Arthur) was under oath not to reveal what transpired behind the locked doors.

It was Allan Snyder, St. Louis industrial engineer tied in with the F. and M. theatre holdings in St. Louis, who filed the request for the investigation there with the Department of Justice.

Reports from the east that extension of the Justice Department's activities from the Middle West to this city came about through a request filed by Fanchon and Marco are denied by Marco, who states there is no reason for such a course, since Marshall Square Theatres of San Francisco, in which F. and M. are interested already has on file a civil suit against Fox West Coast. This is the action which so far has blocked reorganization of FWC.

Federal representatives here deny any official action looking toward a selection of a grand jury panel for probing purposes "thus far" has been taken.

No Probe Word Here, Justice Dep't States

(*Continued from page* 1)

New York industry to date. It was added, however, that an investigation such as has been carried on in St. Louis need not be contingent upon the submission of complaints from those in the trade.

About two years ago, shortly after Howard S. Cullman had been appointed receiver for the Roxy, two Department of Justice investigators from Washington interviewed a number of circuit and distributor officials in regard to a complaint made by Cullman. At the time the receiver for the Roxy charged that he could not get major first run product for the house and had to resort to independents in order to keep the house open.

Several weeks after the Federal investigators left the local scene, Cullman was able to buy a number of Fox, Universal, Columbia and other pictures.

Purely Personal

ELIZABETH BERGNER is riding the waves, New York bound from England. The *Olympic* is her boat and with her are HUGH SINCLAIR and GRIFFITH JONES, fellow players in the British and Dominions picturization of "Escape Me Never," in which she will appear for the Theatre Guild on Broadway.

EDWARD GOLDEN has gone to Buffalo to confer with JACK BERKOWITZ, Monogram franchise holder. From there he will go to Detroit to meet SAM SEPLOWIN. He is due back next Tuesday.

SAM E. MORRIS, vice-president of Warners in charge of foreign activities, is aboard the *Conte di Savoia* on his way home after two months abroad. He is expected in Jan. 17.

JOHN MOCK, assistant eastern story head for Fox, started for Hollywood today for studio conferences. He was accompanied by MRS. MOCK. They will be gone about 10 days.

HARRY H. THOMAS, who planned to leave today for Albany, changed his mind yesterday and took one of the choo-choos last night.

CHARLES ROSENZWEIG was delayed on his trip to Buffalo because of a cold, but shuffled off to the upstate center last night.

LOU BERMAN has returned from Hollywood.

JEAN HENDERSON, film critic for the Jacksonville(Fla.) *Times-Union,* is in town for a visit and was squired at yesterday's Ampa luncheon by RUTGERS NEILSON.

HOWARD S. CULLMAN will be one of the principal speakers at the Cheese Club luncheon Jan. 21. Meeting place will be the Friars' Club.

MARGARET SULLAVAN is due in town shortly. Her husband, WILLIAM WYLER, will follow. They're planning a delayed honeymoon in Europe.

CECILIA MURRAY, four-year-old winner of a recent M-G-M contest, left for the coast today to join HAL ROACH'S "Our Gang."

HARRY HERSHFIELD will be master of ceremonies at the I. T. O. A. Movie Ball tomorrow night at the Astor.

JACK JOSSEY and NAT LEFTON, Monogram franchise holders in Cleveland, leave for home in about a week.

KERMIT ROOSEVELT, president of the Audubon Society, will see "Sequoia" at the M. P. Club Sunday night.

CAROLE LOMBARD and her secretary, MADALYNE FIELDS, and ELIZABETH WILSON, writer, arrived here together.

ROBERT HARRIS' "The Werewolf of London" has been acquired by Universal.

BEN SERKOWICH is back from Philadelphia.

Block Booking Inquiry Looms, St. Louis Hears

ST. LOUIS, Jan. 10.—Designation of Los Angeles as the second key city for a Federal grand jury probe ties in with what is anticipated here will be a more sweeping inquiry into block booking and other selling practices in the industry. Production may figure in as well.

The grand jury sitting here heard about 15 witnesses in three days and thereafter excused approximately 25 others who had been waiting to testify.

If the findings, now slated to be made public on Friday, vote indictments and should be based on conspiracy phases of the Sherman Act, the maximum punishment under the law would be two years' imprisonment and a $10,000 fine. Under other sections of the same Federal statute, a misdemeanor could be held to have been committed. This would carry a lighter penalty.

K. C. Had Quiet Probe There Back in 1932

KANSAS CITY, Jan. 10.—Dispatches from St. Louis declaring the probe completed there on Wednesday was an outgrowth of complaints by independents throughout the country today recalled the quiet inquiry by the Bureau of Investigation of the Department of Justice here about three years ago.

At the time, the secretary of the M.P.T.A. of Kansas and various independent exhibitors were questioned on the division of product among circuits, the situation on protection as between circuits and independents and the latters' alleged inability to secure product.

The inquiry at that time was held at the request of the attorney general in what was described then as "progressive investigation" by the Justice Department into the industry's trade practices.

Information gathered here was forwarded to Washington to be considered along with similar data developed in other key cities as a possible basis for criminal proceedings under the anti-trust laws.

FWC Is Monopoly, Cal. ITO Tells Gov't

LOS ANGELES, Jan. 10.—Charges that the operation of the exhibitors' code in Southern California is "conducive to a monopoly of exhibiting right in Fox West Coast" are contained in a wire sent today to the anti-trust division of the Department of Justice in Washington by the I. T. O. of Southern California.

"As the matter now stands," the wire said, "West Coast has purchased the output of major producers 100 per cent and dictates to local exchanges what runs various independent theatres shall have as well as zoning and clearance. Many independent theatre owners have been obliged to sell to West Coast by reason of the monopoly and others are forced out of business.

"Consent decrees heretofore entered into in anti-trust proceedings against West Coast and others have been and now are flagrantly violated under the guise of code regulations, when in fact the code is not functioning except in those parts promoting a West Coast monopoly.

"The situation is desperate for independents and conditions are many times worse than when your investigators reported in 1932 and 1933, to which your attention is again called.

"It is apparent that the code will never be enforced here against West Coast and, even if it were, West Coast would dominate the situation.

"As members of a group constituting a majority of the industry we are asking justice and an equal chance to live."

The group concluded the message by asking "if action will be taken to enforce consent decrees or cause the code to function as impartial law."

See Code Hearings Warding Off Probe

(*Continued from page* 1)

of the session, when it became apparent that members of Congress would be approached by business men with requests for a detailed study of the codes and their effects. Price-fixing has long been considered on the way out as impracticable, and the board's hearings on the question are considered to be largely for the purpose of making a record on which it can revamp NRA policy.

So far, the film industry has only academic interest in the hearings. Later, it is expected representatives of the independents will appear in connection with the study of the positions of minorities under the codes.

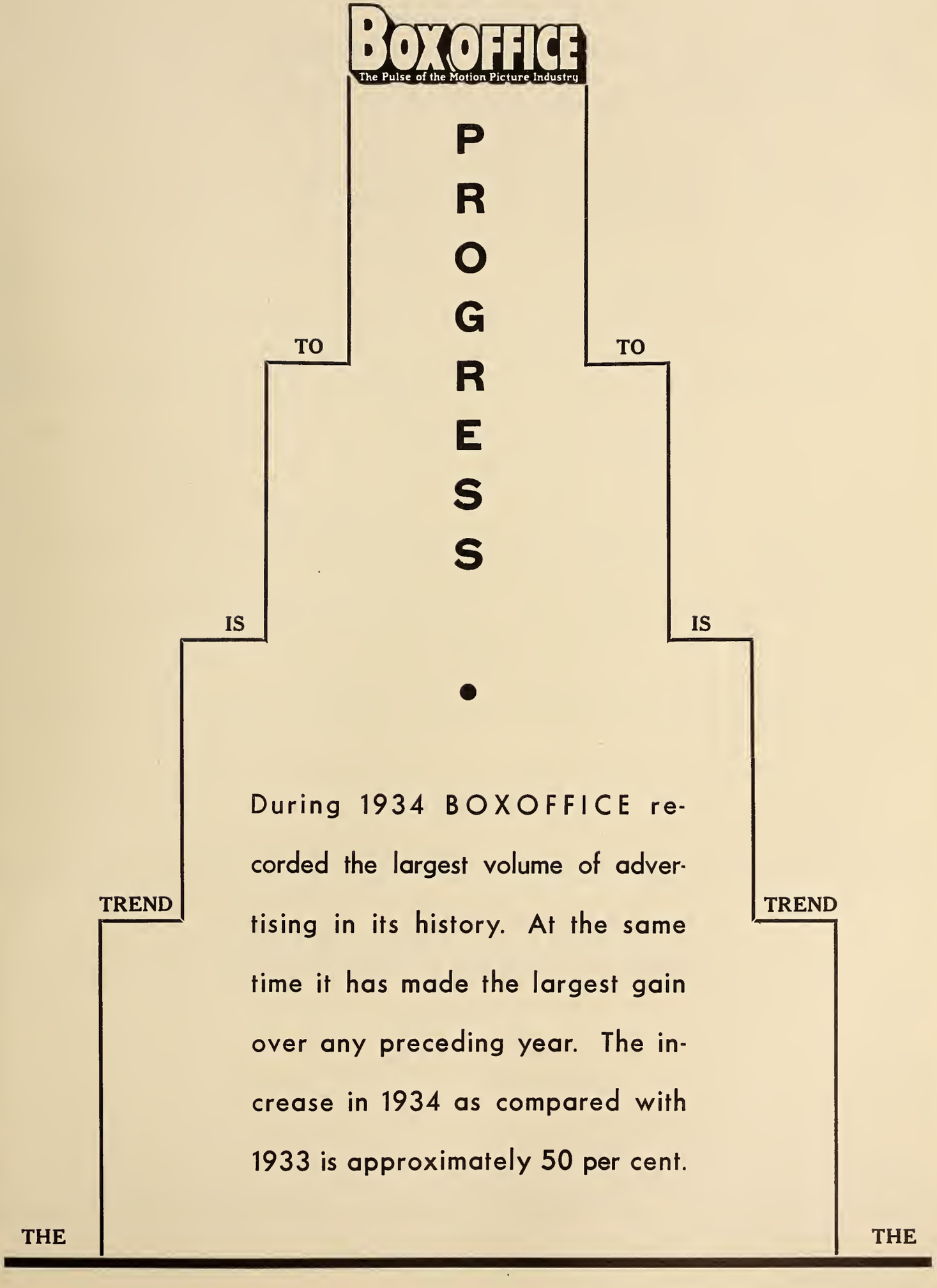
It is not expected that the prestige of the NRA will be enhanced by the Department of Justice proceedings against the distributors for engaging in practices which were supposed to be outlawed by the code, and which, it is expected, will be seized upon by men in other industries as proving that codes have not eliminated monopoly.

Pete Smith Recovers

HOLLYWOOD, Jan. 10.—Pete Smith is back at his M-G-M desk, having recovered sufficiently from a severe illness from which he has been suffering for several weeks.



100% ATTRACTIONS
Play Them and Prove It
POWERS
COMICOLOR
CARTOONS
Real Headline Attractions
For All Ages and All Classes


BOXOFFICE
The Pulse of the Motion Picture Industry
PROGRESS
THE TREND IS TO PROGRESS
THE TREND IS TO PROGRESS
During 1934 BOXOFFICE recorded the largest volume of advertising in its history. At the same time it has made the largest gain over any preceding year. The increase in 1934 as compared with 1933 is approximately 50 per cent.

Wall Street

Consolidated Up on Big Board

	High	Low	Close	Net Change
Columbia, vtc (C1)	38¾	38	38	+ ½
Consolidated Film.	6¾	6	6⅝	+ ¾
Consolidated Film, pfd., (½V)	21	19⅞	20⅞	+1
Eastman (4a)	117¾	116¾	117⅝	+ ⅞
Eastman, pfd. (6)	143¾	143½	143¾	+ ¾
Fox "A"	12⅝	12½	12½	— ⅛
Loew's, Inc. (1a)	33⅞	33¼	33¼	.....
Loew's, Inc., pfd, (6½)	104½	104	104½	+ ¼
Paramount cts	3½	3⅜	3½	.....
Pathe	1¼	1⅛	1¼	.....
Pathe "A"	15⅝	15⅝	15⅝	— ⅜
RKO	2⅜	2⅜	2⅛	— ⅛
Warner	4⅛	4	4⅛	+ ⅛
Warner, pfd.	19⅞	19⅞	19⅞	+ ⅝

Trans-Lux Declines ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅞	12¾	12¾	.....
Trans-Lux (20b)	3⅛	2⅞	2⅞	— ⅛

Keith Bonds Lose 1⅛ Points

	High	Low	Close	Net Change
General Theatre, 6s, '40	9	8⅞	8⅞	— ⅛
General Theatre, 6s, '40, ctf.	8¾	8¾	8¾	.....
Keith, B. F., 6s, '46	73¼	72½	72½	—1⅛
Paramount B'way., 5½s, '51	44	43¾	44	+ ¾
Paramount, F. L., 6s, '47	63½	62½	63½	+1¼
Paramount Publix, 5½s, '50	63¾	63½	63½	+1
Warner, 6s, 39 wd.	58¾	57⅝	57⅝	— ⅞

(Quotations at close of Jan. 10)

Cal. 30-Hour Bill Set

SACRAMENTO, Jan. 10.—A bill calling for a five-day week of 30 hours is being prepared by Assemblyman Ellis Patterson of Monterey County for introduction in the Legislature. The legislator said he felt sure Gov. Merriam would issue the proclamation giving the short week constitutionality should the measure pass, since a 30-hour week was one of the promises made by the Republicans in the gubernatorial campaign. Gov. Merriam indicates he favors such a proposal and says no protests have been received by him from the industry.

U. S. Too Quick for Al

WASHINGTON, Jan. 10.—Former Gov. Alfred E. Smith of New York, in his capacity as chairman of the Advisory Council of the Legion of Decency of the Catholic diocese of New York, sought to have the government keep out the Czech film, "Ectacy," only to learn such action had already been taken, it was revealed today by Secretary of the Treasury Morgenthau.

Moeller on the Coast

HOLLYWOOD, Jan. 10.—Phillip Moeller is here to direct the second film on a two-picture deal with Radio, title of which has not yet been announced. Moeller's first was "Age of Innocence." The director will continue with the New York Theatre Guild on completing his current contract.

Writers to Aid Fund

HOLLYWOOD, Jan. 10.—In order to secure a wider representation for the M. P. Relief Fund, Executive Secretary F. X. Baur has added Robert Montgomery, Kenneth Thomson, Ralph Block and Wells Root to the advisory executive committee. This move gives both the writers and actors equal representation.

Variety Club Chatter

Buffalo

BUFFALO, Jan. 10.—Marking the transformation of DAVE MILLER from a film seller to a film buyer, 100 members of Variety Club and friends of the chief barker tendered him a dinner. They also welcomed MILLER'S successor as Universal manager, NATE SAUBER of Albany, whose birthday it happened to be.

City Court Judge ROBERT J. SUMMERS, associate member, was toastmaster. SIDNEY SAMSON, Fox exchange manager, was chairman of the dinner committee. SIGMUND WHITMAN of New York, Universal district manager, bade MILLER farewell on behalf of that organization, while Major LOUIS LAZAR of Albany, zone manager for Warners, welcomed him as film buyer for the Warner theatres in Philadelphia.

PETER T. DANA, Buffalo Universal salesman who succeeds SAUBER at Albany, spoke, as did MICHAEL KALLET, Oneida exhibitor; HARRY T. DIXON, RKO manager in Buffalo, whose farewell was the evening's sensation; HERBERT T. SILVERBERG, secretary, and EDWARD K. (TED) O'SHEA, M-G-M manager.

O'SHEA succeeds MILLER as chief barker. He presented a silver service tray, gift of the club, to MILLER, and to DANA a fountain pen, expressing the hope that he would not need to use red ink.

Every exchange manager was there—HARRY A. SEED of Warners, KENNETH G. ROBINSON of Paramount, JACK KAPLAN of United Artists, ELMER F. LUX of First Division, HOWARD F. BRINK of Gaumont British, JACK L. BERKOWITZ of Standard and GEORGE H. MOESER of Hollywood Films.

Cincinnati

CINCINNATI, Jan. 10.—The long-talked-of all-club talent minstrels, which was to have been given late this month, has been called off, much to the disappointment of many would-be thespians.

ABE LIPP, dough guy, appears to be pursued by bad luck. After having suffered injuries in a recent auto accident, his mother underwent an operation at a local hospital, and now his little daughter has been painfully burned by upsetting a can of hot water.

JOHN SCHWALM, non-resident of Hamilton, O., did the club honors by spending an afternoon here one day last week, where he met a party of old friends.

The inaugural dinner for the new officers will be held Jan. 19.

Kansas City

KANSAS CITY, Jan. 10.—Holiday festivities out of the way, Tent No. 8 resumes weekly luncheons at the usual place Monday, Jan. 14.

The club's party ushering in the new year was an exciting success, thanks to the efforts of Col. HARRY TAYLOR, ED SHANBERG and CHARLIE SHAFER. Approximately 200 attended. Among those who seemed to be enjoying the affair were FRANK HENSLER and BILL WARNER.

Chief Barker HENSLER is still taking bows on his successful staging of the charity bowling tournament in conjunction with the *K. C. Star*. In the words of the paper's editorial writer: "Mr. Hensler, whose idea it was and who devised the system by which it was carried out, may take great pride."

NORRIS B. CRESSWELL, snapshot man and one-time exhibitor, has been accorded the privilege of being called "brother barker."

From all indications, GUS KUBITZKI'S Fox Film team will capture the pennant in this year's film bowling league.

HENRY FRIEDEL, M-G-M branch manager at Denver, and JACK LANGAN, Universal manager in the same city, were club visitors.

Philadelphia

PHILADELPHIA, Jan. 10. — Earl Sweigert was inducted as chief barker of Tent. No. 13 recently at a dinner and dance for members and wives held in the Hotel Warwick.

The tent now has 100 members.

St. Louis

ST. LOUIS, Jan. 10.—Variety Club is settled in its new quarters in the Chase Hotel.

Installation of new officers was one of the first functions. They are: President, CHICK EVANS; treasurer, GEORGE WIEGAND; secretary, ALVIN WOOLF; chairman of the entertainment committee, ANTHONY METRECI; publicity man, AL ZIMBALIST.

FRED WEHRENBERG will be in charge of the annual banquet and ball in February. The other members of the committee are EVANS, EDWARD ROSECAN, LES MACE, ZIMBALIST, WOOLF, CHARLES GREGORY and BEN RIENGOLD.

A hearts tournament is in the offing as a result of a heated contest won by METO HILL, WIEGAND and HENRY BUDDE.

Washington

WASHINGTON, Jan. 10.—The local Variety Club has resumed luncheons following a three-week layoff.

GENE FORD and W. E. S. WILCOX, the kings for a day, tossed a "low-brow" fete with an English luncheon replete with ale and flaming plum pudding. The temporary kings conducted their preliminary campaign as though they were at swords' points, and they did not appear until the end of the luncheon, to prove that all was, after all, just a gag.

At the plates of the lunchers were corncob pipes and tobacco, as well as the current sheaf of "dumb-bell letters" allegedly received by the U. S. Department of the Interior.

The crowd was regaled with entertainment provided by PAUL ASH, JACKIE GREEN, AUDREY SIEBER, BERT GRANOFF, JAY FLIPPEN, EDDIE PERKINS, THEO FANE and the Washboard Serenaders.

Also featured was community singing, led by ARTHUR GODFREY with PETE MACIAS at the piano.

Next week's affair will be an evening smoker, with HARRY E. LOHMEYER and LEONARD SCHLOSS as the kings for a day.

Need Saddle Glue

Hollywood, Jan. 10.—Anybody who can invent something to keep film colony film polo players on their horses and off the grass can get rich out here.

Walter Wanger is the latest to go to the hospital after bouncing on the turf like a tennis ball hit by Bill Tilden.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 20)

for blind flying and leading her to a safety dash—and making that situation convincing, human, even inspiring, is a dramatic feat achieved here.

Starting slowly, the film builds when Grant loses his eyesight as a result of a gas stove explosion minutes prior to his takeoff for a non-stop flight to Paris. The picture then mounts in emotional content and dramatic strength. Sympathies are aroused, interest sustained and heart strings pulled.

Grant, by an intelligent, persuasive performance, rises above anything he has ever done. Miss Loy is lovely and adds to the laurels she garnered in "The Thin Man." Roscoe Karns, Hobart Cavanaugh, Dean Jagger and Bert Hanlon are splendid in support. James Flood directed with an unusual understanding of timing and feeling. Arthur Hornblow produced, adding another feather to his cap.

Being fine entertainment for men and women with name values, distinctive exploitation should send it soaring for real grosses. Production Code Seal No. 477. Running time, 68 minutes. "G."

Chicago Publicists Hold First Luncheon

CHICAGO, Jan. 10.—The initial invitation luncheon of CAPA (Chicago Amusement Publicists Ass'n) attended by some 50 exhibitors and exchange men was held at the Congress Hotel.

The publicity purveyors for films, newspapers, trade papers, hotel and allied amusement interests were plainly in a frenzy. Most of the membership was accustomed to being entertained—not entertaining.

In the course of the quips and talks, however, they were considerably relieved by congratulations from Clyde Eckhardt when he said: "You fellows have certainly gone further with your organization here than we were able to do with the Variety Club."

The 16th ANNUAL MOVIE BALL

HOTEL ASTOR—JAN. 12th

Dancing starts at 10:30 P.M.

MIDNIGHT SUPPER and ENTERTAINMENT

Beginning 12 Midnight Sharp!

Freddie Rich and his Columbia Broadcasting Orch.

Bama Collegians with Erskine Hawkins

Screen—Stage—Radio and Night Club Celebrities

Will all contribute to the entertainment

HARRY HERSHFIELD—Master of Ceremonies

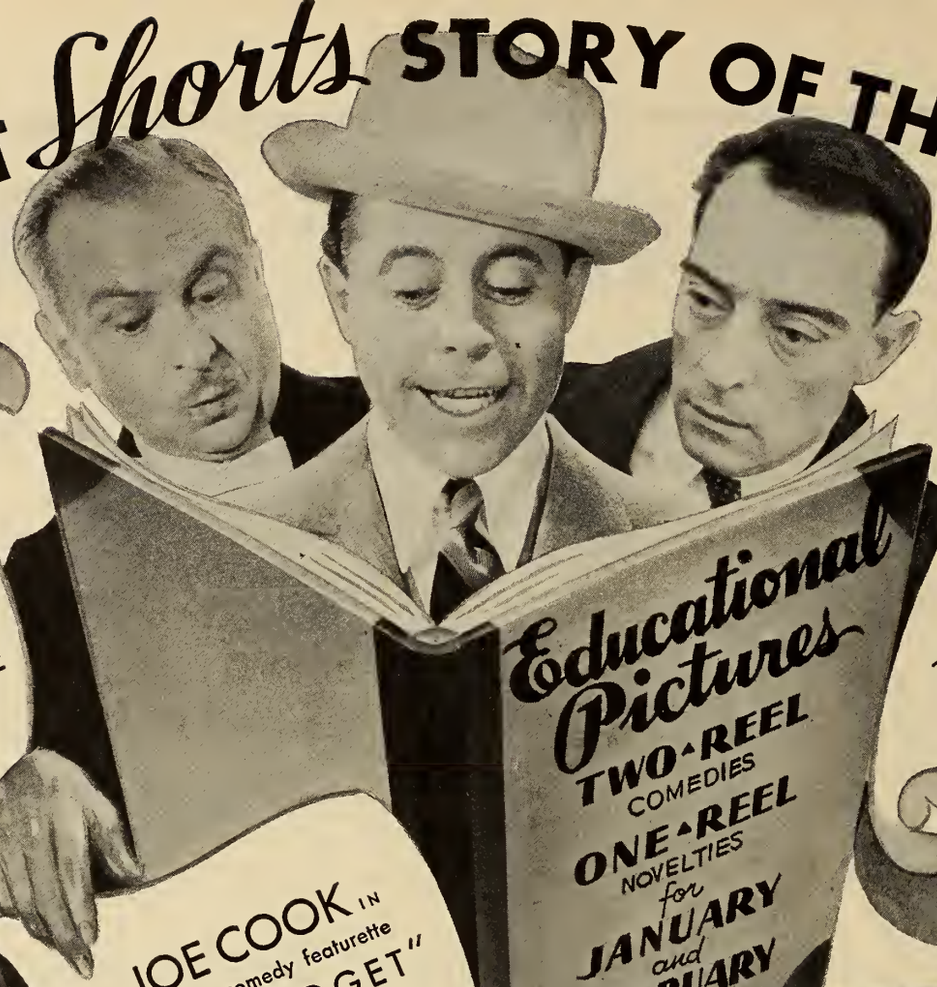
Broadcast Starting Midnight—ABS—WMCA Network

LAST CALL!

For RESERVATIONS . . . Tel. CHickering 4-3022
Room 346—Hotel Lincoln—44-45th Street and 8th Avenue

INDEPENDENT THEATRE OWNERS ASSOCIATION

THE BEST *Shorts* STORY OF THE YEARS



Educational Pictures

TWO-REEL COMEDIES

ONE-REEL NOVELTIES

for JANUARY and FEBRUARY

ERNEST TRUEX IN "GENTLEMEN OF THE BAR"

"A pip. Ernest Truex at his delightful best"...Film Daily

AND

"THERE GOES THE GROOM"

BUSTER KEATON IN "PALOOKA FROM PADUCAH"

with Pa, Ma, and Sister Louise Keaton

AND

"ONE RUN ELMER"



SYLVIA FROOS in "MOON OVER MANHATTAN"

A Young Romance Comedy with Warren Hull

JOE COOK in his first comedy featurette "MR. WIDGET"



CHICK YORK and ROSE KING

Doing their famous Sleigh Ride Skit, in

"HOW AM I DOING?"

A Marriage Wow Comedy

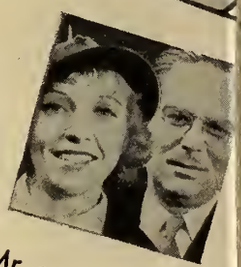
"A pop number that will wow 'em"... Film Daily



"POODLES" HANNEFORD

Famous Circus Trick Rider, with Junior Coghlan, Ben Turpin, in A Frolics of Youth Comedy

"THE LITTLE BIG TOP"

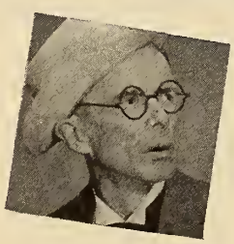


Mr. and Mrs. Ace (EASY ACES)

A lucky name for any marquee, in

"DUMB LUCK"

A Marriage Wow Comedy



TOM HOWARD

and George Shelton, in a Coronet Comedy

"EASY MONEY"



"HARLEM HARMONY"

Another gem from the Treasure Chest



TERRY-TOONS

"The First Snow"

"What a Night"

"The Bull Fight"

"Fireman Save My Child"



FRANK LUTHER in "GAY OLD DAYS"

and

SYLVIA FROOS in "SONG PLUGGER"

Song Hit Stories

PRESENTED BY

E. W. Hammons

Educational Pictures

"THE SPICE OF THE PROGRAM"

Distributed in U. S. A. by FOX Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 11 NEW YORK, MONDAY, JANUARY 14, 1935 TEN CENTS

Chain Booth Cuts Figured At $530,400

Small Houses Get Jumps In Booth Costs

Estimated annual savings of the two major local circuits under the proposed basic wage scale set up by the NRA fact-finding committee are put at $530,400. The figure is unofficial because of the various changes through which the plan is now passing.

Loew's, it is figured, will reduce its yearly booth operation costs by about $312,000, while RKO's saving is roughly seen as $218,400. Skouras, the only important independent viewed as benefiting by the revised operator scale, will probably slash projectionists' salaries about $52,000, or $1,000 a week. The Loew saving works out at $6,000 weekly, while RKO is put down for $4,200.

Trio-Consolidated, Isle Theatres, Century and Prudential, important

(*Continued on page 6*)

Chicago Talks Upon Booth Pay Delayed

CHICAGO, Jan. 13.—Discussions of a new working agreement between exhibitors and operators are being held up since the principals are appearing daily in Federal court where the grand jury is listening to testimony in the Government's investigation of the income tax of Tom Maloy and other union officials.

The lid is on tight as far as any news concerning names of witnesses or the nature of the testimony is concerned.

The local operators agreement expired Friday. In previous years a new schedule has usually been arrived at on the eve of expiration, but so far conferences have not even begun.

Two to Hospital in Pawtucket Bombing

PAWTUCKET, R. I., Jan. 13.—Two persons were in a hospital here yesterday as a result of injuries suffered in a bomb explosion Friday night in the Strand, local M. & P. Publix

(*Continued on page 6*)

Boynton for a New Kansas Sunday Law

TOPEKA, Jan. 13.—The need of a more clearly defined Sunday closing law in the light of late developments involving Sunday shows was pointed

(*Continued on page 6*)

"Lancer" May Spear $65,000 on B'way

Big noise on Broadway this week is "Lives of a Bengal Lancer" at the Paramount, which is heading for a $65,000 tally for the first seven days. The picture in all probability will be held three weeks and may go four.

Production Slows; 36 Features Going

HOLLYWOOD, Jan. 13.—Production for the week ending Jan. 12 showed a slight decrease under the preceding week with 36 features and five shorts before the cameras as against 41 and three the previous week. In addition, studios reported a total of 19 features and 12 shorts in the final stages of preparation with 29 features and 11 shorts in the cutting rooms.

Paramount continues to lead with eight features in work, two preparing and none editing: Radio has five, four

(*Continued on page 8*)

Fourth Dual House Opens in Cleveland

CLEVELAND, Jan. 13.—The Family, neighborhood house, closed for the past month, has reopened under the management of J. V. Wolcott, with a double feature policy. Wolcott also operates the Temple with duals. With the opening of the Family, Cleveland now has four double feature houses. The others are the Alhambra, operated by the owners, Sam Cowan and George Harvey, and the Metropolitan, operated by Stern Brothers. All were opened after the signing of the Cleveland single feature agreement.

Virginia's Censors Report 334 Slashes

RICHMOND, Jan. 13. — Virginia's censors made 334 cuts in 123 pictures last year. A total of 1,415 films, compared with 1,564 in 1933, was examined. Three pictures were rejected completely. One of these was a nudist film, "Children of the Sun."

"Films have improved greatly," said Edwin S. Reid, director of the board,

(*Continued on page 6*)

Jolt British Effort To Control Building

By BRUCE ALLAN

LONDON, Jan. 13.—For the second time within 10 days, opposition to a license for a new British theatre, on the ground of "redundancy," has failed.

The Wiltshire County Council

(*Continued on page 8*)

DEAL MIGHT EASE ST. LOUIS STRAIN

MPTOA Move On for Wide Code Changes

M.P.T.O.A. is expected to go on record at its annual convention in New Orleans next month in favor of far-reaching changes in the code, it was learned over the week-end as program committees working here scheduled the subject of improving the code as one of the first to be taken up.

Code views held by the organization indicate that resolutions will probably be adopted by the convention calling for changes in the code to permit an unqualified cancellation privilege of 15 to 20 per cent and the adoption of effective machinery for establishing

(*Continued on page 6*)

Bank Nights Spread Around Kansas City

KANSAS CITY, Jan. 13.—Bank night continues a sizzling issue here, and despite opposition of the grievance board and Campi it seems to be spreading.

The Dubinsky Bros. circuit has contracted for bank nights at Jefferson City, Mo., and Leavenworth, Kan., theatres.

As a result of a grievance board hearing, Fox Midwest theatres in

(*Continued on page 6*)

Circuits Hit Code Vaudeville Changes

WASHINGTON, Jan. 13.—A brief in opposition to the NRA proposed amendment to the film code requiring exhibitors to assure themselves that all vaudeville performers in their houses were receiving code wages was filed today with Deputy Administrator William P. Farnsworth by four producers having theatre affiliates.

The brief was signed by Loew's, Fox, RKO and Paramount.

Huffman Wins Writ Against Exchanges

DENVER, Jan. 13.—Pending a hearing, which will probably be held in Oklahoma City within three weeks,

(*Continued on page 6*)

Consent Decree Seen as Possible If Both Sides Agree

By BERTRAM F. LINZ

WASHINGTON, Jan. 13.—Having secured indictments, the future course of the Government with respect to the St. Louis anti-trust suit against Warners, Paramount and RKO and some of their officers may depend largely upon the attitude of the defendants, it was indicated here over the week-end. In the numerous instances in the past, concerns which have been indicted on charges of violating the anti-trust laws have conceded that they have committed the acts complained of and have negotiated an agreement with the Department of Justice to discontinue the allegedly offensive practices. That agreement has been submitted to the court for approval, and, when accepted, becomes what is known as a consent decree.

If the distributors in St. Louis adopt a similar course, the department may accept their offer, thus saving all concerned considerable time and money. On the other hand, if the department

(*Continued on page 6*)

"U" Plans Four for New Serial Program

Universal will make four serials next year and has one to go to complete its schedule for this year.

Those set for next year are "The Roaring West," starring Buck Jones, and done in 15 episodes; "Flash Gordon," based on the newspaper comic strip; "The Adventures of Frank Merriwell," based on the famous novels by Burt L. Standish, and "New Exploits of Tailspin Tommy." "Call of the Savage" is still to be completed for this year's lineup.

File Huge Theatre Suit Against Fox

BOSTON, Jan. 13.—A $750,000 suit against Fox Film was filed in Superior Court here yesterday by Adolphus M. Burroughs and Louis M. Boas to

(*Continued on page 6*)

Montreal Worrying About New Taxation

MONTREAL, Jan. 13.—Exhibitors are watching the legislative trend of the New Year. The city has a $7,000,000 deficit and the civic fathers want more

(*Continued on page 6*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Movie Ball Attracts 1,200 at the Astor

More than 1,200 persons jammed the Astor on Saturday night for the Movie Ball, which broke up in the early hours yesterday. There was more entertainment on hand than the program called for. The entire "Revenge With Music" show performed in addition to casts from "Calling All Stars," the Manhattan Music Hall, Casino de Paree, Hollywood restaurant and other Broadway hot spots.

Mayor LaGuardia and Police Commissioner Lewis J. Valentine represented the city. No speeches were permitted. Three bands provided the dance music. A "Monte Carlo Nite" was held for the benefit of the I. T. O. A. treasury.

Batcheller Asserts Duals Are Gaining

KANSAS CITY, Jan. 13.—George Batcheller, Sr., on his way through here over the week-end to the coast after six weeks in New York said that double bills were spreading and that he looked for a prosperous year for independent producers because of this.

The Chesterfield and Invincible productions, he continued, are up to schedule, with six completed and two set to go into work next month, 18 in all being scheduled for this year, Batcheller said.

Insiders' Outlook

WALTER LIPPMANN, erudite commentator on economics and the sad estate which is this world's today, dropped out of his well-established groove on Saturday and, in his usual thrice weekly space in the *New York Herald-Tribune,* went weighty, as well as lengthy, on the morals of films. He had much to say about censorship, its fallacies and its shortcomings and on that score many observers of the celluloid whirligig will find themselves in agreement. Having warmed up, on and to his subject, Lippmann sounds off the censor difficulty in the first half of his say and, with approximately fifteen inches of precious *Herald-Tribune* space in which to draw additional conclusions, goes in for reformation in the generous manner. It is with a point or two he makes on that score that this column will touch briefly, steeling itself with sufficient audacity to hurl its observations against the intellectual armor in which Lippmann, by right, so safely is protected. . . .

▼

From Lippmann's text:

"Effective reform depends, it seems to me, on a clear understanding of what, given the American traditions of freedom and the variety of American tastes and American moral standards, reform ought to aim at. I would rest reform of the movies on this basic principle: that audiences shall have greater freedom to choose their pictures and that artists and producers shall have greater freedom to make pictures."

And at another point:

"If the customers had freedom of choice, each community would be able to enforce the moral standards it believes in. . . . A local theatre owner must rent his pictures in large blocks sight unseen. As a result, he has no real choice as to what he will exhibit. The result is that his customers can exercise no real choice."

▼

Producers do maintain their own theatre outlets in many situations. They do sell in blocks. The code does permit some latitude in cancellations, perhaps not in as large a percentage bracket as may be desirable. But Lippmann's academic observation about public audiences and there being extended to them "greater freedom to choose their pictures" is amusing as all and sundry within the industry know. It seems a wearisome point to make again after all these years that the public pays to see that which it wants to see. It may be emotionally precipitated into the early purchase of tickets by adroit advertising and exploitation stimuli, but inescapable and fundamental is the conclusion that freedom is buying is the public's now, exactly as it always has been. . . .

▼

The catechism directed in Lippmann's direction today also has to tell him that, regardless of what might be said against block booking, it has its plus sides. Many pictures get theatre time which do not rate it, but whether exhibitors upon screen examination would not select them anyway is a very debatable point. The block booking system, on the other hand, has seen to it that many worthwhile attractions which theatre operators undoubtedly would not play, do reach a public not always keen for them. The result undeniably is that the institution of motion pictures is frequently forcing upon the audiences about which Lippmann is so concerned a type of artistic and worthwhile film which very conceivably might not see daylight under any other selling system. Specifically and actually, the titles of some of these pictures are common property in the industry. They are Lippmann's as well if he cares about pursuing his generalizations any further. . . .

▼

Not that additional proof were at all required to demonstrate the point, but elsewhere the evidence continues to pile up to cinch again the conclusion that what transpires in the film industry is anybody's target. There is, for example, the newspaper excitement centering in Washington over the St. Louis indictments, a straight news story, you might imagine, but embellished otherwise by some members of the Washington typewriter corps. Chiefly, Lippmann's own paper as a matter of fact. From St. Louis and films to Will Hays and the perennial yarn about his official decapitation was not much of a jump. Therefore, some of the broad jumpers took the leap. . . .

▼

They would have you believe that St. Louis and what it developed are part of a plan to turn Hays' fat salary and tough job over to a Democrat of high and good standing. Generally loose in the disposition of film news, anyway, the rumor naturally made the press association wires and so filtered through to a nation which probably won't get much excited anyway. Let this be said in repetition: Hays has a contract which runs out next year. However, he has much more than that. He has the confidence of his member companies, which means their support clear to the hilt. If this column were prone to make a forecast, it would say that Hays may sit behind his present desk for as long a period as he elects. . . .

KANN

Purely Personal

SOL A. ROSENBLATT, SAM DEMBOW, CHARLES and JOE MOSKOWITZ, CHESTER ERSKINE, JOE VOGEL, ABE BLUMSTEIN, LAURENCE BOLOGNINO, LOUIS K. SIDNEY, PHIL MEYER, LOUIS NIZER, HAROLD RODNER, AL W. SCHWALBERG, MILTON C. WEISMAN, HARRY BRANDT, ROBERT WOLFF, LOUIS COHEN and HENRY RANDEL among the diners at the M. P. Club Saturday.

JULES LEVY is heading straight for Miami from St. Louis, its grand juries and its secret probes and will take two weeks to bake the memory out of his carcass. At the Roney Plaza, to be specific.

LOUIS PHILLIPS has returned unscatched from the St. Louis front. Other returned survivors report heavy firing there, but little work for the ambulances.

FREDDIE BARTHOLOMEW, 10-year-old boy, who plays in the early sequences of "David Copperfield," will come to New York for the opening at the Capitol Friday.

JAMES BLAKELEY, under contract to Columbia, returned to the coast yesterday. He's been here spending the holidays with his mother.

BEN Y. CAMMACK, RKO home office representative in South America, went sailing down to Rio Saturday on the *Northern Prince.*

ALICE BRADY and MELVYN DOUGLAS have been cast for "De Luxe," which CHESTER ERSKINE is producing on Broadway.

AL WILKIE picks up the reins today after a recess for a South and Central American cruise.

JOE RIVKIN, talent scout for HAL ROACH, flew east over the week-end from Hollywood.

PAULINE STARKE, having finished "$20 a Week," is in town from Hollywood for a brief vacation.

JOE POLLAK left for the coast yesterday.

MILT KUSELL returned from Buffalo and Albany on Saturday.

HARRY THOMAS is in Boston and is expected back Wednesday.

BILL PINE airlines it back to Hollywood on Thursday.

Warners Sign Penner

PITTSBURGH, Jan. 13. — Warners have signed Joe Penner for four break-in days in this territory, and he will open his new act Monday at the Cambria in Johnstown, Pa. On Tuesday he will go to the Harris-Memorial in McKeesport and on Wednesday and Thursday will play the Warner in Erie.

Lichtman Is Returning

HOLLYWOOD, Jan. 13.—Al Lichtman left for New York yesterday.

The Pride of the Seas—

★ The Captain and his crew take her safely o'er the seas.

★ But when she gets to port four little tugs, all pulling the same way...fit her safely and snugly into her berth...

★ You buy your pictures . . . you date them in . . . then the Pride of this Industry . . . the National Screen Trailer . . . with its powerful concentrated selling-punch...pulls your picture safely into port...breaking the news of every picture you play to the thousands of people who patronize your theatre . . . in novel . . . newsy . . . interesting fashion . . . and within a footage you can afford to run.

★ Service plus box-office power at a reasonable price makes **NATIONAL SCREEN TRAILERS** the best exploitation ever devised.



★ NATIONAL SCREEN SERVICE ★

—the Pride of the Industry!

HE'S FUNNY THAT WAY!

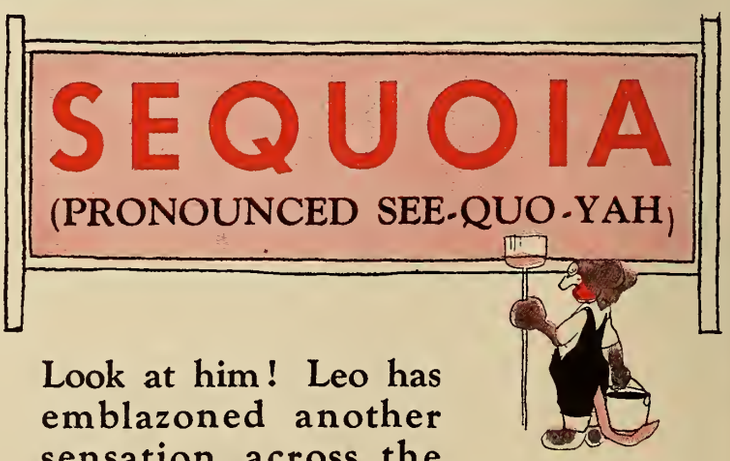
Just when the industry's all ga-ga about Leo's record-breaking hit, CRAWFORD, GABLE, MONTGOMERY in "Forsaking All Others"—







—Leo drags out another BIG ATTRACTION that has the industry on its ear —and before you know it—



He goes on and on—







"Bless you my children." Leo remembers "When Ladies Meet" so he unites ANN HARDING and BOB MONTGOMERY again in the swell comedy "Biography of A Bachelor Girl."

Look at him! Leo has emblazoned another sensation across the nation, "Sequoia" a picture more remarkable even than "Trader Horn"—and then just when you think he can't keep it up, along comes

(see above next page)







BANG! Leo knows just how to time the Big Shots. WALLACE BEERY in "West Point of the Air" is his biggest hit since "Hell Divers" and it's just as SPECTACULAR! But Leo's funny that way, he goes merrily on with—





"Dear JOAN CRAWFORD, I've never had a better vehicle for you than 'No More Ladies' the great stage romance"—





—and what's Leo up to now? He's measuring CLARK GABLE. Sure, Clark is the BIGGEST MALE STAR in pictures. His next, with CONNIE BENNETT is "After Office Hours."



—And Leo is betting that the MARX BROTHERS in "A Night at the Opera" will be their most successful comedy!

No, Leo's not tired yet...He's watching a scene between JEAN HARLOW BILL POWELL in "Reckless" Franchot Tone and May Robson are in it too!







Excuse Leo for walking out, but HELEN HAYES and BOB MONTGOMERY want privacy for that scene in "Vanessa—Her Love Story." Leo can't even wait to tell you about RAMON NOVARRO, EVELYN LAYE in "The Night is Young", and a flock of others. Leo's prize packages never come singly. *He's funny that way!*

Deal Might Ease Strain In St. Louis

(*Continued from page* 1)

is desirous of impressing business generally with the fact that the anti-trust laws must still be respected, except insofar as suspended by the National Industrial Recovery Act, it may insist upon going through with a trial, endeavoring to secure a verdict which would carry with it penalties sufficient to make business men generally think carefully before undertaking anything which might be unlawful.

Filing of a suit for triple damages may follow a verdict in favor of the Government, is was indicated here today. Under the law those adversely affected by illegal activities of individuals or concerns found guilty of anti-trust law violation may bring suit for three times actual damages.

Says Warners Will Fight Charge

ST. LOUIS, Jan. 13.—Arthur E. Simpson of Jeffries, Simpson and Plummer, local counsel for Warners, said yesterday the case here will be vigorously fought.

"There appears to be no basis for the charges," he said. "The indictment charges the withholding of pictures for these theatres (Ambassador and Missouri), whereas the contract by which pictures were exhibited at the Skouras theatres was cancelled by one of the Skouras companies."

The legality of the cancellation without the consent of mortgage holders recently was questioned by attorneys for the bondholders' protective committee at a hearing before Referee in Bankruptcy Hope. The bondholders asserted film contracts were held out as part of the assets featuring the first mortgage bonds.

The defendants in the anti-trust indictments are expected to make bond in New York and the return date of the bond may indicate when the case will come to trial.

It is not known here who will prosecute the case for the government, but presumably Russell Hardy and Harold L. Schilz, special assistants to the U. S. Attorney-General, will play a prominent part.

Ignorant of Coast Plans

LOS ANGELES, Jan. 13.—Local representatives of the Department of Justice stated yesterday they were unaware of plans for initiating an investigation of alleged anti-trust law violations here.

The statement was made in answer to reports that Russell Hardy and Harold L. Schilz, assistants to the U. S. Attorney-General, who conducted the St. Louis probe, were expected here early next week for a sweeping investigation to be based on complaints filed eight months ago by Harry Chotiner.

Withdraws 6 from U. A.

HOLLYWOOD, Jan. 13. — Howard Hughes will withdraw six features from U. A. distribution for reissuing by R. M. Savini, who will release. The films are "Scarface," "Hell's Angels," "Age of Love," "Sky Devils," "Cock of the Air" and "Front Page."

File Huge Theatre Suit Against Fox

(*Continued from page* 1)

recover for alleged breach of agreement by Fox Northeastern Playhouses, Inc., to buy and lease certain theatres of the plaintiffs and for alleged false representation.

The plaintiffs charge that Northeastern in 1928 agreed to buy and lease from them certain theatres for $234,184 and an annual rental of $125,000 for 25 years, but that on Feb. 8, 1929, the corporation refused to carry out the agreement.

The plaintiffs also allege agents of Fox Film falsely represented that Northeastern was financially responsible when actually it was a corporation in name only that had not been organized at that time. They charge the agreement called for the purchase by Northeastern of the Strand Amusement Co. of Massachusetts, the Brattle Square Amusement Co. and the Clinton Theatre Co. and lease of the Newburyport Theatre Co., Inc., at Waverly and the Fallisbury and Whipman Amusement Cos.

Montreal Worrying About New Taxation

(*Continued from page* 1)

and better taxes. They will apply to the Quebec Legislature, when it convenes in a few weeks, for power to revamp the civic tax structure.

The city asks permission to impose a tax on showcards, billboards, signs, lobby displays, newspaper and other advertising and commercial radio programs, the levy to be five per cent. on an arbitrary valuation.

License fees are to be increased while there is to be a new business tax with a minimum annual rate of 10 per cent. A tax of one per cent is also desired on all salaries and wages for local residents and five per cent on the income of those who live outside of the city.

Boynton for a New Kansas Sunday Law

(*Continued from page* 1)

out by Roland Boynton, attorney general of Kansas, in his biennial report to Gov. Alf M. Landon.

Despite the attorney general's recommendations, no enactments amending the state's 70-year-old Sunday law or clarifying the Sunday show muddle are expected from the present legislature. Theatre interests are anxious not to disturb the status quo, which permits Sunday operation where local sentiment is favorable.

The attorney general sees the need for a better law as the result of his four year's experience in his present office, from which he retires Jan. 14.

"Frankenstein" Title Set

"Bride of Frankenstein" has been set by Universal as the permanent title for that production, which also had the tentative titles "Return of Frankenstein" and "Frankenstein Lives Again."

Piazza on Talent Tour

HOLLYWOOD, Jan. 13.—Ben Piazza is en route to New Orleans, the first stop on a talent tour he is making for Paramount. He plans to work his way slowly up through the south to New York.

MPTOA Move On for Wide Code Changes

(*Continued from page* 1)

acceptable schedules of clearance and zoning. Resolutions are also expected to be adopted calling for code revision to permit local banning of double features and premiums by majority vote; compulsory arbitration of contract disputes; outlawing of designated playdates and score charges; effective protection against non-theatrical competition and enforceable provisions for prevention of interference with leasing negotiations.

The convention will also receive reports on bills introduced at the current session of Congress and is expected to adopt an organization policy for the future on the music tax.

Ed Kuykendall, M.P.T.O.A. president, completed preliminary convention arrangements on social phases of the convention in New Orleans last week. He is scheduled to leave for Washington today.

Bank Nights Spread Around Kansas City

(*Continued from page* 1)

Pittsburg, Kan., and the Cozy, independent, have agreed to file compliances by Jan. 19 whereby both sides will drop unfair practices. J. A. Lenski of the Cozy admitted Fox Midland's charge that he ran a cash night. His defense, however, was that the Midland was operating bank night, and the Fox Colonial in the same town admitted high school students for 10 cents with a student card, had "one-cent sales" whereby two adults were admitted for 21 cents and two children for 11 cents, and on Tuesday night admitted an entire family for 20 cents.

The first case to be reopened since the local board started functioning involves a bank night. The board has granted Frank H. Cassil, Rialto, St. Joseph, Mo., permission to introduce new evidence on Jan. 23 on competition with the Olive, St. Joseph, which had complained that Cassil was not complying with Campi's order to quit bank nights. Cassil contends three and one-half miles separate the theatres.

Huffman Wins Writ Against Exchanges

(*Continued from page* 1)

Harry Huffman was granted a restraining order by the U. S. Circuit Court of Appeals here yesterday preventing exchanges from denying him film service under a code board order issued upon his failure to abide by a ruling to end giveaways.

The case must be ready for hearing within two weeks and will be placed on the calendar for hearing at the first opportunity.

Huffman's bond was increased from $2,500 to $5,000 pending the appeal.

National Screen Meeting

National Screen Service has called all managers throughout the country to a two-day meeting starting today at the home office to discuss the company's 15th anniversary.

Chain Booth Cuts Figured At $530,400

(*Continued from page* 1)

unaffiliated circuits, are due for considerable increases, it is claimed, under the plan now tentatively agreed upon. While no estimates could be given, it is the belief in the independent theatre circles that the unions will lose nothing by any reductions accorded the majors since the smaller independent houses will make it up. It is figured that there are 240 theatres seating under 600 which will be hiked an average of $15 a week for booth operation, because of the proposed $60-a-week minimum.

While much haggling prevails over the scale among members of the fact-finding committee, each of the various interests is prepared to offer substitute plans at the public hearing in Washington on Jan. 18. The I. A. T. S. E. has a new schedule. The same goes for the circuits and independents.

Independent exhibitors are marshaling forces to deluge Washington with protests against the present plan, which is based on admissions and seating capacity. The smaller theatre wants the type of run also to enter into the plan. In other words, two theatres, each seating 1,000, would not have to pay the same price for film if one is a first run and the other a second or subsequent run. By the same token, exhibitors hold, the labor men should take the run into consideration.

In the interim picketing in the local area has been stopped.

Two to Hospital in Pawtucket Bombing

(*Continued from page* 1)

house. Scores of others were nursing minor injuries. None is believed to have been seriously hurt. The 1,600 persons in the audience were thrown into a panic when the bomb went off.

The bomb, believed to have been a mixture of potassium nitrate and sulphur, went off by combustion, according to investigators. Witnesses say they saw a woman who came in with a man place a paper bag under a seat in front of the couple, who left after remaining in the theatre only a half hour.

The explosion, accompanied by fire and then smoke, occurred only a few moments after the two left, it is said.

Authorities see a possible link to a series of other bomb outrages against New England theatres of recent occurrence. Labor trouble is suspected as the cause of the bombing.

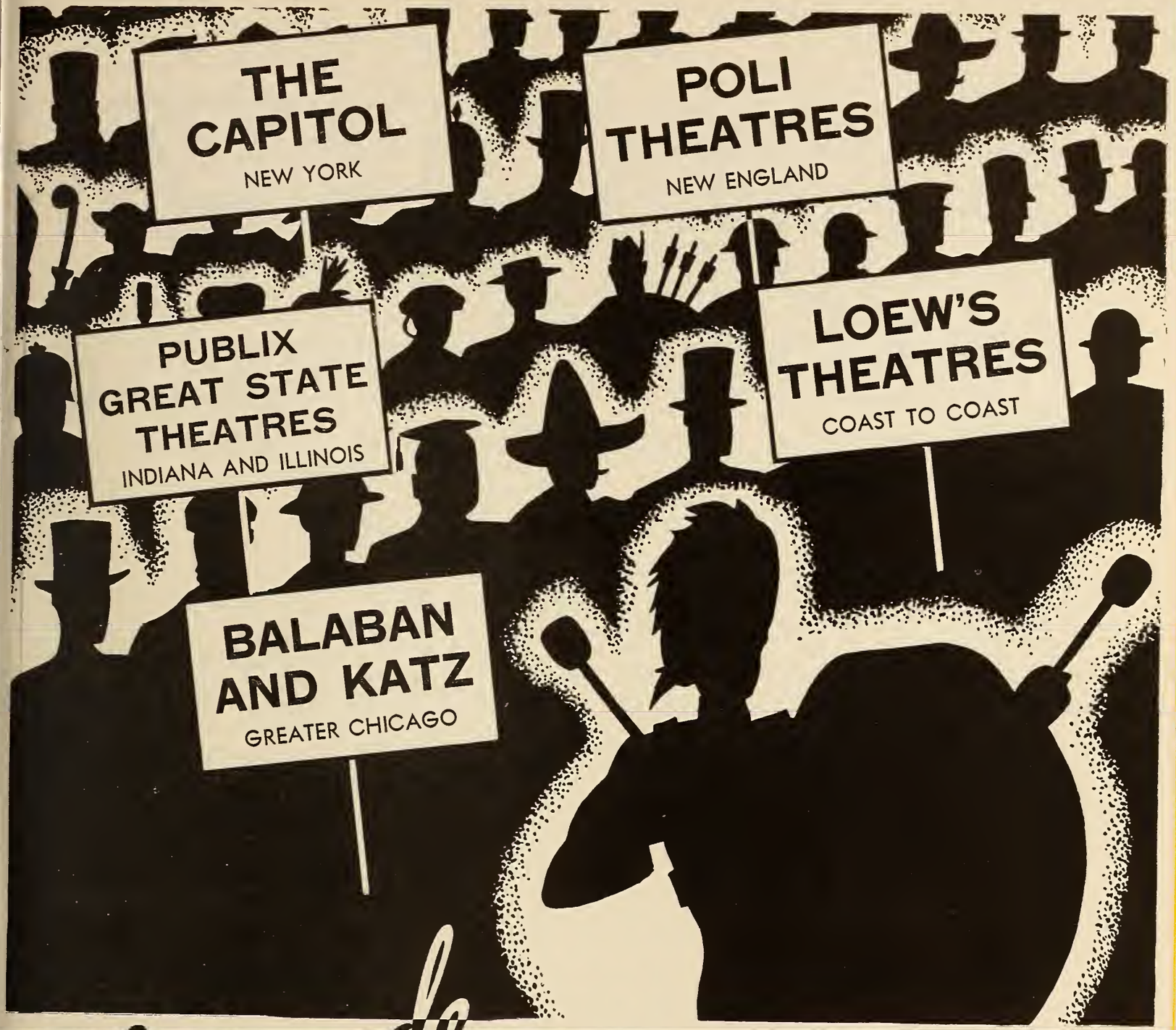
Virginia's Censors Report 334 Slashes

(*Continued from page* 1)

in making the report. "We have practically no trouble with the finer pictures which have been sent to us for examination."

The two-reelers were said to have been the subjects of more censorship than features.

The division turned in a net balance of $13,909.58, the largest sum received so far from license collections.



The parade marches on!

ON TO CHICAGO! The BALABAN AND KATZ theatres, their complete chain in greater Chicago, will show THE MARCH OF TIME, starting February first in their Chicago Theatre, the biggest in the middle west.

The parade marches on! Into the famed PUBLIX GREAT STATE THEATRES bringing this new feature to the leading cities of Illinois and Indiana.

Starting with the great LOEW'S THEATRES and New England's POLI chain, then Broadway's EMBASSY, New York's giant CAPITOL, the parade, growing fast, marches westward, gathering the foremost houses of the country.

These large theatres buy pictures that draw crowds. If you haven't joined the parade, see your FIRST DIVISION EXCHANGE today and sign for a great 1935 box-office success—THE MARCH OF TIME.

Distributed by FIRST DIVISION, Harry H. Thomas, Pres., Rockefeller Center, New York City

THE MARCH OF TIME

"Bill" Grabs $6,500 Lead, Minneapolis

MINNEAPOLIS, Jan. 13.—"Broadway Bill," with $6,500 at the Orpheum, topped one of the biggest weeks the Twin Cities have had in months, and "The Mighty Barnum" trailed along a close second with $6,000 at the State.

"Great Expectations" finished its second week at the World here with a good $3,700. "Little Minister" made the best St. Paul showing with a take of $5,000 at the Orpheum and "Forsaking All Others" grabbed a nice $6,000 at the Paramount.

Total first run business in Minneapolis was 26,900. Average is $23,000. Total first run St. Paul business was $18.600. Average is $16,500.

Estimated takings:

Minneapolis:

Week Ending Jan. 9:

"THE PRESIDENT VANISHES" (Para.)
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"KENTUCKY KERNELS" (Radio)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

Week Ending Jan. 10:

"BROADWAY BILL" (Col.)
ORPHEUM — (2,900), 25c-50c, 7 days. **Gross:** $6,500. (Average, $5,500)

"THE MIGHTY BARNUM" (U.A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"THE PERFECT CLUE" (Majestic)
PALACE—(900), 15c-25c, 7 days. Five acts vaude. **Gross:** $2,500. (Average, $2,000)

"WEDNESDAY'S CHILD" (Radio)
TIME—(300), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

"GREAT EXPECTATIONS" (Univ.)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,700. (Average, $3,000)

St. Paul:

Week Ending Jan. 10:

"FORSAKING ALL OTHERS" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"BRIGHT EYES" (Fox)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"THE LITTLE MINISTER" (Radio)
ORPHEUM — (2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"FATHER BROWN, DETECTIVE" (Para.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,600. (Average, $1,500)

"EVERGREEN" (Gaumont British)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $2,000. (Average, $2,000)

Scott Succeeds Skirboll

CLEVELAND, Jan. 13.—Harry Scott, former Pathe sales manager, has been appointed local sales manager for Gaumont British, succeeding H. R. Skirboll, who resigned. He is due to arrive here on Monday to take over the job.

Sam Diamond Promoted

PHILADELPHIA, Jan. 13.—Sam Diamond, ad sales manager of the local Fox exchange, has been promoted to salesman. Al Truel, who has been assisting Diamond, assumes charge of the ad sales department.

Col. Starts Construction

HOLLYWOOD, Jan. 13.—Columbia is one of the first studios to start construction of new studio buildings this year. It has broken ground for a concrete dubbing stage to be banked by a row of cutting rooms.

Wall Street

Stocks Off on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	36⅛	36	36	— ⅛
Consolidated Film	6½	6⅜	6½	.....
Consolidated Film, pfd. (½v)	20	19⅝	20	— ½
Eastman (4a)	116¼	115	115	—1½
Eastman pfd. (6)	142¾	142¾	142¾	—1
Fox "A"	11¾	11½	11¾	+ ⅛
Loew's, Inc. (1a)	33	32¼	32½	— ½
Loew's, Inc., pfd. (6½)	103½	103½	103½	— ¼
Paramount	3¼	3¼	3¼	— ⅛
Pathe	1⅛	1⅛	1⅛	— ⅛
Pathe "A"	14⅝	14½	14½	.....
RKO	2	1⅞	2	— ⅛
Warner	4	3⅞	3⅞	— ⅛
Warner, pfd.	19¼	18¾	18¾	— ¾

Technicolor Down on Curb

	High	Low	Close	Net Change
Technicolor	12¼	12¼	12¼	— ⅜

Warner Bonds Off One

	High	Low	Close	Net Change
General Theatre, 6s '40	8¼	8¼	8¼	— ¼
Loew's 6s '41 ww deb rights	105½	105½	105½	+ ½
Paramount F. L. 6s '47	60¾	60⅛	60⅞	—1⅞
Paramount Publix 5½s '50	60¾	59¾	60¾	—1¾
Warner 6s '39 wd	55	55	55	—1

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 12)

Friedlander Closes March of Time Deals

CHICAGO, Jan. 13.—Al Friedlander and Henri Ellman have closed two March of Time deals, the first with Walter Immerman of B. & K. for 30 theatres and the second with Jules Rubin for 28 Publix Great States units. On Feb. 1 the short will make its debut at the B. & K. Chicago.

Friedlander, after closing the deals, left for Des Moines. He was in Denver yesterday and plans to reach the coast by the end of the week.

ATLANTA, Jan. 13.—W. M. ("Snake") Richardson, First Division district manager, has signed up the entire Sparks circuit of 60 houses for "The March of Time." Richardson closed the deal on Saturday with E. J. Sparks.

ALBANY, Jan. 13.—Harry Thomas yesterday closed with Chris Buckley for the showing of "The March of Time" series at the Harmanus-Bleecker Hall, starting Feb. 1.

Hamrick's Men Convene

SEATTLE, Jan. 13.—Executives of the John Hamrick organization have just held a "new season" convention this week at the Washington Athletic Club. In attendance from Seattle were John Hamrick, Hal Daigler, general manager; Joe Rosenfield, advertising director; Robert Murray, James Q. Clemmer and George Hood, managers. From Portland came Andrew Saso, Don Geddes, Edwin B. Rivers and George Appleby. Tacoma was represented by Ned Edris, Ray Stevenson and William Connors.

Hold Alison Skipworth

HOLLYWOOD, Jan. 13.—Alison Skipworth's contract has been renewed by Paramount for another year. She is working in "Caprice Espagnol."

Production Slows; 36 Features Going

(*Continued from page* 1)

and one; Fox, four, three and three; Universal, four, zero and two; M-G-M, three, three and nine; Warners, three, one and five; Century, two, one and one; Columbia, two, three and three; Goldwyn, zero, zero and one; independents, five, two and four.

In the short subject division, M-G-M reports one before the cameras, four preparing and four editing. Roach has one, two and one; Universal, one, one and zero; Columbia, zero, one and two; Radio, zero, one and two; independents, two, three and two.

Jolt British Effort To Control Building

(*Continued from page* 1)

granted permission for a new theatre at Warminster, although the application was opposed by the existing Palace, for which it was urged that a population of 5,000 was sufficiently cared for by one theatre.

The Palace is leased by the Warminster Urban Council, but the latter supported the new application in face of a suggestion that it might make it impossible for the Palace to be continued as a theatre.

In Manchester, the Piccadilly passed its preference dividend for the third time, and the chairman, R. A. Cowtan, commented on the fact that there was to be still more competition. "Manchester already has more seats than the population is likely to fill," he said. "Where three cinemas can make a reasonable profit, four make a smaller profit, and six may sustain a loss." The Manchester Hippodrome, old variety hall, is being turned into a 3,000-seat de luxe by Sidney Bernstein.

"Sequoia" Attracts Crowd to M. P. Club

Winter activities at the M. P. Club officially got under way last night when the first preview was held for members and guests. The initial attraction was "Sequoia."

The evening started with dinner early in the evening, and this was followed by an elaborate floor show which Louis K. Sidney, chairman of the entertainment committee, arranged. Howard Dietz gave an introductory speech.

It was estimated that approximately 160 attended.

Fadiman to Goldwyn

William J. Fadiman, head of the screen material department of the Leland Hayward office, will resign Jan. 21 to become eastern story chief for Samuel Goldwyn. Fadiman has been story editor for Columbia; assisatnt story editor for RKO-Pathe, and head of the Authors' M. P. and Radio Bureau.

Fields for Porter Play

HOLLYWOOD, Jan. 13.—Paramount will feature W. C. Fields, Bing Crosby and Queenie Smith in "Anything Goes," the New York play just acquired. Included in the deal was all of the Cole Porter music including his hit song, "You're the Top." Porter will write three new numbers for the picture.

Roxy

PICKS

RCA VICTOR PHOTOPHONE

High Fidelity Sound

★ ★ ★

The sound installation at the Roxy-Mastbaum, Philadelphia's largest theatre (now under the personal supervision of Roxy) is one of the biggest in the world.

★ ★ ★

Roxy's choice shows that RCA Victor High Fidelity Motion Picture and sound reenforcing equipment meet the most exacting requirements.

★ ★ ★

Hundreds of other large and small installations all over the country are proof that RCA Victor Photophone High Fidelity means unfailing sound satisfaction and increased box office.

★ ★ ★

RCA VICTOR

Camden, N. J.

RCA Victor, one unit of Radio Corporation of America... The World's Largest Radio Organization. Other units: National Broadcasting Co., Inc. . . . R. C. A. Communications, Inc. . . . RCA Radiotron . . . Radiomarine Corporation of America

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 10 NEW YORK, SATURDAY, JANUARY 12, 1935 TEN CENTS

St. Louis Jury Indicts Warners, Para., RKO

H. M. Warner, with Sears, Starr, Thomas, Depinet and Schaefer, Also Is Charged with Conspiracy

ST. LOUIS, Jan. 11.—Warners, Paramount and RKO, some of their selling subsidiaries and officers of these companies were indicted today by the Federal grand jury which has been investigating the product situation here.

The indictments charge the companies and their officers with "unlawfully engaging in a conspiracy in restraint of trade."

Companies named in the indictments are: Warner Bros. Pictures, Inc.; Vitaphone Corp., First National Pictures, Inc.; Warner Bros. Circuit Management Corp., Warner Bros. Circuit Management Corp. General Theatrical Enterprises, Inc.; Paramount Pictures Distributing Corp., Paramount Pictures Distributing Co., Inc., and RKO Distributing Corp. Repetition of some of the names, it was explained, is due to the fact that they are subsidiaries.

Individuals named in the indictments are: Harry M. Warner, Warner president; Gradwell Sears, western and southern sales manager; Herman Starr, vice-president of Warners and president of First National;

(*Continued on page 2*)

Philadelphia Premiums Ban May Be Ended

Campi Seeking Further Facts on 75% Vote

Philadelphia's ban on premiums, voted last summer by 75 per cent of the exhibitors in that territory, may be dropped by Campi. The giveaway question in the Quaker City was discussed by Code Authority Thursday, but no decision was rendered. It will come up again at the next session Jan. 17. Meanwhile further facts are being sought.

A few weeks ago a number of Philadelphia exhibitors and premium men appealed the 75 per cent ban. At a hearing before a Campi appeal committee, it was brought out that during the time of the vote, one independent theatre was closed and another burned. It was further stated at the time that these theatres had voted for the ban.

At the Campi discussion members were puzzled over the voting status

(*Continued on page 4*)

Worker Insurance Up in California

SACRAMENTO, Jan. 11. — Adoption of an unemployment insurance plan wherein film companies and other employers will contribute three per cent of payrolls and employes one per cent of wages to a general reserve fund has been recommended to the Legislature here by the Interim Committee.

Benefit payments would be based

(*Continued on page 2*)

Richey Protests to Priests of Detroit

DETROIT, Jan. 11.—H. M. Richey today mailed a nine-page letter to every priest in Detroit and to the heads of the Legion of Decency and other Catholic organizations, calling unfair the issuance of the bulletin

(*Continued on page 4*)

Schenck Criticizes Rating for "Clive"

Joseph M. Schenck last night sharply criticized listing of "Clive of India" as adult entertainment only by the International Federation of Catholic Alumnae and poised the argument that the picture "was made for

(*Continued on page 4*)

Be assured of dependable delivery and ship via National Film Carriers, Inc.—Adv.

Campi's 1934 Cost Reached $204,166.25

Operating costs for Campi during 1934 totaled $204,166.25, which was within $7,024.87 of the $211,191.12 budget. Of this figure $24,613.67 was checked off to expense during December.

Receipts from producers and distributors for the year amounted to $125,620. From exhibitor sources receipts totaled $114,560. Adding $279.37 received from the N. Y. State Income Tax, total receipts were $240,459.37. Cash in the bank on Dec. 31, 1934, was $36,293.12.

Home office operating costs for the year aggregated $80,720.78. Hollywood's Campi office expense was $17,617.59. Cost of maintaining local boards was $105,827.88.

For the month of December home office expenses totaled $8,894.47; Hollywood, $3,460.36; local boards, $12,258.84.

Financial detail of Campi's first year of operation appears on page 4.

Carlisle Only Film Man to Report Stock

WASHINGTON, Jan. 11.—Ownership of 1,000 shares of common stock of Warners was reported to the Securities and Exchange Commission by Samuel Carlisle after his appointment as a director of the company Dec. 11, it was learned today at the commission.

An exhaustive search of the files of the commission, however, failed

(*Continued on page 2*)

Mexico's '34 Film Output 30 Features

By JAMES LOCKHART

MEXICO CITY, Jan. 11.—Feature pictures produced by Mexicans in Mexico totaled 30 last year. This output was about 33 per cent higher than that of 1933, and 75 per cent over that of the previous year. Since "Santa," the first sound film to be made in this country by Mexicans, was produced in 1931, under the direction of Antonio Moreno, who was imported from Hollywood for the purpose, national producers had made 60 features up to Dec. 31.

The outstanding Mexican production last year was "Juarez y Maximiliano," most costly so far, which depicted the tragic reign in this country of the Emperor Maximilian. The picture was released by Columbia and did well here and in Central America. "Cucho, el Roto" ("Joe, the Bum"), tale of Mexico's Robin Hood, was another of the domestic leaders last year.

In addition to the 30 pictures made and released last year, four others that

(*Continued on page 2*)

MPTO-IEPA Merger Moves Are Dropped

PHILADELPHIA, Jan. 11.—Failure of the move to merge the Independent Exhibitors' Protective Ass'n and the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware was reported to the board of managers of the latter today by the committee appointed for the purpose. The affiliated members in the M.P.T.O. unit were given as the reason why the proposed tieup fell through, the I.E.P.A. having insisted the merged unit be strictly independent.

The matter was tabled and the committee, headed by James Clark, was dismissed, thus ending possibilities of a merger for the present at

(*Continued on page 2*)

Censor Shift Asked In New Albany Bill

ALBANY, Jan. 11.—Irving D. Neustein, Democrat, of New York City, today introduced a bill in the Assembly transferring the censorship board from the Education Department to the office of the State Comptroller.

Upstage Stars Irk K. C.

Kansas City, Jan. 11.—Managers of local exchanges and major theatres are demanding that higher-up executives do something about the lack of cooperation on the part of actresses who go upstage when their trains hit Kansas City.

Frequently, company representatives in Kansas City are instructed by wire to have the press meet stars passing through east or westbound. While some are willing to meet the newshawks, others acquire temperament and remain behind locked

(*Continued on page 2*)

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Advertising Manager

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MPTO-IEPA Merger Moves Are Dropped

(*Continued from page* 1)

least. The committee reported that members of the M.P.T.O. unit would save money on equipment and insurance through a merger.

A resolution condemning the practice of distributors of interchanging percentage pictures following a showing in a territory was passed at the meeting, at which Lewen Pizor, elected president last week, was installed.

Mexico's '34 Film Output 30 Features

(*Continued from page* 1)

were started late in 1934 will be finished this month and released early in February.

The 1935 schedule for Mexican producers calls for making 36 full-length features. They will make no shorts, this year.

Dinner for Boettinger

HOLLYWOOD, Jan. 11.—Hays office employes here will give John Boettinger a stag dinner tonight. He leaves tomorrow by plane for the east.

Fox Ends Disc Sales

Fox exchanges are dropping all accounts using disc reproduction.

Looking 'Em Over

"The Wandering Jew"

(Olympic Pictures)

A serious subject, fraught with strong possibilities of creating much discussion and even controversy.

Adapted from the well known play by E. Temple Thurston, "The Wandering Jew" tells of the legend of the man who spat on Christ as He traveled His journey to Calvary and thereafter was doomed to wander the globe, deprived of the haven and the peace in death until Christ returns to the earth.

The film version, which was produced by Twickenham Studios of London and directed by Maurice Elvey, is divided into four phases. The first takes place in Jerusalem where the premise is established. The second is centered in Antioch in the time of the First Crusade. The third in Palermo in the 13th century, and the fourth, which is the most telling dramatically, in Spain during the height of the power of the Holy Inquisition. Conrad Veidt fills the dominant spot in all four.

The premise maintains that the Jew, committed to eternal wandering, must so do to expiate his misdemeanor. In the first three episodes, the character delineation mapped for Veidt paints him in cynical and almost brutal colors and, because of that, may arouse Jewish opposition. In the fourth, Veidt appears as a kindly, soul-saving physician who meets the displeasure of the inquisitors through the beneficence bestowed upon a woman of the streets and because, a Jew, he is also a heretic.

The implication in the latter portions is that Veidt, weary of his wanderings and in final, full realization of his cardinal sin, has learned the full import of his error and, welcoming death, is accorded divine relief, not at the stake to which he is pinioned, but by intercession from a higher power.

This is the picture which M-G-M purchased some months back and then dropped after rabbinical circles in New York had made urgent protest. Since that time, the understanding is the original version, admittedly anti-Semitic in certain of its content, has been edited from eleven to nine reels. The current version at the Criterion bears visible evidences of the process of emasculation to which the production has been submitted.

Controversial in the extreme if for no other reason than several versions of the legend of "The Wandering Jew" are extant, this British picture strikes this reviewer as argumentative in the extreme. Whether or not it will prove itself good box-office is a question which he is not prepared to determine and so urges exhibitors who contemplate booking it to see for themselves what the film has to offer.

In point of performance, Veidt stands out above all others. In the Spanish sequence, in particular, does he deliver the most powerful of acting jobs. The production itself has been made on a lavish and colorful scale. It is replete with pageantry and the glamour of periods and times long since relegated to history. In the main, it is accurate to diagnose the dramatic values as interesting and occasionally high.

No production code seal. Running time, 83 minutes. "A."

KANN

Vanni Silent on Shift

A. J. Vanni, who recently resigned as manager of the Poli, New Haven, to become Warner district manager handling all theatres outside of Philadelphia, refused to comment on his new association yesterday when queried by MOTION PICTURE DAILY. He referred all questions to the Warner home office.

Vanni left for New Haven last night after a one-day stay in New York.

"Forsaking" $135,000

"Forsaking All Others" wound up a 17-day run at the Capitol with a gross of $135,000. For the first three days, the take was $33,000, for the next seven, $66,000, and the last week $36,000.

House Drops "President"

OMAHA, Jan. 11. — Complaints caused the "The President Vanishes" to be pulled at the Orpheum, Blank house, last night as preparations for its opening had been completed.

Upstage Stars Irk K. C.

(*Continued from page* 1)

doors in their compartments, and the reporters and cameramen leave empty-handed.

This naturally reflects on the local men, and they are burning up, as it puts them on a spot with the dailies. What they cannot understand is that while publicity departments spend large sums of money to obtain publicity, why they cannot persuade their personalities to condescend to interviews during train stops at the Union station.

St. Louis Jury Indicts Para., Warners, RKO

(*Continued from page* 1)

Abel Cary Thomas, Warner secretary and general counsel; Ned Depinet, president of RKO Distributing Corp., and George Schaefer, who is listed as president of the three Paramount subsidiaries named.

The action is the result of a feud growing out of transfer of control of the Ambassador, Missouri and Grand Central theatres from Warner control to that of a company organized by Allen L. Snyder. Fanchon & Marco operate the houses for this new company. Snyder was the complainant in this case. He charged a conspiracy to shut off first run product from his houses for the benefit of the Shubert and Orpheum now operated by Warners.

Block booking did not enter into the local investigation, it has been learned, although it was said the probe went beyond the angles of the original complaint and that its inception has caused the Department of Justice to extend its investigation to Hollywood.

Carlisle Only Film Man to Report Stock

(*Continued from page* 1)

to disclose that any other reports have been received from men in the film industry, although for the past six months the law has required that the holder of more than 10 per cent of the stock of any corporation, the stock of which is dealt in on any exchange, must report any changes in his holdings within a month after they occur. A fine of $10,000 or two years imprisonment or both, is provided for violation of the law.

Worker Insurance Up in California

(*Continued from page* 1)

on 65 per cent of the workers' average weekly wage, the committee recommended. Contributions would begin Jan. 1, 1936, with benefit payments starting Jan. 1, 1937, to workers who had lost their jobs either temporarily or permanently because of business conditions. Part time employes would be exempted from payments.

Short Service Sunday

Funeral services will be held tomorrow afternoon at 3 o'clock at the Congregational Church, Amityville, L. I., for Dr. William H. Short, director of the M. P. Research Council, who died suddenly Thursday in Philadelphia. The body will be shipped to the Short home in Wisconsin for burial immediately after the services. Dr. Short is survived by his widow, four sons, James S., Frederick W., Robert D. and Douglas F. Short, and a daughter, Frances E. Short.

Kent to Return Jan. 23

S. R. Kent, president of Fox, is due back from the coast Jan. 23.

ANOTHER TOP HONOR FOR LEO!



"SEQUOIA" is to be shown to the members of the club under the auspices of Louis K. Sidney who has prepared a dazzling floor show with distinguished guest talent. The sole charge for the evening's entertainment will be the dinner. MEMBERS ARE REQUESTED TO MAKE IMMEDIATE RESERVATIONS IN ADVANCE FOR THEMSELVES AND FAMILIES.

DINNER . . 7:00 P.M.
FLOOR SHOW 8:15 P.M.
SEQUOIA . . 9:30 P.M.

The MOTION PICTURE CLUB inaugurates a series of Sunday Night Previews. Metro-*Goldwyn*-Mayer's *mighty production*

SEQUOIA

Pronounced "SEE-QUO-YAH"

The picture that has received already more advance comment than any picture of recent years

has been selected by the committee for this prize presentation!

MEMBERS ONLY
SUNDAY EVE., JAN. 13

Soviet Celebrates 15th Picture Year

By BELLA KASHIN

Moscow, Jan. 11.—On the crest of a wave of high enthusiasm concerning the future of Soviet films and marking the beginning of the eight-day jubilee celebrating the 15th anniversary of the industry here, the press today carried greetings from Stalin to Shumiatsky, head of the Soviet industry, in which the Bolshevik leader calls on Soviet producers to reach higher spheres of achievement and characterizing the cinema as "the most important and widely spread of the arts in the Soviet Union."

Plans are now maturing to follow the jubilee with the 15-day International Moscow Cinema Festival, about the middle of next month, to which foreign directors have been invited and at which the latest foreign and Soviet films will be shown.

Century-RKO Case Goes to Main Board

Because of the importance of the Century-RKO clearance protest in Long Island, the main New York clearance board has ordered that a hearing before the Long Island advisory board be omitted and that the main board hear the case from the start.

Last Wednesday the L. I. committee postponed the hearing to next Wednesday, but the protest is now slated for Jan. 17 or Jan. 24.

Louis Nizer will represent RKO and Mitchell Klupt, Century. The case involves Century's Fantasy, Rockville Center, against RKO's Columbia and Park, Far Rockaway, and the Alden, Jamaica, which are asking one week's clearance over the independent house.

Buffalo Clearance Moves by Campi End

Buffalo's schedule on clearance and zoning was officially dropped Thursday by Campi, following a resolution passed at the local board to revert to individual protests.

No other clearance plan was discussed at the session. Morris Kutinsky's overbuying case against Century, involving selective contracts, was tabled until Jan. 17.

Budget Hearing Feb. 1

Public hearing in Washington on the 1935 Campi budget has been postponed from Jan. 22 to Feb. 1, according to Code Authority. The budget, passed by Code Authority Thursday, provides for the same figure as last year.

Form New Company Here

Charles B. Cochran, London theatrical producer, and Arch Selwyn have formed a company to produce pictures in London. It is planned to use American talent as much as possible.

Cochran will arrive here shortly from the other side and will go to the coast to arrange for talent.

Bomb Pawtucket House

PAWTUCKET, R. I., Jan. 11. — A bomb exploded in the Strand here tonight, throwing the audience into a panic.

Campi's Financial Statement for '34

Receipts from producers and distributors	$125,620.00	
Receipts from exhibitors	114,560.00	
	240,180.00	
N. Y. State income tax collected at source	279.37	
Total receipts		$240,459.37
Total disbursements		204,166.25
Cash balance Dec. 31, 1934		36,293.12
Reserve for rent—leases	5,838.75	
Reserve for rent—month to month	1,451.00	
Cash balance, Jan. 1, 1935	29,003.37	$36,293.12

Summary of Disbursements	*Home*	*Hollywood*	*Local Boards*	*Total*
Contingent funds	$ 25.00	$ 1,500.00	$ 1,550.00	$ 3,075.00
Deposit on telephone and keys			51.00	51.00
Furniture and fixtures	4,102.66	12.82	5,614.66	9,730.14
Office equipment	2,332.63	214.68	1,071.67	3,618.98
Subscriptions to trade papers	63.00	40.15	25.40	128.55
Salaries	44,018.33	10,314.38	56,144.98	110,477.69
Office supplies	1,608.60	571.21	2,438.73	4,618.54
Printing	3,872.69	65.34	615.57	4,553.60
Rent	3,455.35	1,800.00	17,197.38	22,452.73
Transportation and hotel expense	8,151.95	420.00	8,351.49	16,923.44
Sundries expense	885.10	221.65	2,463.95	3,570.70
Postage	2,819.70	295.92	2,458.96	5,574.58
Telephone and telegraph	3,463.33	1,449.77	4,344.22	9,257.32
Light	244.13		203.83	447.96
Rental of office equipment	89.25	590.42	1,281.42	1,961.09
Expense reporting meetings	2,754.60	40.00	2,009.62	4,804.22
Insurance	217.59	6.25	5.00	228.84
Legal-accounting fees	2,616.87	75.00		2,691.87
	$80,720.78	$17,617.59	$105,927.88	$204,166.25

Philadelphia Ban on Premiums May End

(Continued from page 1)

of the two houses. If the votes were to be counted in, it would bring the tally to 75.7. If they were thrown out as ineligible, the vote would be 72.7, which would give theatres the right to continue the practice.

Most of the Quaker City independents are now giving away articles awaiting the final determination by Campi.

Noel Coward Signed By Hecht, MacArthur

Negotiations were completed yesterday and Noel Coward was signed by Ben Hecht and Charles MacArthur to be starred in the next picture to be produced by the duo at the Eastern Service Studio for release through Paramount. The picture is tentatively titled "Miracle in 49th St.," and will go into work Jan. 28.

Explains Roxy Stay

Carlos Israels of White and Case, attorneys for Roxy Theatre bondholders' committee, yesterday explained the injunction handed down by Federal Judge Francis G. Caffey in connection with an action instituted by Max Glasser, owner of a $500 bond, for an accounting in the New York State courts. Glasser's suit was against the Continental Bank and Trust Co. as trustee of the bond issue.

"When the Roxy Theatres Corp. was placed under the new section of 77B of the Bankruptcy Act," Israels states, "the court, in accordance with the provision of the statute, entered an order staying the pending foreclosure suit until a final decree in the reorganization proceedings."

This was the injunction which Judge Caffey granted yesterday, Israels said.

Wall Street

Stocks Off on Big Board

	High	Low	Close	Net Change
Columbia, vtc (C1)	37⅞	36⅛	36⅛	.....
Consolidated Film.	6⅞	6½	6⅞	— ⅛
Consolidated Film, pfd., (½V)	21⅛	19¾	20½	— ⅜
Eastman (4a)	117¾	116½	116½	—1⅛
Fox "A"	12⅝	11⅝	11⅝	— ⅞
Loew's, Inc., (1a)	34	32½	33	— ½
Loew's, Inc., pfd., (6½)	104	103¾	103¾	— ¾
Paramount	3½	3¾	3⅜	— ⅛
Pathe	1¼	1⅛	1¼	.....
Pathe "A"	15⅜	14½	14½	—1⅛
RKO	2⅛	2	2⅛	.....
Warner	4¼	4	4	— ⅛
Warner, pfd.	19½	19½	19½	— ⅜

Technicolor Loses ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅝	12⅜	12⅜	— ⅛
Trans-Lux (20b)	3	2⅞	2⅞	.....

Bond Market Has Bad Day

	High	Low	Close	Net Change
General Theatre, 6s, '40	9	8½	8½	— ⅜
General Theatre, 6s, '40, ctf.	8¾	8½	8½	— ¼
Loew's, 6s, '41 ww deb rights	105	105	105	.....
Paramount B'way, 5½s, '51	44	43⅝	43⅝	— ⅜
Paramount F. L., 6s, '47	62½	62½	62½	—1
Paramount Publix, 5½s, '50	63¼	62½	62½	—1
Pathe, 7s, '37 ww	101⅝	101½	101½	.....
Warner, 6s, '39 wd.	58	58	56	—1⅝

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 11)

Flash Review

Cowboy Holiday—There are times when the tale grows pretty tall, but this weakness is more than made up for by the sizzling pace and excitement of the story.

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Purely Personal

JOSEPH MOSKOWITZ, ARTHUR W. KELLY, CHARLES C. PETTIJOHN, ED KUYKENDALL, HERMAN GLUCKMAN, DAVID LOEW, PHIL REISMAN, HERSCHEL STUART, WILLIAM A. SCULLY, HARRY BRANDT, LAURENCE BOLOGNINO, AL SUCHMAN, MORRIS KUTINSKY, A. J. VANNI, JOE HORNSTEIN, ROBERT WOLFF, HOWARD DIETZ, LOUIS PHILLIPS, SIDNEY JUSTIN, MORTON VAN PRAAG, GEORGE DEMBOW, AL SELIG and E. H. GOLDSTEIN were among those spotted at the M. P. Club yesterday afternoon.

EDDIE CANTOR will return from his five-week European trip next Tuesday on the *Ile de France*.. MRS. CANTOR and the younger CANTORS are with him.

JED HARRIS goes west Sunday with rumors still persisting it's Metro he's joining.

ED KUYKENDALL leaves here Monday for Washington.

EDWARD G. ROBINSON starts his return trip to Hollywood today.

JOE VOGEL returned from a short trip to Boston yesterday.

Richey Protests to Priests of Detroit

(Continued from page 1)

listing theatres and branding the information in the bulletin as positively untrue, inasmuch as the distributors are refusing to cancel pictures listed in Class C.

The Richey letter says the issuing of the bulletin after the pictures have played first run and taking it out on the subsequent runs is unfair to the latter. However, it does not view the boycott as illegal. The exchanges' refusals to cancel any pictures in the Class C drive has not yet hurt business, it is said, but later results are feared.

Schenck Criticizes Rating for "Clive"

(Continued from page 1)

an audience composed of every member of every American family."

"According to Mrs. James F. Looran, head of the motion picture department of the International Federation of Catholic Alumnae," he declared, "no representative of that organization had seen the production prior to the issuance of their classification.

"We feel that such an opinion is not only groundless but unworthy of the aims of the International Federation of Catholic Alumnae."

Premiere for "Clive"

HOLLYWOOD, Jan. 11.—After viewing a first cut of "Clive of India" Al Lichtman ordered a premiere at the Rivoli Jan. 17 preceding the start of the regular run the following day.

"Chapayev" at Cameo

"Chapayev," the Soviet film that has been causing Moscow to turn handsprings and Russian editors to devote whole pages to its merits, opens at the Cameo today.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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No RKO Plan In Prospect, Court Is Told

Would Cost "Millions," Asserts Carl Newton

That "millions of dollars would be required for the reorganization of RKO" and that no "financially responsible group" has yet proposed a plan of reorganization for the company was a statement made by Carl Newton, of counsel for the RKO trustee, to Federal Judge William Bondy at a hearing yesterday on the final RKO report by Irving Trust Co., as receiver, and on an application for allowances aggregating $235,000.

Newton added that "two or three groups who are financially responsible" are interested in current discussions of an RKO reorganization, but have proposed no plan as yet. These latter groups, it is believed, represent large RKO stock and noteholders, including RCA, the claims of which aggregate large amounts.

In response to inquiries by Judge

(*Continued on page 7*)

Appeal Pending in RKO Receiver Row

Federal court appeals opposing the admission of RKO to reorganization proceedings under the new bankruptcy law and asking the return of the company to receivership and the appointment of a second receiver in addition to Irving Trust Co., have

(*Continued on page 7*)

Ease Security Rules

Washington, Jan. 14.—Simplified forms for registration of securities by established corporations have been issued by the Securities and Exchange Commission. The idea is to make new flotations easier. The new form is called A2.

Balance sheets and records of earnings over a period of at least three years are required.

Joseph P. Kennedy, chairman, said the new forms carry out the commission's pledge to make registrations "less onerous, less expensive and more practical."

National Film Carriers, Inc., guarantee dependable delivery.—Adv.

State Probe Into St. Louis Film Situation Now Impends

St. Louis, Jan. 14.—Investigation of the local film situation by the state under the provisions of its drastic anti-trust laws is now a possibility, according to report.

From an informed source it has been learned that Attorney General Roy McKittrick at Jefferson City is studying the Federal indictments against Warners, Paramount and RKO.

One of the penalties for conviction provided by state law is that a firm so convicted can be ousted from the state.

Nye Scans Way to Hit Block Booking

WASHINGTON, Jan. 14.—Prosecution of the socalled film trust all over the country was today seen by Senator Nye as a good way to eliminate some of the evils of the block booking situation.

Explaining that te knew nothing about reported plans of the Department of Justice to barnstorm the country with prosecution activities, Nye expressed the opinion that it should be done and indicated that his attack on the industry has been merely delayed and not abandoned.

"I am watching the situation very closely and wondering whether this is the first step toward breaking the socalled movie trust and giving the small exhibitor a better chance," he said. "I do not think there will be

(*Continued on page 11*)

Hamm, Jr., to Run Publix Northwest

Petition for approval of an agreement under which William Hamm, Jr., of Minneapolis, becomes operating head of Publix Northwest on a short term contract expiring June 27 was filed yesterday by counsel for the Paramount Publix trustees with Referee John E. Joyce.

Under the agreement Paramount retains all of the stock of the company, which is a holding company for various subsidiaries operating approximately 70 theatres in Minnesota, Wisconsin, North and South Dakota. As a consideration under the agreement, Hamm will approve a five-year extension of a $500,000 mortgage which he holds against Publix Northwest. The extension will make possible the immediate lifting of the

(*Continued on page 7*)

N. Y. Censor Measure Saddles New Burden

ALBANY, Jan. 14.—State Senator John T. McCall tonight made radical amendments in his film censorship bill.

The altered measure provides a distributor shall pay an annual license

(*Continued on page 8*)

Penn Censors Stay; Lawyer Heads Board

HARRISBURG, Jan. 14.—Ending rumors that censorship may be abandoned in Pennsylvania under the new Democratic regime which starts tomorrow with the inauguration of George H. Earle as governor, Earle

(*Continued on page 7*)

Clarification for Labor Terms of NIRA Is Planned

WASHINGTON, Jan. 14.—Clarification of the National Industrial Recovery Act will be one of the major points of the new legislation which will be sent to Congress by President Roosevelt within the next two months.

Numerous plans for giving organized labor what it demands in the way of legislation are being made by various groups within the Administration for submission to the President when he begins consideration of the legislation.

Labor groups are pressing for a law which would turn collective bargaining over to that group in each establishment which represents a majority of the workers. Such a provision, of course, would tend greatly to strengthen the membership of certain unions which seek not only to control industrial workers, but clerical and professional forces as well.

Another plan has been proposed, however, under which minority groups

(*Continued on page 11*)

New Plan for Code Payment Being Sought

Producers Want to Pay Via Distributors

Rearrangement of the code assessment plan for producers and distributors is on tap, a recommendation having been made to Campi by distributors to drop levies against producers, but to include them in distributor payments. The suggestion will be discussed at the public hearing on the 1935 budget, which is the same as 1934, in Washington on Feb. 5.

Distributors declare that in the instance of M-G-M and Warners, which have outside producers, there is a duplication of payments. The two distributors have to pay according to annual gross business and the outside producers releasing through the companies also have to pay according to their classification.

Inasmuch as the $360,000 annual levy is based on gross income, distributors feel that their respective pro-

(*Continued on page 11*)

Operator Hearing Off Until Jan. 25

For the second time in a week, the NRA has postponed a public hearing in Washington on the basic operators' scale for metropolitan New York. Slated for Friday, the Capitol hearing is now on the calendar for Jan. 25.

Members of the fact-finding committee met with Sol A. Rosenblatt

(*Continued on page 11*)

Gold Ruling Looms As Industry Worry

WASHINGTON, Jan. 14.—Concerns in the film industry having outstanding bonds or mortgages calling for payment in gold may find themselves in

(*Continued on page 7*)

Preparedness

New Orleans, Jan. 14.—In anticipation of the annual meeting of the M.P.T.O.A., Colonel Seymour Weiss has begun enlarging the Roosevelt bar, extending it to the lobby and almost doubling its capacity.

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Ginsberg Due Next Week

Henry Ginsberg, general manager of Hal Roach studios, leaves Hollywood for New York Friday, stopping off at Chicago for one day. Joe Rivkin, New York representative, returned from a week's visit to the studio yesterday. Ginsberg arrives next Wednesday.

On Thursday, Roach puts into work his second feature this season. It's "The Girl Is Mine" with Sam Taylor directing and Robert Young, Jean Arthur and Berton Churchill in leading roles.

N. E. Meet Set Jan. 29

BOSTON, Jan. 14.—Independent Exhibitors, Inc., the New England Allied unit, has definitely set Jan. 29 as the date for the annual meeting. It will be held at the organization's headquarters. Reelection of Nathan Yamins as president is predicted.

Florabel Muir to Fox

HOLLYWOOD, Jan. 14.—Florabel Muir, former New York newspaper woman, has been signed by Fox as a scenario writer. She left New York recently by automobile and is slated to check into her new job on Tuesday.

Off Until Tomorrow

The Du-Art laboratory action against Universal was heard before Supreme Court Justice Steuer yesterday and deferred until tomorrow.

Purely Personal

HERB YATES yesterday financed W RAY JOHNSTON, TREM CARR of Monogram and WILLIAM SAAL of Select to lunch at the Tavern. BEN GOETZ sat in on the deal in an advisory capacity.

Among those present but not at the same table were:

RICHARD A. ROWLAND and BEN BLUMENTHAL, plotting future bridge hands.

BILL (Exchange Man) RAYNOR, talking scripts with MYLES GIBBONS of the Paramount story department.

J. S. MCLEOD, spotted with a friend in the corner. EDWARD ZELTNER, of Loew's, confabbing with another group across the room.

PHIL REISMAN is now swamped with demands from other members of the M. P. Club for ping-pong lessons, particularly after the exhibition he put on yesterday.

BILLY WILKERSON is in from Hollywood.

CHARLES E. RICHARDSON, Paramount trustee, went to Philadelphia yesterday. Which made many at the Paramount hearing wonder why. The answer is simple: His family is there.

BEN LYON and BEBE DANIELS have set up housekeeping at the Lombardy, now that they have brought their daughter, BARBARA, back from the coast with them. "SKEETS" GALLAGHER is with them, alone at present, but he expects the missus any day now.

IRENE THIRER has invented a movie indicator for classification of films. It's called Moviemeter, and the *Post,* for which the Rialto publicity head covers reviews a few days a week, adopted the contraption. The indicator points to one of four ratings: Good, poor, bad or excellent.

BILL PINE will airline it from Hollywood to New Orleans to attend the M. P. T. O. A. convention there in late February. BOB GILLHAM is figuring on attending from New York. Ditto SAM DEMBOW and plenty of others.

CHESTER ERSKIN not only is busy preparing rehearsals on "De Luxe" in which 20th Century has a financial finger or two, but he has also pounded out "Three Blind Mice," a play adapted from "All the Skeletons," the KEITH FOWLER novel.

AL WILKIE and ALEX MOSS, who banded together on one of those warm-weather cruises, returned to New York and its ice-covered streets yesterday.

IDA LUPINO docks today. That is, if the *Olympic* successfully batters those high seas and arrives on schedule. JEFFREY BERNARD is aboard the same vessel.

TOM DREW, who runs General Register for PERCY PHILLIPSON, one of the most American of British film men, is in Los Angeles. A business trip.

CAROLE LOMBARD is determined to visit all of the hot spots in town before entraining for Hollywood and probably will, all in one night this week.

EDWARD G. ROBINSON has gone back to the coast to start work in "Money Man." MRS. ROBINSON and the boy were with him.

STUDDING the restaurant at the M. P. Club yesterday were these, among others:

ARTHUR and DAVE LOEW, LAURENCE BOLOGNINO, HERB EBENSTEIN, MORT SPRING, PHIL REISMAN, JOE VOGEL, FELIX FEIST, HOWARD DIETZ, LEO LUBIN, ARNOLD VAN LEER, BOB WOLF, HARRY BRANDT, ARTHUR HIRSCH and the following LOUIES: NIZER, PHILLIPS, COHEN and SIDNEY.

MOE SILVER, Y. FRANK FREEMAN and MARTIN BECK among the knife and fork wielders at Sardi's yesterday.

CLAUDE EZELL in town from western conquests and visiting acquaintances at the RKO home office yesterday.

PHIL REISMAN did his conferencing yesterday in the RKO legal department.

BRUCE BROMLEY of Cravath, de Gersdoff, Swaine & Wood, had a busy day of consultations in various home offices yesterday. That St. Louis Demon may be the answer.

WALTER CONNOLLY is being discussed for the male lead in "Bank Nemo," a play dealing with the Stavisky affair in France. NAZIMOVA may also be in the cast.

W. RAY JOHNSTON is initiating TREM CARR into the hectic social whirl of Larchmont and the Monogram Club during the latter's local visit.

EDDIE CANTOR and his family; FEODOR CHALIAPIN and MISCHA ELMAN arrive today from abroad on the *Ile de France.*

MRS. S. MAURICE LIVINGSTON, wife of U. A.'s Paris representative, is in town. She made the crossing on the *Champlain.*

HARDIE ALBRIGHT and MARTHA SLEEPER (MRS. ALBRIGHT) are in town making plans for a New York stage appearance.

HELEN GWYNN, columnist on *The Hollywood Reporter,* is vacationing here. It's a two weeks' release from the west.

ROSITA MORENO is in these parts to play the feminine lead in a Spanish talker which will be made at the Eastern Service studio.

ROBERT LORD and DELMAR DAVES, Warner scenarists, arrive on the coast today after a brief trip here to see "Page Miss Glory."

SAM E. MORRIS and his son, BUDDY, arrive from England on Thursday on the *Conte di Savoia.*

JACK PARTINGTON returned from St. Louis over the week-end. HARRY C. ARTHUR gets in tonight.

J. MONTMORENCY MCMANUS did some neat toe-and-heel numbers in the Astor ballroom Satiddy nite.

WALTER EBERHARDT and MRS. E. took in "Anything Goes" last night and voted it swell.

PAUL GULICK is getting fan mail from exhibitors on his *Universal Weekly* mailing list.

HERSCHEL STUART counts that day lost that doesn't produce a laugh, and hasn't lost one in months.

BOB COCHRANE is paying more attention to the Motion Picture Club these days.

WILLIAM GEDRIS of Ideal Seating, Grand Rapids, is in town for a few days.

SYLVIA SIDNEY's long holiday here is ended. She has started the trek west.

DAVE LOEW hasn't made up his mind when he will leave for that coast jaunt.

HERB CRUIKSHANK was made practically perfect—sartorially—the other afternoon.

LILLIAN BOND essays the lead in "Little Shot," Thursday's stage opener at the Playhouse.

E. A. ROWLANDS of Ilex Optical Co., Rochester, is in town.

SIDNEY SAMUELSON leaves for an out-of-town jaunt today.

BOB RITCHIE due in shortly. From Europe again.

RUTH GORDON is steamer-bound for the coast to make a picture for Metro.

HAROLD B. FRANKLIN is back from the coast.

MARGARET SULLAVAN is keeping her current visit here a secret?

HORTENSE SCHORR among the diners at Thompson's No. 27 the other day.

FELIX FEIST seems in danger of developing wanderlust.

"Reclaimed" Pulls $15,000 at Rialto

"Man Who Reclaimed His Head" was good for $15,000 for the first week at the Rialto. Arthur Mayer is holding it over, but hasn't decided definitely whether to put in "Baboona" on Friday or next Monday.

"Mystery Woman" at the Mayfair tallied $11,000, while "Helldorado" at the Astor got only $9,400. Cold weather which hit town Sunday and kept many theatregoers at home has hit Broadway box-offices the last two days.

Over the week-end, "Lives of a Bengal Lancer" grossed around $30,000.

Fields and Sobelman To Sail on Saturday

Arthur Fields, supervisor of M-G-M synchronization of foreign versions with headquarters in Paris, and Martin Sobelman, editor-in-chief under Fields, said for Europe Saturday on the *Ile de France* after a three-week vacation here. Both arrived here with Arthur Loew and Sam Burger on Christmas Day.

Burger is now aboard the *Bremen* and is scheduled to arrive in England tomorrow. He is bound for South Africa to install M. I. Davis, former Hongkong M-G-M branch manager, as general manager of the South Africa office, succeeding the later Carl J. Sonin.

Fred Pelton of the coast studio staff is in town.

Kenneth DeLong Married

BOSTON, Jan. 14.—Kenneth DeLong, who has come here as an executive with the M. & P., operating company for Publix, has married Evelyn Lindsay, formerly of New Jersey.

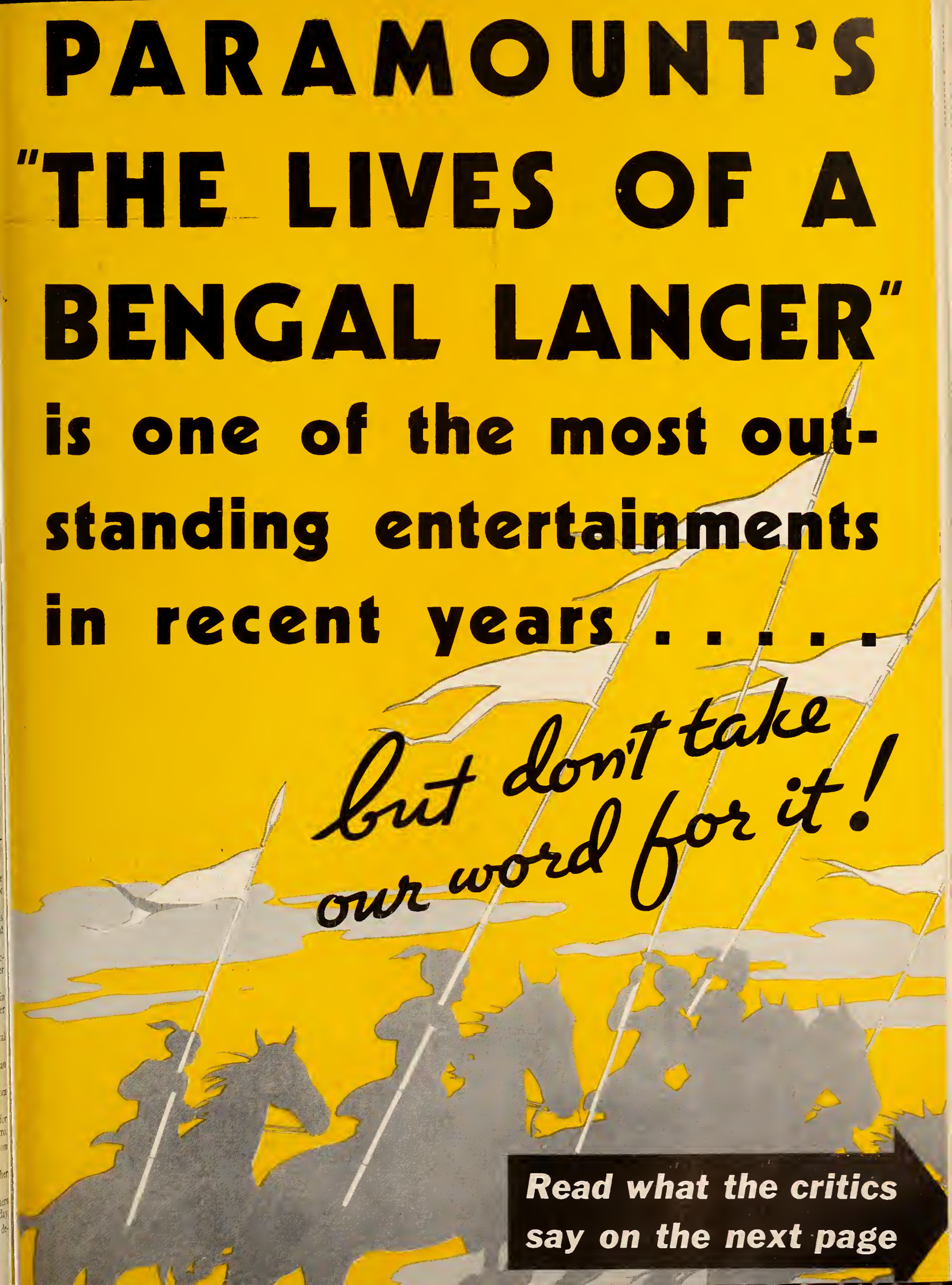
DeMille Starts Jan. 21

HOLLYWOOD, Jan. 14.—Paramount will start Cecil B. DeMille's "The Crusaders" on Jan. 21. The picture has been in preparation for the past three months.

PARAMOUNT'S "THE LIVES OF A BENGAL LANCER"

is one of the most outstanding entertainments in recent years . . . . .

but don't take our word for it!



Read what the critics say on the next page

★ ★ ★ ★

"Not since 'Beau Geste' has the screen offered such a picturesque and exciting story. By all means see 'Lives of a Bengal Lancer'."

—Kate Cameron, N. Y. Daily News

"Stirring, fascinating, heroic—the first contender for the list of 1935's ten best pictures."

—Richard Watts, N. Y. Herald-Tribune

"'Lives of a Bengal Lancer' is a superb adventure story and easily the liveliest film in town."

—Andre Sennwald, N. Y. Times



"LIVES
A BEN
LANC

A Paramount Picture • Directed by

GARY COOPER FRANCHO
SIR GUY

"'Lives of a Bengal Lancer' is truly great — a monnumental movie better than 'Beau Geste'."
—Bland Johaneson, N. Y. Daily Mirror

★ ★ ★ ★
"Four stars and a cheer for 'Lives of a Bengal Lancer'! Here it is! The motion picture at its best."
—Liberty Magazine



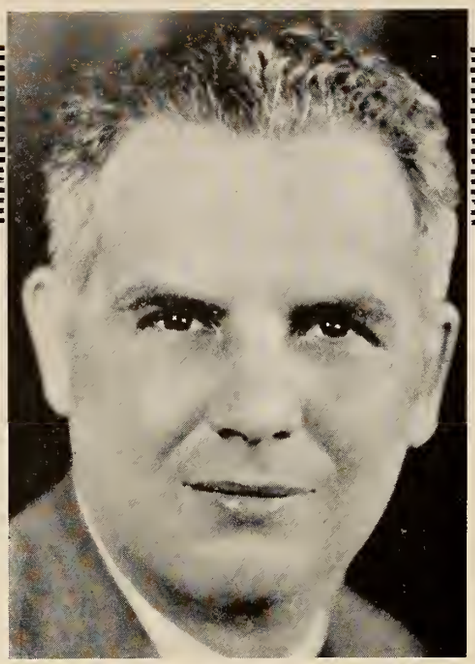
OF GAL ER"

ry Hathaway with
ONE • RICHARD CROMWELL
NDING • C. AUBREY SMITH

"'The Lives of a Bengal Lancer' is a picture that calls for cheers! Whopping melodrama magnificently produced!"
—Eileen Creelman, N. Y. Sun

"'The Lives of a Bengal Lancer' is one of the screen sensations of the year . . . . magnificent, intensely exciting entertainment.
—Rose Pelswick, N. Y. Journal

Paramount



NATE BLUMBERG

Operates
100 theatres
and supervises
125 more.



JOHN O'CONNOR

Spends upward
of $7,500,000
annually for film
for all RKO
theatres.

They read

MOTION PICTURE
DAILY

The Industry Buying Power Reads
MOTION PICTURE DAILY

No RKO Plan In Prospect, Court Is Told

(*Continued from page 1*)

Bondy, Newton reported that, while RKO had shown a small profit for the first six months of last year, there would be a loss for the entire year. Judge Bondy took under consideration both the receiver's report and the application for allowances. The latter was attacked by John Butler, counsel for bondholders of the Orpheum, St. Louis, who pointed out that the last petition for allowances, aggregating $225,000, of which $105,000 was allowed by the court, had been filed on May 31, and that the present application covered services rendered only during the following six weeks. Butler also asserted that the preparation of the present receiver's report might represent a waste of RKO assets as it, too, covered only a six weeks' period from the time of the filing of the last report to the filing of RKO's petition for reorganization as a debtor corporation under Section 77-B on June 30. He asked that inasmuch as the report was a final one for the period of the receivership, the fees be considered final for the receivership, as well, instead of payments on account, as they are now designated. Judge Bondy reserved decision on these recommendations.

Under the present application, Irving Trust asks $100,000 and its counsel, Donovan, Newton, Liesure & Lombard, $125,000. Additional fees for special services and expenses aggregate about $10,000. Newton stated that the previous application for fees was merely an interim allowance and did not represent what the full value of the services were considered to be, in replying to Butler's criticism. He stated that $295,000 of the cash now in the hands of the RKO receiver was immediately available for administration expenses.

Appeal Pending in RKO Receiver Row

(*Continued from page 1*)

been taken to the U. S. Circuit Court of Appeals here by Walter Reade's Broadway & 47th St. Corp. and other RKO creditors, it was learned yesterday.

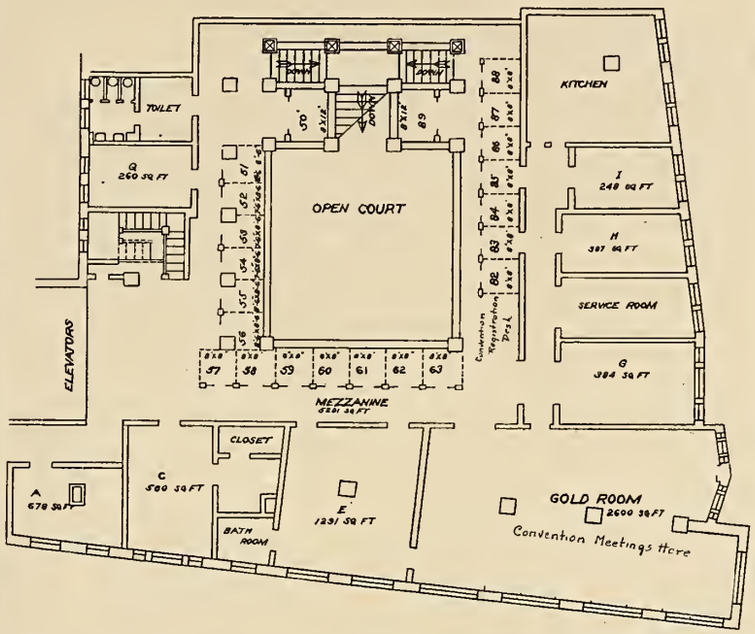
Edward L. Garvin, counsel for the creditors, who is appealing from denials of his applications by Federal Judge Alfred C. Coxe, contends that the RKO reorganization proceedings are invalid because, he alleges, the application was filed in advance of the time at which the new reorganization statute became effective last June. Decision on the appeals is expected in the near future.

Atlanta Salesmen Shift

ATLANTA, Jan. 14.—James Young Warner salesman, has joined Universal and has taken over the duties of C. T. Jordan, recently named branch manager for Universal.

Merritt Davis, former Warner branch manager at Memphis, has joined the First Division sales staff here.

MPTOA Sets Equipment Display for Nat'l Confabs



Theatre management, modern theatre design, construction, remodeling and equipment are stressed as highlights of the forthcoming M.P.T.O.A. convention to be held in New Orleans Feb. 25-28.

Accordingly, the convention arrangements committee is providing and assigning suitable display booths on the mezzanine floor of the Hotel Roosevelt, where all sessions will be held. A floor plan of the space is reproduced above.

Experts in their fields are being lined up for addresses, the committee reported yesterday. The comment will be "non-technical, understandable talks." It is anticipated a number of well known theatre operators also will be on the program.

Expect $2,500 Bond For St. Louis Case

Bonds in the amount of $2,500 each are expected to be set by a Federal commissioner here either today or tomorrow under the St. Louis indictments voted against Harry M. Warner, Herman Starr, Abel Cary Thomas, Gradwell Sears, George Schaefer and Ned Depinet, it was learned yesterday.

The six will be arraigned before a commissioner as soon as the indictments are received from St. Louis.

No disposition on the part of any of the indicted companies to discuss a consent decree with representatives of the Attorney General's office was evident yesterday. The attitude, in fact, was the opposite, with all expressing hope of an early trial in St. Louis Federal court. Separate counsel for each defendant company will be retained when the case goes to trial, probably with company counsel serving in an advisory capacity.

To Rebuild at Paris

PARIS, Ill., Jan. 14.—Leon Jarodsky, who is associated with his mother, Mr. Laura Jarodsky, in the Jarodsky enterprises in Paris, said today that the Lincoln, which burned Monday, would be rebuilt as soon as possible. Jarodsky said the loss would reach at least $60,000.

Penn Censors Stay; Lawyer Heads Board

(*Continued from page 1*)

today announced the appointment of L. Howell Davis, prominent attorney and business executive of Philadelphia, to succeed Samuel D. Schwartz of Philadelphia as chairman of the Board of Censors.

This seems to establish beyond doubt that the new governor has no intention of abandoning censorship. The post pays a salary of $4,800 a year. "I am pleased to announce the appointment of Mr. Davis as chairman of the state board," Earle said. "He is particularly qualified by training and experience for this most important post."

Davis was born at Riverton, N. J., in 1877. He is a son of Lemuel H. and Mary H. Davis and attended the University of Pennsylvania where he was graduated in 1901. In 1904 he received his degree from Law School at the university and was admitted to practice. During the War he was a first lieutenant in the Corps of Interpreters, attached to the 38th Division.

The Pennsylvania censorship board includes besides the chairman, a vice-chairman and a secretary. The vice-chairman under the outgoing administration is Miss Blanche L. Davenport of Wilkes-Barre, and the secretary is Mrs. Mary J. Kerr of Connellsville.

Gold Ruling Looms As Industry Worry

(*Continued from page 1*)

a difficult position should the U. S. Supreme Court next month declare invalid the President's proclamation devaluing the dollar and suspending gold payments.

Possibilities that the court might render an opinion unfavorable to the government are seen in the many questions asked during argument on the case last week. Until the court acts, it is futile to attempt to guess what action may be necessary to meet the decision, but it is said that in all probability, if the opinion is such that it can be met by an act of Congress, legislation will immediately be jammed through to meet the situation.

Should an opinion be rendered requiring the payment of gold obligations in amounts which would permit the purchase of the same amount of gold as could be bought by the money invested at the time of the investment such obligations might entail the payment of nearly $1.69 for each $1 owed.

A tremendous amount is involved in the situation, since prior to 1933 nearly all obligations of major importance called for payment in gold.

Hamm, Jr., to Run Publix Northwest

(*Continued from page 1*)

Publix Northwest receivership, if approved.

Hamm's operating contract gives him the sole right to name a general manager for the circuit and indications point to his retention of J. J. Friedl, the present general manager. Extension of the operating contract after June 27 is considered probable inasmuch as all such agreements concluded by the Paramount trustees were drawn up to expire at approximately the same time in order that they might be subject to approval and renewal by the new Paramount management after reorganization of the company.

Hamm is the son of William Hamm, wealthy Minneapolis brewer, who was financially interested in the former Finkelstein & Rubin circuit. Hamm, Jr., was actively identified with the circuit.

Haddow New Service Head at Paramount

G. Knox Haddow, formerly assistant to J. J. Unger, Paramount division manager, has been promoted to head of the exchange service department. Frank Thomas, heretofore ad sales manager in Kansas City, has been made salesman with Harry Wheeler moving up to Thomas' post. LeRoy Palmquist, ad sales manager in Minneapolis, is now a salesman at the Omaha exchange, replacing Selby Carr, who becomes ad sales manager in Omaha.

Mickey Rooney Injured

HOLLYWOOD, Jan. 14. — Mickey Rooney was in the Hollywood Hospital today with a broken leg received while tobogganing at Big Pines yesterday. The accident will not hold up production on Warners' "Midsummer Night's Dream."

Songwriter Soiree Staged by Gaumont

It was songwriter day at Gaumont British yesterday.

Maurice Siegler, Albert Hoffman and Albert Goodheart, local denizens of Tin Pan Alley who had journeyed to London to write tunes for two G. B. pictures, returned home a day or so ago. In order to reintroduce them, members of the office staff, the local daily and trade press and various executives along Music Row were invited to Arthur Lee's office for cocktails.

Siegler, Hoffman and Goodheart furnished entertainment in the form of their latest numbers. These included "Squibs," "Did You Ever Have a Feeling You're Flying?," "One Way Street" and "Song of the Law," all from the picture "Squibs," which stars Betty Balfour and Stanley Halloway. The other picture of the three was "The Code," and the songs played from this one were "The Code," "If Your Father Only Knew" and "San Felipe." The star of this one is Lester Allen, who is called the Bing Crosby of London—by Gaumont British.

The trio will return to England in about two months to work on four more pictures.

Among those present were George Tucker of the Associated Press, Eileen Creelman of *The Sun*, Alex H. Faulkner of the *London Daily Telegraph*, Frank Leyndecker of *Box-Office*, Arnold Van Lear, A. P. Waxman, Lou Guimond, Jack Harrower of *Film Daily* and Eric Neville H. ("Alphabet") Warwick-Owensmith.

"Buried Loot" in Court

BALTIMORE, Jan. 14. — "Buried Loot," first release in M-G-M's "Crime Does Not Pay" series produced in conjunction with the Department of Justice, had its premiere in Central Police Court here today. Federal, state and city officials as well as crime authorities attended. The film is getting its first showing in a theatre in the United States at Loew's Century. Al Feinman of the M-G-M home office helped arrange the screening.

Clavering Knighted

LONDON, Jan. 14.—Albert Clavering is now a knight, the honor having been conferred upon him in the King's New Year's list. Clavering organized the film department of the Conservative Party, was director of F.B.O., Ltd., and a member of the Clavering and Allan circuit. The knighthood came as a recognition of his political and public service record.

New Contract for Brent

HOLLYWOOD, Jan. 14.—George Brent was given a new seven-year contract by Jack L. Warner after the latter saw "Living On Velvet," in which he plays opposite Kay Francis.

Col. Wyatt Dead at 80

HOLLYWOOD, Jan. 14.—Col. Conway Carroll Wyatt, 80, official title custodian of the Fox studios, died last night following a sudden illness. He was in the employ of Fox for 15 years.

Estabrook with Fox

HOLLYWOOD, Jan. 14.—Howard Estabrook will do the adaptation of "Orchids to You" for Fox. He is now at the studio preparing the script.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Bordertown"

(*Warners*)

HOLLYWOOD, Jan. 14.—Humanness of characterization balanced with a vivid plot moving at a measured tempo gives this one genuine audience appeal. The story packs plenty of sentimental wallop and should click in all spots. Cast portrayals, production and direction are excellent.

The story features Paul Muni, a Mexican upstart, who graduates from a night school in Los Angeles as a young lawyer. In his first important court appearance, Muni, in a fit of temper, is held in contempt of court and quits, later muscling into a gambling racket in a border town.

Getting into real money, Muni becomes romantically involved with Bette Davis, who murders Eugene Pallette, her husband, proprietor of a gambling house, to win Muni, who has strayed to Margaret Lindsay, sensation-loving socialite.

Muni's turbulent life hits a climax when Miss Davis goes insane and accuses Muni of murdering her husband. Miss Lindsay is killed by an automobile while resisting Muni's savage yet sincere attentions. The windup has Muni returning to his proper niche, having failed to climb the social ladder.

The direction is by Archie Mayo, whose fine handling of situations makes for the utmost in showmanship. All cast performances are top notch. Laird Doyle and Wallace Smith penned a high calibered screen play from Carroll Graham's novel. Soledad Jimenez is excellent as Muni's mother. This should set well as mass-class entertainment and hit with Muni followers.

Production Code Seal No. 393. Running time, 90 minutes. "A."

Looking 'Em Over

"Chapayev"

(*Amkino*)

By all odds this is the most entertaining production to come out of the Soviet studios in some time. It is an absorbing and stirring tale of the exploits of Chapayev, commander of the Red armies of the east, against the White forces during the civil war in 1919. This film, produced by Lenfilm, possesses power and sweep and acting that helps much to make it a fascinating Soviet document.

Crammed with action from first to last, "Chapayev" should have an easier time of it in attracting American audiences than most of its predecessors from the Russian film plants. To help its cause in this country there are many moments of rich humor.

The picture is filled with battle scenes that are gripping and impressive in their handling. Sometimes, too, there are moments when the story of this Communist hero, a peasant with practically no schooling, quickens the emotions with its flashes of the more human side of the man. His death under a rain of bullets as he swims across a river in his moment of defeat makes a moving scene and brings the film to a dramatic close.

Chapayev is splendidly played by Boris Bobochkin. Others hardly less capable are Boris Blinov, Leonid Kmit, Barbara Miasnikov and I. N. Pevtzov. The film was directed by Sergei and Georgi Vasilyev. There are plenty of English subtitles.

No code seal. Running time, 96 minutes. "G."

"Dirty Work"

(*Gaumont British*)

LONDON, Dec. 20.—A very good example of the Ben Travers farce with typical interpreters in Ralph Lynn, J. Robertson Hare and Gordon Harker. Tom Walls directed and audience suitability in England is fairly well indicated in these names. America is another story.

The setting is a jewelry store, troubled by mysterious thefts. Milligan, a shop walker (Lynn), Nettle, a doorkeeper (Harker) and Peck, an assistant (Hare) live together. The raids are being staged by friends of the shop manager, aided by a fake house detective, who persuades the three friends to carry goods from the shop with the understanding that the real crooks will be caught red-handed when they receive them.

Much humor arises from the criminal activities of the innocent trio, but more or less by accident, the real police are brought on the scene. Plenty of laughs for those who can appreciate this British team.

Running time, 80 minutes. "G."

ALLAN

Wall Street

Columbia Up ¼ on Big Board

	High	Low	Close	Net Change
Columbia, vtc (C1)	36¼	36¼	36¼	+ ¼
Consolidated Film.	6¾	6½	6½	.....
Consolidated Film, pfd., (½v)	20¾	19⅞	10¼	+ ¼
Eastman, (4a)	115	114½	115	.....
Fox "A"	12	11⅜	11½	— ¼
Loew's, Inc., (1a)	33½	32½	32½	.....
Pathe	1⅜	1½	1¼	+ ⅛
Pathe "A"	15	14⅝	14⅝	+ ⅛
RKO	2⅛	2	2	.....
Warner	3⅞	3⅞	3⅞	.....

Trans-Lux Gains ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅛	12⅛	12⅛	— ⅛
Trans-Lux (20b)	3	2¾	3	+ ⅛

Paramount Publix Bonds Rise One

	High	Low	Close	Net Change
General Theatre, 6s, '40	8⅝	8½	8½	+ ¼
General Theatre, 6s, '40, ctf	8⅜	8⅜	8⅜	— ⅛
Keith, B. F., 6s, '46	72½	72½	72½	.....
Loew's 6s, '41, ww deb rights	104¾	104¾	104¾	— ⅛
Paramount B'way, 5½s, 51	43⅝	43⅝	43⅝	— ⅞
Paramount, F. L., 6s '47	61	61	61	+ ¼
Paramount Publix, 5½s, '50	61	60¼	61	+1
Pathe, 7s, '37, ww.	102¼	102⅛	102¼	+ ¾
Warner, 6s, '39, wd.	55	54	54	— ¼

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 14)

FWC Assets Transfer Appeal Postponed

SAN FRANCISCO, Jan. 14.—The Marshall Square Theatres suit against Fox West Coast appealing the U. S. District Court decision transferring the latter's assets to National Theatres Corp. was postponed today to next Monday on motion of Judge Warner Olney and Jewel C. Goldstone, representing the appellants.

Fox West Coast was represented by Judge Lewis W. Meyers and Alfred Sutro.

Olney said more time was needed to prepare the appeal.

Wesley Dougherty, 49, Dead on Coast

HOLLYWOOD, Jan. 14. — Wesley Dougherty, president of the California Studios, was dead here today at 49. The end came in Queen of Angels Hospital following an operation. His widow and two daughters survive. Dougherty had been active in Hollywood production the past 12 years.

N. Y. Censor Measure Saddles New Burden

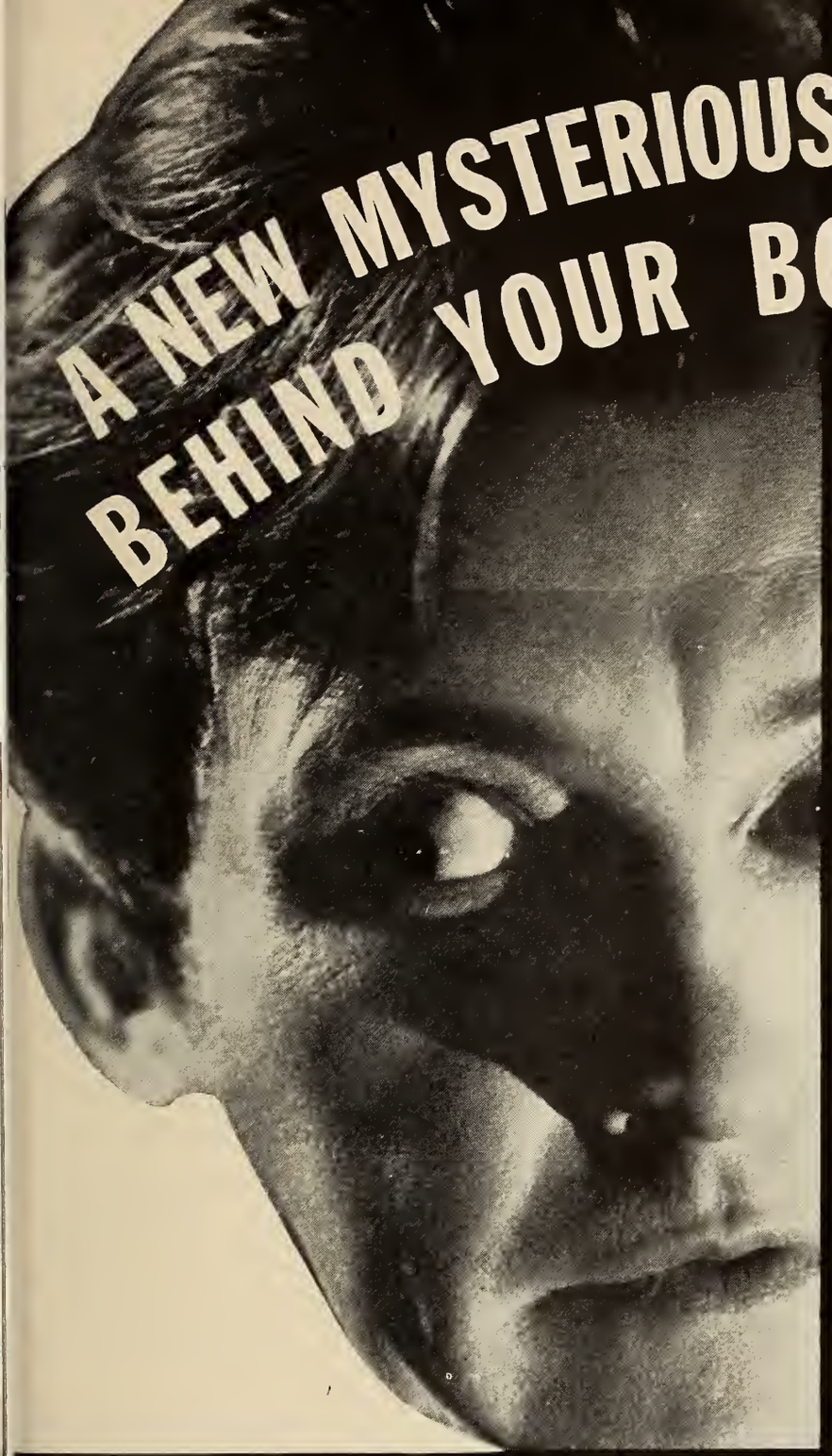
(*Continued from page* 1)

fee of $5,000 instead of $50 and post a bond of $100,000, while the exhibitor's license fee is raised from $10, which was the figure stipulated in the original bill, to $1,000 a year. The theatre man is also required to post a bond of $50,000.

Flash Review

Mysterious Mr. Wong— . . . combined mystery thriller and newspaper yarn that should please audiences and create favorable comment. . . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.



A NEW MYSTERIOUS POWER LOOMS BEHIND YOUR BOX OFFICE!....

WATCH IT—AND WATCH IT DRAW THE CROWDS!

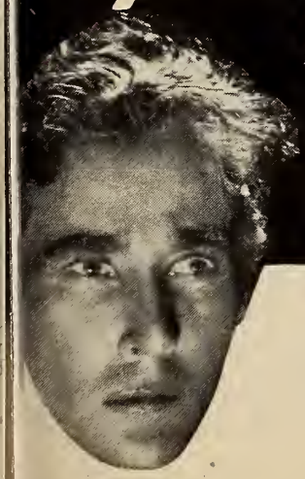
CARL LAEMMLE PRESENTS

CLAUDE RAINS

DOUGLASS

MONTGOMERY

The MYSTERY of EDWIN DROOD



A UNIVERSAL PICTURE WITH

HEATHER ANGEL · DAVID MANNERS

FRANCIS L. SULLIVAN · VALERIE HOBSON

DIRECTED BY STUART WALKER

PRODUCED BY CARL LAEMMLE, JR.

ASSOCIATE PRODUCER, EDMUND GRAINGER

"President," Whiteman Top Hub, $24,000

BOSTON, Jan. 14.—A combination of "The President Vanishes" and Paul Whiteman with his radio revue ran the Metropolitan up to $24,000 for top honors here last week. The Whiteman show was on for only six days, due to his broadcasting contracts.

The best straight film business was done by a dual consisting of "Bordertown" and "Bachelor of Arts." These two played both at the Fenway and Paramount. At the former the take was strong with $6,500. At the latter it took the same amount, but the results were not so good as average is $5,500.

Total first run business was $65,000. Average is $65,000.

Estimated takings for the week ending Jan. 11:

"BORDERTOWN" (Warners)
"BACHELOR OF ARTS" (Fox)
FENWAY — (1,382), 30c-50c, 8 days. **Gross:** $6,500. (Average, $4,500)

"ROMANCE IN MANHATTAN" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $10,500. (Average, $12,000)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE — (3,687), 35c-50c, 7 days, 2nd week. **Gross:** $8,000. (Average, $10,000)

"THE PRESIDENT VANISHES" (Para.)
METROPOLITAN — (4,338). 35c-65c, 6 days. Stage: Paul Whiteman with his orchestra and radio revue. **Gross:** $24,000. (Average, $22,000)

"BORDERTOWN" (Warners)
"BACHELOR OF ARTS" (Fox)
PARAMOUNT—(1,793), 30c-50c, 8 days. **Gross:** $6,500. (Average, $5,500)

"THE SILVER STREAK" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. stage: Seven acts RKO vaudeville. **Gross:** $10,000. (Average, $11,000)

Variety Club Chatter

Pittsburgh

PITTSBURGH, Jan. 14.—The big drive for milk for the kiddies is now over. More than 3,000 children in Pittsburgh institutions will receive a million quarts of milk from the efforts of the club, Station KDKA and the *Pittsburgh Press*—also the Zeuger Milk Co. More than $4,200 was raised. Donations were received from as far as the Hawaiian Islands. BILL ZEUGER of the Zeuger Milk Co. matched each dollar raised with a dollar's worth of milk. JOHN H. HARRIS was chairman of the committee.

Chief Barker MIKE CULLEN and his associate officers have been inducted into office.

HAROLD LUND of Ross Federal slipped the ring on the finger of a damsel from Louisville. No date set yet, but the boys now call him "Little Colonel."

GEORGE TYSON of the Alvin preparing to send the family to Florida for the winter, but GEORGE stays here mid the snow, ice, rain and business.

PETER HIGGINS opens in Miami, Jan. 17.

A flock of barkers celebrate their birthdays in January—Doctor GOLDMAN and CHARLIE RICH, BEN KALMENSON, C. J. LATTA, HARRY MCMAHON, J. O. HOOLEY, MORT HENDERSON and ART ROONEY.

Binnie Barnes to Return

HOLLYWOOD, Jan. 14.—Binnie Barnes will return to Hollywood from England next month to continue her contract with Universal. Her first picture will be based on an original.

Goring Deposes

When a theatre operator makes an affidavit, it's news. John P. Goring has sworn before Maurice Rubinstein, notary public, to wit—or is it sic:

"I, JOHN P. GORING, Lessee of the Criterion Theatre, being duly sworn, deposes and says:

"That I have carefully checked the records of the Criterion Theatre of all pictures that have played at this house on a continuous run policy and I hereby state that 'The Wandering Jew,' now playing at this theatre, has broken all records for attendance the first three days of its engagement in the history of the Criterion Theatre. On Saturday and Sunday, Jan. 12th and 13th, we extended our closing time from 2 A. M. until 3:30 A. M. in order to accommodate the crowds who wanted to see this picture.

"'The Wandering Jew' will remain at the Criterion Theatre indefinitely."

"Bordertown" Pittsburgh's Bet, $9,000

PITTSBURGH, Jan. 14.—Business is feeling a post-holiday slump. Almost everything was way off last week except the Stanley, where Paul Muni's "Bordertown" in five days gathered $9,000, which is the house's regular average for six days.

Otherwise, things were pretty dull. At the Alvin, "Music in the Air" and a stage show managed to achieve an even break at $10,000, but no other house even came close to par. "365 Nights in Hollywood" was yanked at the Fulton after three days to a weak $2,000, while the Pitt, with "Woman in the Dark" and Irving Aaronson's unit, barely touched $4,600. The Penn, on the other hand, didn't do so badly, everything considered, with its hold-over of "Forsaking All Others." In four days of the picture's second week it collected a presentable $7,000, giving it around $25,000 for the 10-day run.

Total first run business was $36,800. Average is $46,500.

Estimated takings for the week ending Jan. 10:

"MUSIC IN THE AIR" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Wilfred DuBois, Ray Melville, Frank and Loraine, Les Ghezzis, Britt Wood, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $10,000. (Average, $10,000)

"365 NIGHTS IN HOLLYWOOD" (Fox)
FULTON—(1,750), 15c-40c, 3 days. **Gross:** $2,000. (Average, for six days, $4,500)

"FORSAKING ALL OTHERS" (M-G-M)
PENN—(3,300), 25c-50c, 4 days, 2nd week. **Gross:** $7,000. (Average, for six days, $12,000)

"WOMAN IN THE DARK" (Select)
PITT—(1,600), 15c-35c, 6 days. Stage: Irving Aaronson's unit with Edison and Louise, Marie Hollis, Ted and Mary Taft, Lois Still and Bill Aronson. **Gross:** $4,600. (Average, $6,000)

"BORDER TOWN" (Warners)
STANLEY—(3,600), 25c-50c, 5 days. **Gross:** $9,000. (Average, for six days, $9,000)

"FATHER BROWN, DETECTIVE" (Para.)
"THE SILVER STREAK" (Radio)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,200. (Average, $5,000)

"Forsaking" Seattle Top With $9,400

SEATTLE, Jan. 14.—Most of the box-office excitement hereabouts last week was at the Fifth Avenue where "Forsaking All Others" ran up to $9,400, over par by $2,400.

"The Little Minister" demonstrated its continued drawing power by getting $4,800 in the second week of its extended run at the Music Box, and "The Mighty Barnum" was strong at the Music Hall with $7,000. "Here Is My Heart" grabbed $6,600 at the Paramount.

Total first run business was $41,900. Average is $37,000.

Estimated takings for the week ending Jan. 5:

"KID MILLIONS" (U.A.)
BLUE MOUSE—(950), 25c-40c-55c, 10 days. (3rd week of extended run from Music Hall.) **Gross:** $4,700. (Average, $4,000)

"FORSAKING ALL OTHERS" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 9 days. **Gross:** $9,400. (Average, $7,000)

"THE CAPTAIN HATES THE SEA" (Col.)
LIBERTY—(1,800), 15c-25c-35c, 7 days. **Gross:** $4,200. (Average, $4,000)

"THE LITTLE MINISTER" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 9 days. (Extended run from Music Hall, 2nd week.) **Gross:** $4,800. (Average, $4,000)

"THE MIGHTY BARNUM" (U.A.)
MUSIC HALL—(2,275), 25c-40c-55c, 9 days. **Gross:** $7,000. (Average, $6,500)

"BY YOUR LEAVE" (Radio)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Buster Shaver. **Gross:** $5,200. (Average, $5,500)

"HERE IS MY HEART" (Para.)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by 3 Stooges in person. **Gross:** $6,600. (Average, $6,000)

"Wife," "Fountain" Are Denver's High

DENVER, Jan. 14. — The Denham took the big money last week with the help of a six-act vaudeville bill and a split week on "Behold My Wife" and "The Fountain." The take on the former was $3,500 and on the latter $5,500.

The Denver was a close second with $7,500 on "Kid Millions." This topped par by $1,500. "Transatlantic Merry-Go-Round" was sotrong with $6,500 at the Orpheum.

Total first run business was $28,000. Average is $20,500.

Estimated takings for the week ending Jan. 10:

"PRIVATE LIFE OF DON JUAN" (U. A.)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

"BEHOLD MY WIFE" (Para.)
DENHAM—(1,500), 25c-35c-50c, 3 days and two midnight shows, including New Year's Eve at $1 top. Stage show. **Gross:** $3,500.

"THE FOUNTAIN" (Radio)
DENHAM—(1,500), 25c-35c-50c, 5 days. Stage show. **Gross:** $5,500. (Average for week, $4,000)

"KID MILLIONS" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $6,000)

"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $6,000)

"THE GAY BRIDE" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 5 days. **Gross:** $1,400.

"FORSAKING ALL OTHERS" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days, following an $8,000 week at the Denver. **Gross:** $1,600. (Average, $2,000)

NATIONAL
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CARBONS

High Intensity
D.C. Projector Carbons
for operation in the
40-65 ampere range

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Carbon Sales Division, Cleveland, Ohio
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Special D. C. Projection Lamps have been designed to use these new carbons developed by the Research Laboratories of National Carbon Company, Inc.

National SUPREX Carbons provide brilliant, snow white, High Intensity Projection for the smaller theatres using direct current.

NRA CODE

Operator Hearing Off Until Jan. 25

(Continued from page 1)

yesterday at Campi in an effort to get together on some of the disputed points in the tentatively approved schedule. It is understood Charles L. O'Reilly, head of T.O.C.C., objected to the plan because of inequality of the assessments for booths of different classification.

At the last Campi session O'Reilly also brought up the operator question and at the time asked that the type of run of a theatre should be included, along with seating capacity and admissions, in drawing up the scale. Code Authority did not act on his suggestion and it is understood he insisted on his stand for including run when the session was held yesterday. Meanwhile, all interests are heartened over the removal of pickets, but not so much over yesterday's session.

Attending yesterday's Campi confab in addition to Rosenblatt and O'Reilly were George Browne, president, and Louis Krouse, vice-president of the I.A.T.S.E.; Joseph Tepperson of Empire operators' union, Leslie E. Thompson, Charles C. Moskowitz, Harry Brandt and Milton C. Weisman.

One of the provisions of the agreement is that all working card men of Empire and Allied shall be admitted to Local 306 membership. Another is that the compact between unions and exhibitors shall be for 10 years with arbitration on the scale every two years.

Rosenblatt left for Washington after the session.

Joint Confab Feb. 14

DES MOINES, Jan. 14.—The all-Iowa movie frolic by Iowa-Nebraska Allied, will be held Feb. 14-15, according to Lester F. Martin, business manager. A convention is to be held at the same time with several national leaders expected.

Screenings of new pictures, a banquet and ball will be among the entertainment features. Plans for 1935 activities will be worked out.

Remove St. Louis Eagle

WASHINGTON, Jan. 14.—Withdrawal of the Blue Eagle from the O'Fallon Theatre, St. Louis, for alleged violation of the wage and hour provisions of the code, was announced today by the National Industrial Recovery Board.

The board's action was taken on recommendation of the National Compliance Council, which had found the theatre to have violated the code in dealing with skilled employes.

Schusterman Cut to 41

Modifying a decision of the New York grievance board, Campi has reduced the number of pictures awarded Aaron Schusterman, Strand, Red Bank, N. J., from 70 to 41. Schusterman originally filed the overbuying complaint against Walter Reade and an appeal was taken.

Linehan Loses Complaint

BOSTON, Jan. 14.—F. W. Linehan, operator of the Victoria, Chicopee, has lost an overbuying complaint against the Rivoli, an Olympia Theatres house on the ground of lack of evidence.

Clarification for Labor Terms of NIRA Is Planned

(Continued from page 1)

would be recognized, on the ground that the individual's freedom should not be curtailed by forcing adherence to a group which might be numerically stronger than that with which he was affiliated.

The latter plan is more satisfactory to employers, who see under the first scheme the unionization of all employes and an ironclad control of wages, hours and working conditions by union organizations.

Just how far the Administration is prepared to go in its effort to placate organized labor has not been disclosed, nor will it be known until the President prepares his legislation program.

Beacon Appeal Is Heard

A. J. Mertz and Thomas Murray as an appeal committee yesterday heard an appeal by the Roosevelt, Beacon, N. Y. The theatre filed an overbuying complaint against Springer & Cocalis, operating the Beacon, same city, which the New York board dismissed.

The committee also discussed the clearance appeal by Inland Amusement Co., Majestic and Adelaid, Nampa, Idaho, against the Egyptian, Grandad and Pinney, Boise, Idaho.

Col. Meet Set Jan. 25

Although Harry Cohn expects to be detained on the coast, the Columbia board of directors plans to hold the scheduled meeting on Jan. 25.

Nye Scans Way to Hit Block Booking

(Continued from page 1)

general freedom and satisfaction until the industry abandons block booking or gives the exhibitor a wider choice of pictures."

Senator Nye is watching the situation closely and explained that he wants to see what the attitude of the government will be and has not decided yet what he will do.

Judge Gives Weight To Grievance Board

DENVER, Jan. 14.—In refusing a temporary injunction to Harry Huffman, Judge J. Foster Symes of the U. S. District Court said the decision of the grievance board was entitled to great weight with the court.

The board had ordered exchanges to cease serving Huffman with films unless he complies with its order to stop weekly auto giveaways. Huffman refused and went into court asking a temporary injunction. When this was denied he asked for a restraining order until the appeal could be heard. This was refused by Judge Symes on the ground that Huffman could stop the auto giveaways and still get films. Huffman then went before Judge Orrie L. Phillips of the U. S. Circuit Court of Appeals, who issued the restraining order against the exchanges. Presiding Judge Robert E. Lewis also signed the order.

The case is set for hearing at Oklahoma City, Jan. 24 at 10 a.m.

According to Denver attorneys, if Judge Symes had issued the restraining order it would have been effective until the appeal on the temporary injunction could be heard, possibly a matter up to a year, but with the issuing by the Circuit Court of Appeals it is effective only until the first chance the court can give to hear the case on its merits.

Tesch Chosen ITPA Wisconsin Manager

MILWAUKEE, Jan. 14.—Ray Tesch has been named business manager for the new Independent Theatres Protective Ass'n of Wisconsin and Upper Michigan. Permanent quarters will be established here by Feb. 1.

F. J. McWilliams, Madison, vice-president, has been named chairman of the legislative committee, while the permanent committee on finance includes E. Langemack, J. J. Boden and William Silcock.

The committee on Milwaukee affairs consists of the 10 members of the board of directors from Milwaukee county as follows: A. C. Gutenberg, Boden, Langemack, George Fischer, B. K. Fischer, E. F. Maertz, Ross Baldwin, Tom Saxe, Charles Washicheck and R. J. Patterson.

Sam Marx Is Re-Signed

HOLLYWOOD, Jan. 14.—Sam Marx, head of M-G-M's scenario department, has been handed a new long term contract by the studio.

New Plan for Code Payment Is Sought

(Continued from page 1)

ducers should pay code levies to the companies through which they are releasing, and distributors should in turn include these payments in their assessments. This will eliminate intricate bookkeeping by distributors, it is held.

The plan was discussed at the last Campi session and will be put up to the NRA at the Capitol hearing next month.

Hearing Off to Feb. 5

WASHINGTON, Jan. 14.—Hearing on the budget for the code today was postponed from Jan. 22 to Feb. 5. Original plans to put off the meet until Feb. 1 were set aside in order that the hearing might not come at the end of the week.

Discussion at the hearing will include the 1934 budget as well as the one for 1935.

Drop 20-Mile Complaint

KANSAS CITY, Jan. 14.—The local grievance board, acting as a Local Industrial Adjustment Agency, has failed to adjust an unfair advertising complaint lodged by Mrs. John Cretors, exhibitor of Downs, Kan., against the Mainstreet and Dickinson in Beloit, Kan.

Move to Adopt Baby

CLEVELAND, Jan. 14.—Variety Club today started proceedings to adopt a seven-pound baby boy abandoned last night in the RKO Palace washroom.





HE'S GOT A NEW LOVE!

Good-bye girls—you were awfully nice to our Leo—but look at his new tootsie—she's the last word in CLASS!



FORSAKING ALL OTHERS FOR NEW BOX-OFFICE RECORDS! A SMASH HIT!

JOAN CRAWFORD, CLARK GABLE, BOB MONTGOMERY are shooting the grosses sky-high! What a trio of stars and how they're delighting audiences. Beating "Tugboat Annie", "Chained", "Dancing Lady." That's business! And it's unanimous from Coast to Coast!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 13 NEW YORK, WEDNESDAY, JANUARY 16, 1935 TEN CENTS

Purely Personal

DAILY checkup of celluloid celebrities around the Tavern yesterday, but not all at one table, you understand:

DICK ROWLAND, KING CHARNEY, RALPH POUCHER, ROSE PELSWICK, LOU SMITH, GEORGE KAMEN, JACK COHN, NATE SPINGOLD, BARRETT MCCORMICK, CHARLES MOSES, LEO ABRAMS, HARRY THOMAS, HARRY GOLD, BILL UNDERWOOD, TREM CARR, RAY JOHNSTON, CLAUDE EZELL, LOU GOLDER and SAM FLAX.

JAMES R. GRAINGER will attend the M.P.T.O.A. convention in New Orleans next month, heading for the southern city directly from Hollywood. He is due in New York around March 1.

MOE STREIMER returns from an upstate trip today, prepared to be inducted tonight as president of the Film Board of Trade. The affair will be held at the M. P. Club, followed by a visit to "Thumbs Up."

JEFFREY BERNERD, CHARLES B. COCHRAN, ELIZABETH BERGNER and IDA LUPINO, passengers on the *Olympic*, did not arrive yesterday. The boat was delayed a day by weather.

GEORGE W. WEEKS, general sales manager of Gaumont British, is due back in town tomorrow from a tour of Cincinnati, Cleveland and Scranton.

SPYROS SKOURAS is in town again, having returned from Denver, where he conferred with RICK RICKETSON on reorganization of Fox Rocky Moutain.

FRANK C. WALKER left for Washington yesterday, while Comerford headquarters here closed down for alterations.

ED KUYKENDALL is expected back in town from Washington within the next few days, prior to leaving for his Mississippi hearthside.

MABEL JAFFE, secretary to THOMAS B. COSTAIN, eastern story head for Fox, will be married next month to ABRAHAM S. PRINCE.

NICHOLAS M. SCHENCK ambling up Broadway hatless, as usual, but swinging his cane with methodical precision.

HARRY H. THOMAS is back from his jaunt upstate. CHARLES ROSENZWEIG returns the end of the week.

HARRY ARTHUR doesn't get in from St. Louis until tomorrow. He was due last night, but changed his mind.

JOE VOGEL, LOUIS K. SIDNEY, DAVE BLUM, OSCAR DOOB, ARTHUR

(*Continued on page* 11)

Social Bills, Tax Piling Up In California

Legislature Gets Varied Batch First Week

Sacramento, Jan. 15.—Increases from two to six per cent in corporation franchise taxes are provided for in a bill introduced in the Senate by Culbert Olson, Democratic leader.

Other bills affecting the industry already in provide for abolishing block booking; an eight-hour day; no seat, no ticket sales, and licensing of chain stores, including theatre circuits.

STATE CAPITOL, SACRAMENTO, Jan. 15.—The California Legislature ended its first week here with a pile of social legislation on the desks of both Senate and Assembly, which, if enacted, will take hundreds of thousands of dollars from the industry.

Job insurance with employes and employers sharing costs will be one of

(*Continued on page* 14)

Coast to Issue All Feature Code Seals

Issuance of production code seals for all feature pictures is being concentrated in the administration's Hollywood office under Joseph I. Breen, on instruction from Will H. Hays. The change is effective immediately

Heretofore, the eastern office of the production code administration has

(*Continued on page* 14)

Industry Signs Deal With Czechoslovakia

After two years' negotiations an agreement opening a wider market for American pictures in Czechoslovakia

(*Continued on page* 14)

Tagged

Spyros Skouras' car license number is:
S S 12

Hamm to Get $700 Weekly; Also 15%

William Hamm, Jr., will receive $700 per week and 15 per cent of the consolidated net earnings of Minnesota Amusement Corp. from Dec. 31 last to June 27, for himself, H. J. Charles, counsel, and a general manager, under the proposed agreement for ending the receivership of the company, it was learned yesterday.

A hearing on the agreement will be held Jan. 21 before Special Master John E. Joyce. Hamm, who was associated with the former Finkelstein & Rubin circuit, from which Minnesota Amusement Corp. was evolved, has been receiver for the company

(*Continued on page* 25)

Metro-Goldwyn Net Up to $1,316,762

Net profit after taxes of $1,316,762 is reported by Metro-Goldwyn Pictures Corp. for the 12 weeks ending Nov. 22. This is equivalent to $8.75 per share and compares with $7.55 for the same period last year when the net profit was $1,164,507.

Net operating and miscellaneous income totalled $7,929,943. Amortization of negative and positive costs and depreciation totalled $6,403,263. Taxes were $209,918.

Coast Bank Night Decision Reversed

Campi has overruled the Los Angeles grievance board in a decision on bank nights against F. W. C.'s Highland in Los Angeles. York Theatre, which originally brought the complaint, asked for a withdrawal at the time it was scheduled to be heard, but

(*Continued on page* 28)

Block Selling Seen Target of Federal Probe

Move Believed Intended To Force Compromise

By BERTRAM F. LINZ

WASHINGTON, Jan. 15.—The St. Louis product probe is seen in some quarters here as an effort to force the industry to liberalize its sales methods.

As the Government cannot go into court and indict for conspiracy on block booking because of Federal decisions upholding that method of selling it must seek some other excuse for bringing the matter into court, and in the presentation of evidence on other charges it can refer to block booking but can bring no direct charges on that basis alone.

The idea, it is said, is to frighten the industry with the hope that some sort of trade might be offered which would meet the independents' complaints against block booking.

Little importance is attached to the statements of Department of Justice officials less important than the Attorney General himself, since the department has a policy of "covering up" on pending actions. It is conceded that there probably is no definite plan for bringing a number of

(*Continued on page* 11)

Missouri Sales Tax Jump Starts Fight

KANSAS CITY, Jan. 15.—A battle is in prospect in the Missouri legislature at Jefferson City over Governor Park's proposal to hike the sales tax from one-half of one per cent to at least one per cent. The levy, imposed on ticket sales, is absorbed by exhibitors.

Aside from opposition in the legislature, merchants have organized the

(*Continued on page* 25)

Ohio Scales Shift For New Sales Tax

COLUMBUS, Jan. 15.—A statewide survey discloses that a majority of first runs heretofore charging 44 cents top, including four cents to cover the 10 per cent tax, have reduced to 42

(*Continued on page* 25)

ITOA and Local 306 Agree on Booth Cost

The I.T.O.A. has closed a deal with Local 306, affecting all members of the exhibitor organization. Negotiations among other local exhibitors

(*Continued on page* 28)

New Year's Week Grosses Leap to Prosperity Level

Christmas week and New Year's dispelled a lot of gloom in the 22 key cities from which MOTION PICTURE DAILY receives weekly box-office reports. The Christmas week total take of $1,408,788 went back to September levels, and the New Year's grosses, $1,719,887, leaped to something that looked like good old fashioned prosperity.

Due to some of those mysterious

(*Continued on page* 14)

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Carroll Judgment Upheld

ALBANY, Jan. 15.—Earl Carroll must pay to the 755 7th Ave. Corp. a judgment of $118,116.83 on mechanics' liens on the former Earl Carroll Theatre, erected by the Earl Carroll Realty Corp. at 7th Ave. and 51st St., under a decision handed down today by the State Court of Appeals. William R. Edrington was co-defendant in the case.

Hold Mrs. Cella Funeral

ST. LOUIS, Jan. 15.—Funeral services were held today for Mrs. Florence Gertrude Cella, wife of Andrew D. Cella, theatre and hotel owner. Death took place Sunday at De Paul Hospital. She was 60 years old. Burial was in Calvary Cemetery.

Allied Hears Reports

Various committees reported to members of Allied of New Jersey yesterday at the regular meeting of the organization. Louis Gold was chairman.

Tower Review Treasurer

Dr. William B. Tower has been elected treasurer of the National Board of Review. He succeeds the late Dr. Myron T. Scudder.

F. W. Lange Sails Today

Fred W. Lange, Continental general manager for Paramount, sails today for Paris on the *Washington.*

Insiders' Outlook

By RED KANN

HOW goes published comment on films these days? The answer is that it goes many ways, up and down, plus and minus, sometimes pinioning this business just to see how it can sweat and squirm, we think, and sometimes endeavoring honestly to help. Having typewriter and paper, as well as linotype and press to convey our own ideas, erratic and otherwise, we understand fully how much fun it can be. Besides, the other fellow probably thinks we are just as screwy as we think him. . . .

▼

For instance, *The National Republic,* gotten out in Washington, is excited about Hollywood and whatever Communism may be lurking in those hills. Read on:

"The Committee for the Defense of Political Prisoners, headed by Lincoln Steffens; his wife, Ella Winters; Alfred Hirsch, Theodore Dreiser, Langston Hughes, Upton Sinclair and other Reds, is viciously denouncing the recent threat of the State of California to further investigate the activities of Communists in Hollywood. . . . The following theatrical professionals have joined them in their protest: Elmer Rice, Waldo Frank, Paul Peters, Edward Bromberg, Alexander Kirkland, Herman Shumlin and Howard Dietz. This is an indication that Hollywood is overflowing with Reds and certainly should be investigated."

While investigations are under way, we suggest a probe of *The National Republic,* who is behind it and why. . . .

▼

From here and there:

Omaha World-Herald — "The Legion of Decency . . . in its general objective . . . has performed a public service. . . . When such a general movement, however, begins to get into the field of specific censorship, it runs into trouble." . . .

Catholic Review, Baltimore—"If there are some motion picture producers who are boasting about their intention not to conform to the rules of decency, they are just plain fools. They will be the ones to suffer."

High Point, N. C., Enterprise —"The movies have certainly changed. The type . . . most evident only a year or two ago appears to be as dead as Dickens' proverbial doornail. . . . The movies are again tending to become stereotyped. . . . Life is not all sweetness and light." . . .

▼

Boston Traveler—"It is fitting that, in response to such good faith on the part of the movie people, critics now should as emphatically praise and the public should support the era of their own bringing."

San Bernardino Sun—"The responsibility for better films for boys and girls now passes directly to the parents."

Buffalo Echo—"We insisted from the beginning that we want to know who reviewed the pictures in the Chicago lists before accepting those lists. Now that the matter is public property, we state that for 20,000,000 Catholics to be forced to follow the judgment of one young lady working in her spare time is neither Catholic, representative, American or just."

▼

Pittsburgh Catholic — "The point is . . . that, if the campaign for decency in the movies is to be permanently successful there must be uniformity and the matter of which list is followed is of secondary importance." . . .

The Lutheran, Philadelphia—"We strongly criticize the Hierarchy here in America, if they resort to boycotting . . . in order to isolate their own members from Protestant institutions. No one's business will be safe from ecclesiastical restraint if the objectives of a religious group . . . can thus interfere with it."

The New World, Chicago—"The Legion of Decency campaign must go on—on as it is—not as the fanatic its enemies would now try and make it out to be, but as the sane, calm, wise, broad, determined force it is in the estimation of all fair, unprejudiced observers."

▼

What has gone before was picked more or less at random. It represents what may be fairly described as an average cross-section of far-flung opinion, varied in point of view but united on its subject matter which is this industry and its deportment as reflected on the screen. It emphasizes anew the extreme care with which film conduct is scrutinized and it throws into relief the many groups which are on their toes, ready to step on the industry's toes when matters proceed not to their liking. This is not to say at all that some of the criticism is not justifiable, for it is. The difficulty is the terrifying task of even attempting to please all hands and the realization that it can never be done. . . .

▼

How it sometimes happens: Gary Cooper's contract with Paramount allows him to designate his director. Friendly with Henry Hathaway and believing in him, moreover, Cooper spread something akin to consternation, if not consternation itself, around the front offices at the Paramount studio some months ago when he informed Manny Cohen he wanted Hathaway, his experience previously confined to assistant directorships and latterly full-fledged direction on westerns, to handle "Now and Forever." When "Bengal Lancers" emerged from some of its story fog and production became imminent, again Cooper insisted on Hathaway. Down for close to a million dollar budget on the film, Cohen did mental somersaults, mostly unpleasant. Cooper won, but so did Hathaway, for "Lancers" is one of the grandest pictures of this season and many others. . . .

Brandt, Reade Talk Merger of Circuits

Merger negotiations between Walter Reade and Harry Brandt to combine the two circuits are under way with expectations that a deal will be struck within the next few days.

Brandt operates 32 theatres in New York, Brooklyn and New Jersey, while Reade has 21 in New York and New Jersey. Efforts to reach Brandt and Leo Justin of the Reade office were unsuccessful yesterday afternoon.

Included in the negotiations is a deal to add six other New Jersey independent houses. The proposed name of the circuit is being kept secret, but it is understood that unless the three parties agree all negotiations will be called off. If, and when, the combination is set, the total number of houses in the circuit will be 60.

Macfadden Group Shift

F. E. Irsch, Jr., has resigned as promotion and research manager of the Macfadden Women's Group and *Photoplay,* to be succeeded by Harold F. Clark, assistant to Carroll Rheinstrom. Robert W. Lawless, formerly of the *Daily News,* has been added to the new manager's staff.

"Devil Dogs" Book Out

The press book for "Devil Dogs of the Air," first Cosmopolitan production to be handled by Warners, is ready for distribution to exhibitors. Among its features are a 12-chapter serialization, national tieups, newspaper contests and an extensive variety of ads and promotion ideas.

Fox Met Reports Loss

Fox Metropolitan Playhouses showed a net loss of $580,524, after interest, expenses and other charges, for the period from Jan. 1 to Aug. 17, 1934, according to the consolidated corporate and receiver's income report presented yesterday.

No Werner Successor

No successor to David Werner, eastern representative for Universal studios, has been named. Werner is now on the coast.

"Barnum" Gets $23,600

"The Mighty Barnum" tallied $23,600 for the third week at the Rivoli. "Clive of India" opens tomorrow.



You'll be proud
you are part of
the motion picture
industry when
you see—

2 YEARS of waiting

and now the motion picture that wins SCREEN FAME!



Two years ago it was the dream of its producers, Metro-Goldwyn-Mayer! The theme was so daring, so exciting that nothing since "Trader Horn" could equal its brilliant novelty. Now it is a stirring reality on the screen. Out of the High Sierras, out of the wilderness that is America's last frontier... roars this amazing drama of the animal revolt against man. A Girl Goddess of Nature! A ferocious mountain lion and a deer with human instincts! Leaders of the wild forest hordes! A production of startling dramatic thrills that defies description on the printed page... that becomes on the screen YOUR GREATEST EXPERIENCE IN A MOTION PICTURE THEATRE!

Pronounced "SEE-QUO-YAH"

SEQUOIA

A GIRL GODDESS OF NATURE LEADS THE ANIMAL REVOLT AGAINST MAN

with

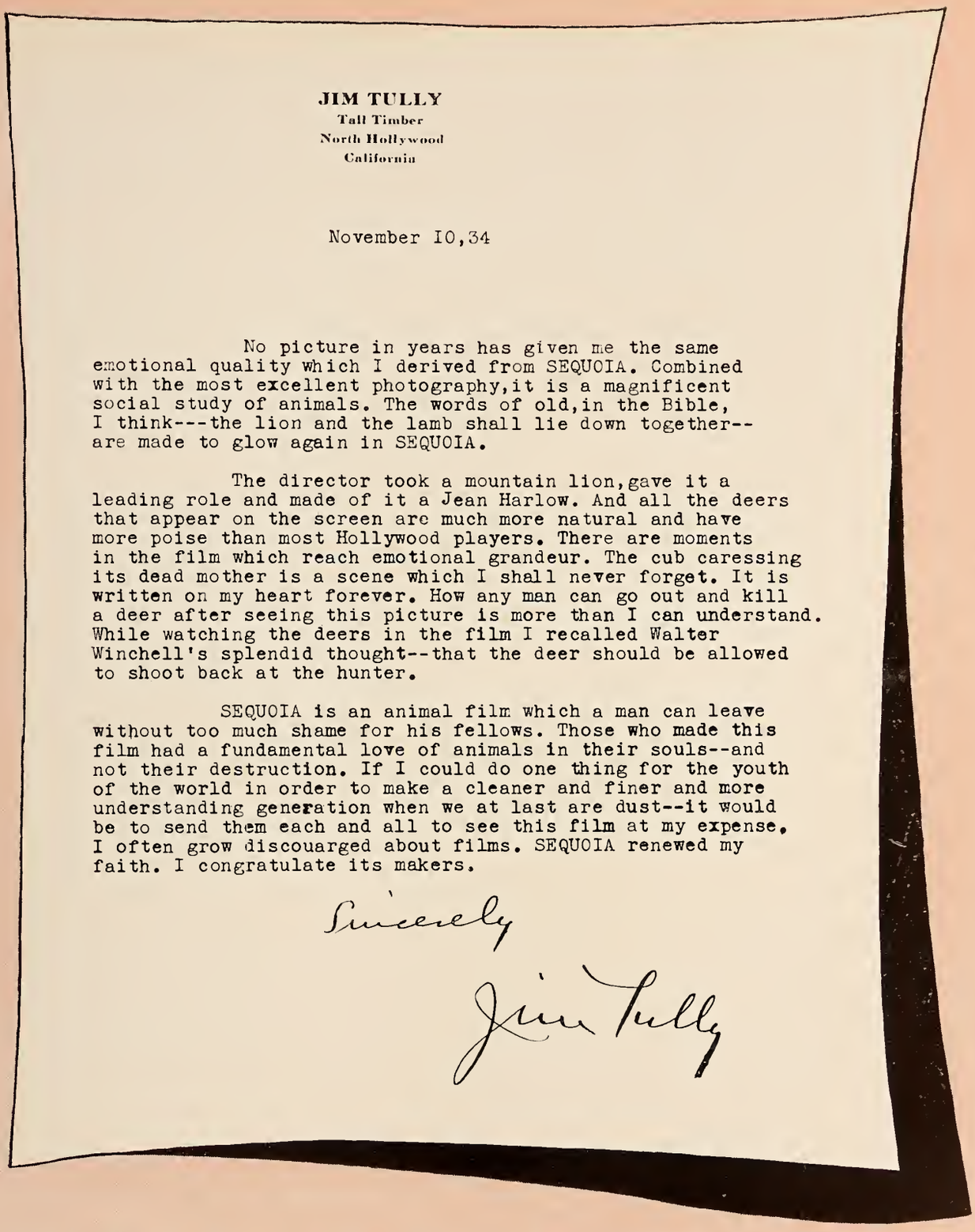
JEAN PARKER

Produced by JOHN W. CONSIDINE, JR.
Directed by CHESTER M. FRANKLIN
Based on the novel "Malibu" by Vance Joseph Hoyt

A METRO-GOLDWYN-MAYER PICTURE

NATIONALLY ADVERTISED

This full page ad appears in 17 nationally known magazines with 27,153,000 circulation.



JIM TULLY
Tall Timber
North Hollywood
California

November 10,34

No picture in years has given me the same emotional quality which I derived from SEQUOIA. Combined with the most excellent photography,it is a magnificent social study of animals. The words of old,in the Bible, I think---the lion and the lamb shall lie down together-- are made to glow again in SEQUOIA.

The director took a mountain lion,gave it a leading role and made of it a Jean Harlow. And all the deers that appear on the screen are much more natural and have more poise than most Hollywood players. There are moments in the film which reach emotional grandeur. The cub caressing its dead mother is a scene which I shall never forget. It is written on my heart forever. How any man can go out and kill a deer after seeing this picture is more than I can understand. While watching the deers in the film I recalled Walter Winchell's splendid thought--that the deer should be allowed to shoot back at the hunter.

SEQUOIA is an animal film which a man can leave without too much shame for his fellows. Those who made this film had a fundamental love of animals in their souls--and not their destruction. If I could do one thing for the youth of the world in order to make a cleaner and finer and more understanding generation when we at last are dust--it would be to send them each and all to see this film at my expense. I often grow discouarged about films. SEQUOIA renewed my faith. I congratulate its makers.

Sincerely

Jim Tully

A LETTER FROM A NOTED AUTHOR!

Testimonials from those who have previewed "Sequoia" are pouring into the M-G-M Studios. In the following pages we reproduce as many as space permits. We print also the opinions of the critics. *And for the first time actual comments of patrons at the preview,* typical reactions that you will get from *your* patrons!

(Every word that follows will be echoed by your audience)

REVIEWERS SING

"Should Be A Smash In Any Theatre"

After more than a year and a half in production, John W. Considine, Jr., has turned out for Metro what is probably the most unique screen feature ever made. Based on the Vance Hoyt novel, "Malibu," picture tells the story of a strange friendship, that of a mountain lion or puma and a deer, a story of palship, animal love and devotion that is rarely equalled, even among humans.

After viewing the finished product, it is not to be wondered at that filming required in excess of 18 months. Plenty of patience must have been required on the part of Director Chester Franklin, and all concerned in the production, to secure the unusually strange pictures, even granting that the two animals, around whom the story is built, must have been carefully and painstakingly trained.

"Sequoia" is fit fan fodder for young and old, and should be a smash in any theatre, from the metropolitan deluxers to the backwoods nickelodeons. It has everything. Thrills, pathos, comedy, majestic scenery and above everything else, humanness.

Orphaned shortly after their birth in the High Sierras, the baby puma and deer are adopted by Jean Parker, who is living in the mountain fastness with her father, Samuel S. Hinds, a writer. While engaged in rescuing the cat and the doe, Miss Parker is saved from savage dogs by Russell Hardie, a young Forest Ranger, and their love romance is adroitly carried out throughout the unfolding of the strange yarn.

Hardie insists the attempt to raise the two wild animals will fail as they are natural enemies, with Hinds contending that only sheer necessity makes them antagonistic to each other. The doe is named Malibu, meaning a hard row to travel, and Gato is the cognomen bestowed upon the puma, at first believed to mean misunderstood one, but later developing the meaning is outlaw and murderer.

Throughout the story puma and deer show the effects of a year spent together before they are turned loose to shift for themselves. Time after time both have narrow escapes with their lives, but in each instance the other animal comes to the rescue.

The climax comes when Paul Hurst, a rancher, and his henchman, Ben Hall, turn loose a herd of protected deer from the forest reservation for city hunters to shoot. Malibu effects their release, is tracked by Hurst and when cornered is saved through the interference of Gato, with the deer finally to the rescue. Fadeout has the strange friends of the wilds in affectionate gambols atop the snowcapped mountain.

Human characters are all well suited for their parts, with Miss Parker particularly effective.

Variety



"THRILLS, SPECTACLE AND EXCITEMENT"

Adapted from a book by Vance Hoyt, noted author of animal and nature stories, this is an unusual kind of outdoor picture. Fundamentally it is the drama, comedy, thrill, danger and the peculiar human interest attached to the struggle of wild creatures in native habitat.

Two animals, native of California's High Sierra Mountains, the locale, are the principal figures.

First demonstrating that natural enemies can become friends as Jean Parker, finding a cougar cub and a fawn, raises them to maturity in companionship, the animals are released again to the redwood forests. When danger comes to the doe, the cougar saves her. As her mate is killed the doe leads her fawn to Jean Parker's cabin with the protecting cougar tagging along. When hunters, rounding up a herd of deer, would kill the deer and fawn, it is the vicious lion that rushes to their rescue.

Accompanying these features is a human interest love story between Jean Parker and Russell Hardie. For spectacle, there is the beautiful photography of the wild Sierra Mountain country, the excitement of animal conflict and the spectacles of nature as it is unleashed in blizzards, thunder and lightning storms, forest fires and floods. One publicity feature that should not be overlooked in connection with this is the recent radio address made by President Roosevelt calling attention to the national park.

—Motion Picture Herald

"A Worthy Attraction For Any Theatre"

This is an unusual wild animal picture filmed against the beautiful Sierra Mountains with Malibu, a deer, and Gato, a puma, natural enemies, starred. The picture seems destined to be outstanding and one of the most talked about. It is a worthy attraction for any theatre.

Essentially, the production maintains the theory that only hereditary instinct causes animal enmity. As exemplified by the pair, adopted in orphaned babyhood by Jean Parker, the theory is proved.

For entertainment it skillfully blends natural drama, comedy, romance, thrills, action, menace and conflict. When, upon maturity, the creatures are released in the forest, they continually befriend each other.

Marked by understandable sympathy-generating humanness, it builds situations so that full value is derived from every element. In the finale when death from humans menaces Malibu, the stalking Gato fights the mutual foe to exhaustion and Malibu administers the coup de grace. For an epilogue both gambol in friendly companionship.

Everyone connected with the picture is entitled to plaudits. Chester Franklin's direction, aided by Vance Hoyt, the author, is a triumph of patience and understanding. The screen play by Ann Cunningham, Sam Armstrong and Carey Wilson actually makes the animals human. Chester Lyons' photography is also a feature the patrons will talk about.

—Motion Picture Daily

"EXHIBITOR BAGS WINNER IN 'SEQUOIA'"

The entire story is wound around the strange friendship of the deer and cougar with love interest between Parker and Hardie worked in for story purposes. Otherwise it is a fascinating animal story playing to nature human interest. Tie up with the local zoo and sporting goods stores. Get a display of guns and hunting equipment as well as trophies. Work up a hunting license throwaway with copy "Stop Hunting for Good Entertainment. See 'Sequoia' and You've Bagged a Winner."

—Showmen's Round Table

SEQUOIA PRAISES!

"SUPERIOR TO ANY ANIMAL FILM MADE"

It would be difficult and extremely unfair to class "Sequoia" with other wild animal pictures, yet it must come under this classification. Still, it is so far superior, not alone in actual thrills, but in the delicate handling, the unusual methods employed to capture the so-called "freedom of the woods" and the great amount of patience it undoubtedly required to undertake such a tremendous, vital task. One of the most interesting pictures I have ever seen is "Sequoia".

Special mention should go to Chester Franklin, the director, for his indomitable patience, his sympathy with his trying subjects and the most interesting manner in which he told his story.

—L. A. Herald Express

LIBERTY MAGAZINE SAYS:

There has never been another picture quite like SEQUOIA. One of the cinema achievements of the year.

"Worth Walking Many Miles To See!"

You can all just step up and take your hats off to Director Chester M. Franklin and Photographer Chester A. Lyons for making one of the most "human," beautiful animal pictures that has ever been captured for the celluloid.

You'll walk many miles to see and enjoy the life stories of "Malibu," the deer, and "Gato," the puma. There is more humor, naturalness and drama around those two than you've seen in a long time, and it will be decidedly worth it to any exhibitor to figure out a good advertising campaign, because once the audiences can be gotten into the theatre, they'll take the picture to their hearts and love it. It's elegant animal stuff.

You have never seen anything like the shots of both scenery and animal life that this picture boasts and Chester Franklin has patiently, so patiently, waited for every opportunity to catch these animals in their most appealing and dramatic moments. They do cute things, they do bad things, they do good things and they are at all times themselves.

So far as the cast is concerned, everyone acquits himself well.

There are swell fight scenes between various animals and a chase at the end that will have you sitting on the edge of your seat from sheer excitement. By all means, play it up to the greatest extent possible because this is really swell entertainment for the whole darned family. Incidentally, Herbert Stothart is again to be congratulated for his excellent musical scoring of the picture. It's the perfect background for this picture.

—Hollywood Reporter

"A Pleasure For Real Showmen!"

From prior publicity, practically every one in the show business knows that this is a native wild animal picture. But what comes up on the screen, in relation to that which is either known or surmised, is so vastly different that the picture's successful marketing most likely will prove a pleasure for real showmen.

"Sequoia" is filmed entirely against the beautiful Sierra Mountain scenery, an asset of which expert photography has taken remarkable advantage. Its stars are two animals; Malibu, a deer, and Gato, a puma. Wonderfully trained, they are great actors. Wearing neither makeup nor costumes other than those given them by nature, and everything done being the result of patient and understanding training, from the standpoint of creating and maintaining human interest, they actually give many an enameled Hollywood clotheshorse fact lessons in natural acting.

As the picture is unusual, it is difficult to describe it in an ordinary manner. As it unfolds upon the screen, a strange but understandable "humanness" predominating, it runs the scale of natural drama, romance, comedy, tragedy, spectacle, thrill, conflict, menace. There are times when the action of the animals provokes howls of glee. Then it becomes vividly exciting, a quality counterbalanced by soft tenderness. Its tragedy is tinged with sadness, and the whole is climaxed by a stalking chase and villain-man hero-puma fight, in which the deer revenges himself upon the would-be killer. Topping off the finale of the deer-puma palship came the most enthusiastic burst of applause heard in months.

Here are the entertainment and showmanship highlights. Toni Martin, refusing to believe that it is contrary to natural law, adopts and mothers Malibu, an orphaned fawn, and Gato, a puma cub. Human necessity causes their release to the forest. Then the pair become the whole show. Gato crouches to spring on a drinking deer, but recognizes Malibu and both drink and play together. There's romance in the spring time. No human ever made such tender love as Malibu to his doe mate. There is tragedy as the mother is killed, but Malibu leads his fawn to Toni's cabin for shelter. Chinese Baby Feng Soo and the fawn, tethered together, are menaced by a rattlesnake. The baby would play, but Malibu dashes up and kills the snake. Hunters come to kill. Guide Bergman leads them nowhere. Desperate, he raids the government game refuge. Stalked by Malibu, he leads the herd to his corral. Malibu shows his kind how to escape. Then comes the big punch, Bergman trailing Malibu, and Gato stalking Bergman. About to fire on Malibu, Bergman is hit by a bundle of enraged puma fury. Malibu watches. When Gato is exhausted Malibu rushes in and pushes Bergman over a cliff to death.

—M. P. Herald



"ORDINARY ADJECTIVES OF PRAISE INSUFFICIENT"

Ordinary adjectives of praise are inadequate.

So real is the story, so genuine is the picture, anyone will marvel at the painstaking effort and patience of Producer John Considine, Director Chester M. Franklin, and Cameraman Chester Lyons, who put this beautiful story on celluloid.

Any one who doesn't enjoy this picture doesn't enjoy life—or living.

—Cinema Hall Marks

(And merrily we roll along to the next page!)

"SEQUOIA" ACCLAIMED

Note: The comments on this page and the next were sent to the M-G-M Studios following the preview of "Sequoia" at the Fox Wilshire, Los Angeles. They are typical reactions of an average neighborhood theatre audience.

This is the most interesting picture I have ever seen. Please don't change it as it is perfect now.

* *

A very wonderful, thrilling and educational picture—wish *everyone* could see it.

* *

"Sequoia" a most pleasing picture—enjoyed very much.

* *

Needless to say much about the picture. Three cheers for M-G-M and Sidney Franklin.

* *

I am but a child of 11 years old, but I enjoyed "Sequoia" immensely. Its beauty, its photography, its music and the animals. It was all lovely and I am sure the public will be immensely pleased with it.

* *

Wonderful photography. Very different and most interesting. A little cutting in spots might improve the picture. Good acting by Jean Parker.

* *

Grand—Ask my 4-year-old boy who didn't blink an eye thru the whole picture. Remarkable photography–ended just right.

* *

The most natural, cleanest and most beautiful principal of any animal picture I ever saw

* *

A wonderful and worthwhile picture which I will long remember. The scenery and musical effects very outstanding. More of Jean Parker and this type of picture.

* *

Excellent! One of the kinds of pictures I've been waiting to see.

* *

A very remarkable picture. Needs no changing or shortening. This type of picture was a real inspiration.

* *

I saw your preview of "Sequoia" at the Wilshire. I think it is the finest picture ever produced. In other words, a picture you won't have to advertise.

* *

A marvelous picture, and you are entitled to be congratulated. A very wonderful story, well directed and photographed. More pictures of this nature will restore to the picture industry the prestige and patronage they lost through the putrid sexy trash and gangster pictures, which drove practically every decent thinking person away from the theatre. Give us more of these pictures.

* *

Something to be proud of in every detail. For a human being to carry away honors when surrounded by such an intelligent animal cast is astounding. Jean Parker did this—bless her!

* *

A very unusual and entertaining picture. Splendid, as it is suitable for the whole family. I have never seen wild animals worked into a story in this manner before. Let's have more of this type of picture.

* *

The scenery is superb. A remarkable animal picture. Very entertaining for children as well as adults.

One of the most interesting pictures I have yet seen, it gives one a more vivid picture of the wild life and their habits, in our State of California. Congratulations to Jean Parker and also to M-G-M.

* *

Excellent! A truly fine and different picture. Photography superb.

* *

Very refreshing!

* *

Words fail to express my sincere feelings about this picture. It's too beautiful for words. Great work. Hope to see it again.

* *

It was splendid. The loveliest picture I've seen.

* *

Congratulations upon one of the finest, most remarkable and beautiful photographed pictures of the year. It was well worth all the time spent to make it.

* *

It was my good fortune to see this preview, being connected with a publishing house in the east which reaches a large number of people. Will make this picture known to thousands. My hat is off to the producer and all who are responsible.

* *

The most wonderful picture I ever saw—barring absolutely none.

* *

Picture overwhelming. Title not good enough for this great picture.

* *

This picture without a doubt is one of the most entertaining of the year.

* *

Only really great one of its kind!

* *

The best animal picture we have seen. Sorry you changed the name to "Sequoia". What was the matter with "Malibu"?

* *

A very unusual and good picture. I believe it will be a big hit.

* *

Wonderful picture.

* *

One of the most remarkable pictures I have ever seen.

* *

An exceptionally good and a remarkable picture.

* *

Unquestionably the most beautifully produced picture M-G-M ever turned out. I compliment you on what I believe to be a screen masterpiece.

* *

In my opinion "Sequoia" is the finest picture of its kind I have ever seen. It's beautiful, most interesting, and perfect in every way. It gave me great pleasure to see it.

* *

Marvelous picture . . . 100% and should be a prize winner.

* *

Let us have more pictures like "Sequoia", and your houses will be full.

BY PREVIEW AUDIENCE!

M-G-M Studios have held many previews. Never before has there been such applause during and after the showing. The post-card returns, printed below, are the most enthusiastic and numerous in the history of the studio.

"Sequoia" is a magnificent picture and very unusual. Everyone should enjoy seeing it.

* *

Glorious and beautiful. I am going to see it again.

* *

I never miss a preview if I can help it at the local theatre. You have a grand picture, very interesting and worthy of a prize. Will see to it that my children see this picture. Would only criticize the title.

* *

Why not call this picture "MALIBU"? He is the REAL STAR—some of your "so-called stars" could take lessons from him. Someone knows his animals at your studio.

* *

A good story. Wonderful photography. Give us some more of this. A relief from the common run of pictures.

* *

I consider this picture a rare treat, suitable for juniors and grownups and I expect to announce my opinion of it at the next Parent Teachers Association. If only more pictures as clean and educational as this one could be made.

* *

An outstandingly beautiful picture.

* *

I think that is one of the best previews ever shown. I only wish more of them would be made.

* *

Marvelous photography. Would have liked Wallace Beery as Bergman and Maureen O'Sullivan as Joan.

* *

Having seen hundreds of pictures on account of my contact with motion picture people, so far this is the most outstanding picture. I have never seen anything more beautiful than "Sequoia".

* *

The most real animal picture ever with a very helpful musical score. Could do without the Ranger's song and the human element at the end.

* *

Enjoyed your picture. Think it one of the best animal pictures that I have had the pleasure of seeing.

* *

Excellent! Should have more pictures like them.

* *

Unusual, and very good!

* *

Advertise and make it a great picture. I have never been so thrilled over any other picture. Every man, woman and child should enjoy the picture, "Sequoia". A "four star" picture!

* *

Every man, woman and child in America should see the picture—it is astounding! The most enjoyable evening I have spent since I came to California.

* *

The greatest animal picture ever made. Please try and make more like "Sequoia." Let Chester Franklin direct them.

A really *great* picture. Congratulations on the story, the unusually fine cast and superb direction. (If this director is a new one, hang on to him). He's great!

* *

It is the best show of its kind I have ever seen. It is marvelous! I enjoyed it immensely.

* *

"Sequoia" a most pleasing picture. Enjoyed it very much.

* *

A beautiful picture. Wonderful photography. More like this for me.

* *

The preview picture was very beautiful and very interesting, and the animal life most instructive. Hope you have more like it.

* *

I think your picture is most wonderful. It is the outstanding production of its kind.

* *

In your picture "Sequoia" you have reached the ultimate in photography and direction in my opinion, and the animal training surpasses anything ever attained in cinematography. My heartfelt thanks for one of the outstanding pictures of all time.

* *

Perfect! One of the best pictures of all time—certainly better than "Trader Horn", "Tarzan", etc.

* *

I believe "Sequoia" to be the most beautiful picture I ever saw.

* *

Just lovely, is all I can say

* *

Adapted to sportsman. Good photography and educational.

* *

Beautiful scenery. Interesting animal life.

* *

At last we have a clean and wholesome picture suited for young and old.

* *

A four star picture. Congratulations to you and Jean Parker for her wonderful acting.

* *

Most wonderful story of animal life ever portrayed.

* *

Have spent years with animals. This picture amazing. No criticism!

* *

Positively wonderful! Enjoyed every moment of the picture.

* *

You have a fine and unusual picture with a great cast. Jean Parker's work was especially good. The scenes between the deer and the mountain lion are the finest things in that line I have ever seen.

THIS COULD GO ON FOREVER! AND IT WILL!

National Organizations are getting behind "Sequoia." Save this advertisement for local tie-ups. Start now to talk it up!

Mrs. William A. Burk,
Western Vice-Chairman,
Committee on Motion Pictures,
General Federation of Women's Clubs.

May I thank you for the pleasure of seeing your beautiful picture, *Sequoia?*

It is one of the finest productions brought to the screen. Beautiful in all its technical phases, finely directed, it has photography of unusual beauty with great human interest and high entertainment values for all ages."

★ ★

Below is the official report *Mrs. Burk* sent to *every woman's club* in America. The report is headed "outstanding for all ages" and it says: "This delightful film, based on the novel, *Malibu,* portrays the wild life of California. It revolves around the birth and lives of a puma and a deer and has its setting in the beautiful high Sierras. An enthralling picture, directed with consummate skill, replete with human interest, magnificently photographed, beautifully staged, a real pictorial gem."

★ ★

Mrs. Mildred Lewis Russell,
National Chairman Better Films
Committee, Daughters of the
American Revolution.

Congratulations for *Sequoia!* In this excellent film Metro-Goldwyn-Mayer has achieved that rare combination of high entertainment values, unique subject matter and remarkable photography...have given it my highest rating, I...A...(F), which means, excellent entertainment, clean, suitable for all ages.

"*Mr. Chester Franklin* and his corps of assistants have done a notably fine piece of work . . ."

★ ★

Mrs. Bernard Wyle,
L. A. Section,
National Council of Jewish Women.

(Excerpts from official report sent to all organized Jewish women in the United States):

A grand picture of wild life in the high Sierras, magnificently photographed and having a depth of beauty and meaning invaluable in its power to establish standards and attitudes of the highest, most fundamental ethical values.

I heartily recommend *Sequoia.* It sets a new standard in family entertainment.

Mrs. David Ray, ★ ★
National Councilor of Better Films.
National Society of New England Women.

(Official report sent to all branches of the Society):

Merely its unique photography of the poetic beauty of the virgin forest with its herds of graceful deer, makes *Sequoia* an enchanting film for any audience. An exceptionally beautiful picture which no one can afford to miss and one which indicates the power the cinema can exert.

Laura O. Vruwink ★ ★
The Women's University Club.

I believe that *Sequoia* is one of the most remarkable films I have ever seen because of the exquisite scenes of wild animal life in natural settings. Sound and photography were as nearly perfect as one could imagine. It seems almost impossible to have caught so realistically the feeling of perfectly unconscious behavior in wild creatures of the woods. A genuinely fine accomplishment which will have wide appeal for older children and family audiences (too emotional in latter part for children under 10).

WHAT OTHER NOTABLES THINK OF "SEQUOIA"

Zane Grey

noted author says:

Last night I saw the preview of not only the best outdoor picture I have ever seen but for me the greatest picture of the last decade.

It was taken in the wilderness, among the big trees, a singularly beautiful setting. The principal roles were taken by deer and mountain lions. Jean Parker . . . plays the part of a woodland girl . . . a lover of wild creatures . . . she is simplicity itself, and all we could wish of youth and beauty and charm.

But outside of Jean you hardly realize the other human characters . . . It is only a motion picture but it tells the truth. I happen to know a great deal about deer and more about lions. Once I was a hunter of both, but no more! I think every hunter in the world should see this picture and that those of them who have intelligence and feeling will never kill another deer for sport . . . The children and the young folk and the lovers will make of *Sequoia* a grand success. It is a splendid augury of future pictures. Mr. Chester Franklin, the director, is to be congratulated upon a picture of supreme artistry.

★ ★

TO CATHOLIC WOMEN!

Mrs. Thomas Hearn,
National Chairman of Films,
National Council of Catholic Women.

I wish to congratulate you upon your picture, *Sequoia,* and to thank you for the privilege of previewing it.

In this age of superficial living, this drama of wild animal life set in a background of flowing masterpieces of nature, touches a human depth that it is well to awaken.

This picture is so fundamental and fine... the story is so filled with thrilling action, that it will provide entertainment for all ages and classes.

(A personal letter...but a report of similar sentiments will be sent to every Catholic woman.)

Hugh Walpole, ★ ★
Noted English Author.

It is a splendid picture. It thrilled me tremendously. The direction was fine and the photoplay hauntingly beautiful.

By Henry Chamberlain, President,
Los Angeles Chapter, Isaak Walton League.

I was fortunate last night in seeing the preview of *Sequoia.*

As representative of a large group of conservationists, the Isaak Walton League, known as "Defenders of woods, waters and wild life," I feel it incumbent on me to commend a picture of this type. The choice of Jean Parker as the youngster sympathetic with wild life is particularly fortunate in that the public has undoubtedly come to associate this talented young actress with everything that is fine and sincere.

The picture as a whole is a wonderful piece of work and cannot help but impress and interest the public. Our organization is particularly glad to note the accentuated difference, depicted in the picture, between the game law violator, a typical killer, and the respectable sportsman. This is a point that is very seldom understood by the general public.

Let me thank you, in behalf of my organization, for this very fine production.

★ ★

Margaret Hughes,
Manager, Pacific Geographic Society.

The photography is superb and the animal work beyond anything we have ever seen, at times almost unbelievable. We could only show our approval by constantly breaking into applause. *Sequoia*...is direction, photography and acting magnificently combined.

★ ★

Sarah McLean Mullen,
National Council of Teachers of English.

Your preview of the picture, *Sequoia,* gave me great pleasure, as it seemingly did to the entire audience, if one can judge by the enthusiasm of their response. Perhaps my pleasure was greater because both my mother as a child and I had played in those same great woods and know the life of the wild as shown in the picture to be authentic.

Sequoia is unique not only among the general run of pictures, but also among animal films, for the rarity of the action and emotional expression. The two leading animal actors in their simple and sincere response to the direction of their unseen owner excel the performance of any previous animals on the screen.

★ ★

W. S. Van Dyke,
Director of "Trader Horn", "Thin Man", etc.

In my opinion *Sequoia* is one of the finest nature pictures I have ever seen. The animal sequences are superbly done. Having done a great deal of this kind of work myself, I can imagine the patience and efforts extended in getting it. But the results were well worth it.

This picture should contribute a mite to the preservation of our North American game, as I am sure that it will arouse in others as it did in me, an understanding sympathy with and for our game preservation commission.

★ ★

SEQUOIA M-G-M

Purely Personal

(*Continued from page 1*)

W. Kelly, Mort Spring, Tom Geraty, Hal Hode, Harry Brandt, Henry Randel, Louis Cohen, Martin Quigley, Louis Nizer, Louis Phillips, Arnold Van Leer, George Dembow, Hal Young and Merton Van Praag were spotted at various tables around the M. P. Club for luncheon yesterday.

Edwin Justus Mayer, coast writer, arrived yesterday on the *Ile de France*. John Van Druten, English playwright and author, and Harvey Weaver, of *Vogue* were passengers on the same liner.

Marguerite Wallman, ballet dancer signed by M-G-M, arrives tomorrow on the *Conte di Savoia*. She will go to the coast for four months, return abroad and then come back again.

W. C. Michel prolonging an after-lunch cigar in Schrafft's 57th St. yesterday. H. G. Knox and F. B. Foster of Erpi at another table in the same eatery. Walter Vincent also a customer.

Hugh Williams will play the male lead opposite Francine Larrimore in "Private Road." That brings him in from the coast any day now.

Hyman Rachmil will leave for the coast Feb. 3 for two months. He plans to visit his son in Hollywood and then go to Palm Springs.

Jack Ford, engineer of the Burlington's streamlined train, attended the opening of "The Silver Streak" at the Mayfair yesterday.

E. B. Derr popped up at the Tavern yesterday, thereby proving, as it were, that he was in New York again from the coast.

John Ford, British actor recently signed by Radio, reached New York yesterday on the *Olympic* on his way to the coast.

Louis Nizer, one of the busiest lawyer men around the trade, finds time to deliver lectures at night.

Lee A. Ochs' secret desire begins and finishes in a Spanish patio, but in Spain, not Hollywood.

Al Lichtman is busy again around 729, having arrived from the coast early this week.

Boris Morros will go to Paramount's coast studios early next month.

John D. Clark, absorbing Florida sunshine, will be away till the end of the month.

C. C. Pettijohn left for Chicago yesterday to be away until the first of next week.

Jack Jossey, Monogram franchise-holder in the Middle West, is ill at the Warwick.

J. H. Hoffberg has acquired the foreign rights to "Soudan." a jungle picture produced by Foy Prod.

Joe Clemmons and Sol E. Gordon leave either today or tomorrow for Beaumont, Tex.

Jack Fier of Mascot is along the Main Stem again.

Sidney Samuelson returns tomorrow from a secret trip.

Gus Edwards popped in and out of the M. P. Club yesterday several times, looking for someone who didn't show up, but between pops he didn't miss a line of the script he was studying.

William Rodgers is in Miami vacationing.

Binnie Barnes is due back from England next month.

Walter Eberhardt's latest mystery tale is about to find a publisher.

Ben Schulberg continues among the town's coast visitors.

Julius Klein returned from Washington yesterday.

Five Cantors Back from Europe; Eddie Kept Busy

By BILL ORNSTEIN

Returning from a six weeks' holiday in London, Paris, St. Moritz and Italy, Eddie Cantor stated that his vacation turned out to be a lot of work and now that he has returned he'll get down to business and take a real holiday. He arrived on the ice-coated *Ile de France* with Ida, his wife, three of his five daughters and valet. He didn't explain what happened to the rest of his family.

"While I was abroad I broadcast and made several personal appearances in theatres for some friends of mine," he told Motion Picture Daily as he debarked. He was the first passenger to come down the gangplank as the liner docked and was forthwith hounded by autograph hunters. Block and Sully, who appeared in Cantor's latest film, "Kid Millions," were among the reception committee.

Cantor stated that on Feb. 3 he will resume his radio broadcast, this time for Pebeco with Rubinoff and Ted Husing on the program. The show will be on the air from 8 to 8:30 P.M. Sunday nights.

Disscussing his next picture, the banjo-eyed comedian said that he had three or four ideas in mind and was immediately going into a story huddle with a number of writers. He also said that he would call Samuel Goldwyn on the telephone last night to discuss story material. Cantor wants fewer women in his next picture, less music and more story material.

"Theatre conditions in London are very good," he declared. "London is the joy spot of all Europe. All picture houses are doing business and the people are contented. England is showing more signs of recovery than any other country in the world.

"Italy is in good shape, thanks to the leadership of Mussolini. He is rapidly putting people to work and has turned swamp lands into nice livable places. He is above board and the people have a deep respect for him. When Il Duce orders something, it is done and there are no two ways about it."

Paris is not as gay as it could be. Cantor held. This is not the fault of the people, but is due to the constant change of government. It's like a train which changes engineers at every station, he explained.

The comedian plans to go to Florida. On April 28, the day after his last broadcast, Cantor will leave for Hollywood to work on his next film. He intends to stay on the coast for five months.

Says Prudence Bond Delays Hurt Seneca

Charges that the failure of the state superintendent of banks to act on the bonds of Prudence Co., Inc., was holding up efforts to reorganize the affairs of Seneca Holding Corp., Paramount subsidiary which controls the Astoria studio, were made yesterday by Frederick Powell, attorney for the Prudence trustees.

The charge was made at a further hearing before Special Master James G. More, acting for the U. S. District Court in Brooklyn. One of the proposals in the reorganization is for a refunding of an issue of $930 000 in bonds by extending the maturities to Jan. 1, 1941, and reducing the interest from five and one-half to four and one-half per cent.

On Way to Location

Portland, Jan. 15.—The train carrying Clark Gable, Jack Oakie, Reginald Owen and other members of the "Call of the Wild" company made a brief stop here today on the way to location at Mt. Baker.

Stork Visits Mowbrays

Hollywood, Jan. 15.—An eight-pound boy was born to the Alan Mowbrays today at Cedars of Lebanon Hospital.

National Screen Men Finish One-Day Meet

National Screen district and branch managers have concluded a one-day sales meeting at the Park Central and will leave for their territories tomorrow. Combined with the sales session was a discussion of the company's 15th anniversary.

Attending the meeting were Harry Milstein, Los Angeles; James Flannery, Seattle; William Walthal, Dallas; Tom Berk, Minneapolis; Jack McPherson, Chicago; Charles Lester, Atlanta; Harry Kirshgessner, Boston; all district managers, in addition to Herman Robbins, Toby Gruen, Sam and George Dembow, Morton Van Praag, William Brenner, Ben Rosenberg, Hal Young, M. L. Kaufman, Jack Levy and Stanley Goldberg.

Des Moines Forming Variety Club Branch

Des Moines, Jan. 15.—Organization of a Variety Club here is under way with R. M. Copeland of Paramount heading the list of temporary officers. Other temporary officers are: Hale Cavanagh, Orpheum manager, first assistant chief barker; Hal Sheridan, Station KSC, second assistant barker; W. E. Banford, M-G-M branch manager, wagon man, and Lou Patz of Universal, property man.

Fifty-three have applied for membership:

Sennett Plant to Levine

Los Angeles, Jan. 15.—Nat Levine today purchased at a public bankruptcy sale all the operating equipment of the Mack Sennett studio, so making Mascot lessor and sole owner of the plant. Levine plans to build a new sound stage and other accommodations to take care of additional production activity of First Division Pictures, which is subleasing.

Block Selling Seen Target of Federal Probe

(*Continued from page 1*)

prosecutions, it being pointed out that the department will probably watch the reaction to what it has already done and proceed further as opportunity offers.

How far the department will go with its prosecutions depends largely upon what officials in charge of them think of their chances of success. The major effort of the Government is never to bring a case unless it is fairly certain that a verdict can be secured. A large number of affidavits from various sections of the country are known to be available and are being studied to determine whether they afford a satisfactory basis for additional proceedings.

Following the conclusion of the St. Louis probe, Russell Hardy, one of the two special assistants to the Attorney General in charge of the case, left for Los Angeles, indicating that the next move of the department would be in that territory.

Prohibition of block booking will be sought in a bill to be introduced in Congress during the present session, it was indicated at the Capitol today.

Seeks Hearing Soon

Declaring that he would ask for an early hearing on his bill to create a motion picture commission, Representative Francis D. Culkin, New York, stated that his present plans do not contemplate pushing the measure beyond the hearing stage. He revealed that right of way will be given to legislation confined entirely to block booking which is understood to be in process of drafting.

Explaining that he does not know just what will happen to his measure, as he has not yet had an opportunity to discuss it with Representative Rayburn of Texas, chairman of the House Interstate Commerce Committee, Culkin expressed the view that there should be a public discussion of the matter and said he would seek a hearing in the near future.

The New York Congressman has no intention of pressing censorship legislation, feeling that the Legion of Decency has been a beneficial influence as far as protecting the public is concerned and that its threat to boycott theatres unless better pictures are made available has tended to improve the situation.

Evidence of considerable improvement in comparison with last year is seen by Culkin, who declared that if the industry, on its own initiative, would abandon block booking, it would have nothing to fear from Congress. However, he added, he has observed considerable support throughout the country for a movement to "straighten the movies out."

The Department of Justice prosecution in St. Louis, he believes, is a step in the right direction and the campaign should be continued.

"I have noticed that the motion pictures have improved materially and I hope they will show a tendency to produce a type of film that is suitable for children," the Congressman said. "There has been substantial improvement over the past year and I am hoping the industry will continue to make better product."

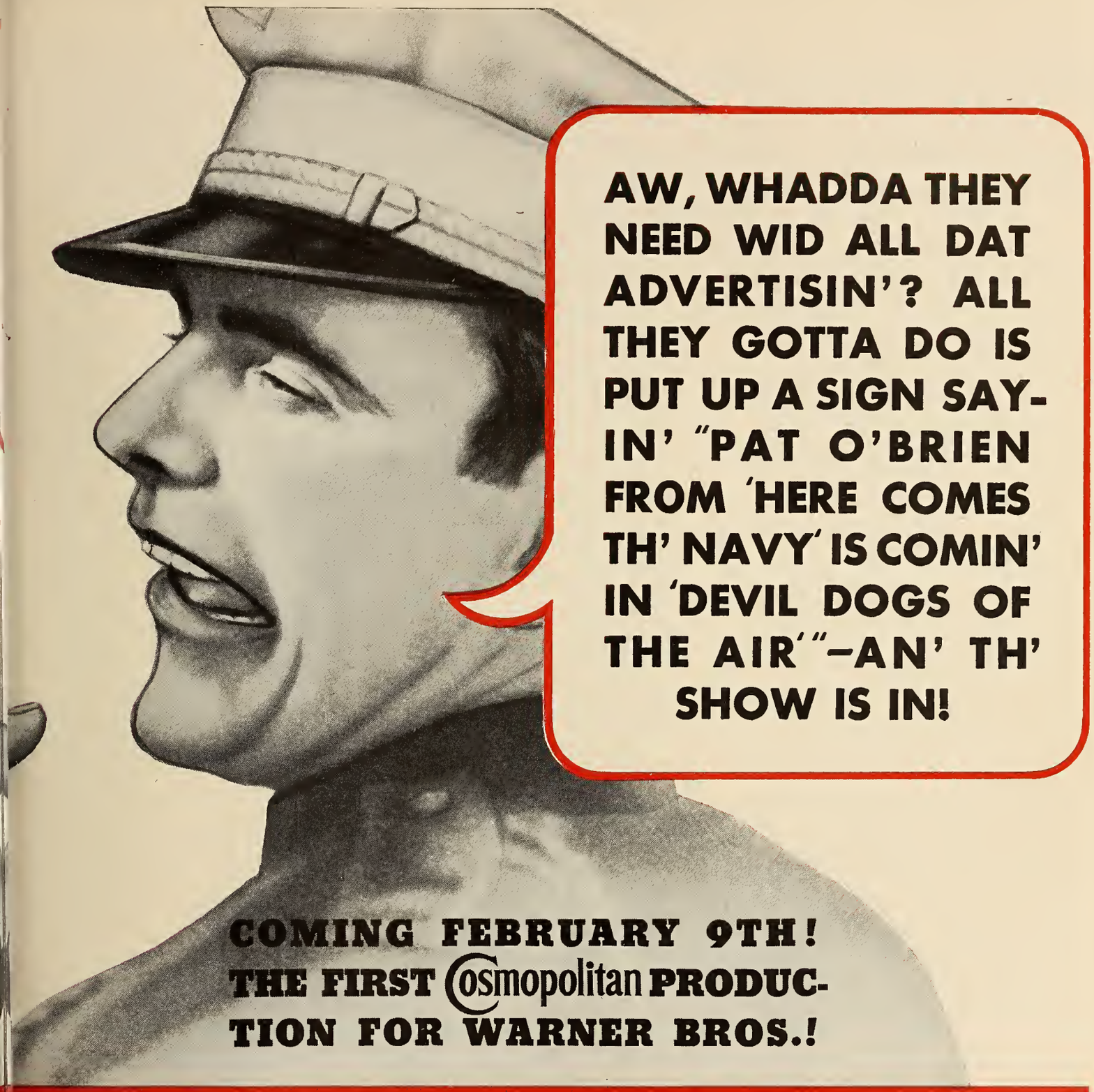


"DEVIL DOGS

JAMES CAGNEY

MARGARET LINDSAY • FRANK

Utilizing $750,000,000 worth of U. S. Marine Corps equipment in the remarkal



AW, WHADDA THEY NEED WID ALL DAT ADVERTISIN'? ALL THEY GOTTA DO IS PUT UP A SIGN SAY-IN' "PAT O'BRIEN FROM 'HERE COMES TH' NAVY' IS COMIN' IN 'DEVIL DOGS OF THE AIR'"—AN' TH' SHOW IS IN!

COMING FEBRUARY 9TH!
THE FIRST Cosmopolitan PRODUC-TION FOR WARNER BROS.!

OF THE AIR"

and PAT O'BRIEN

McHUGH • Directed by LLOYD BACON

action scenes, every one of which was shot especially for this production

Vitagraph, Inc., Distributors

Social Bills, Tax Piling Up In California

(Continued from page 1)

the bills likely to pass. Under bills already introduced in the Assembly, employers would pay a maximum of four per cent fo payrolls and a minimum of two per cent while employes would pay a maximum of two and a minimum of one per cent. Under the maximum bill, one reserve fund would be established for all industries, spreading the unemployment risk over all. Contributions toward it would begin under the legislation next year with the first benefit payments to the jobless to be made Jan. 1, 1937.

The only film workers who might be exempt under the bill would be certain persons engaged in interstate commerce and part time employes.

Physically able persons out of work after making contributions would receive a minimum of $7 and a maximum of $15 a week. Such payments would continue for a suggested period of 16 weeks.

After a contributor became jobless, a period of from two to four weeks would elapse before payment of reserve funds, the unemployed person making application for work during that time to a free state employment agency. The bill proposes that no final action be taken on a California plan until a Federal policy has been established.

Under a bill proposed to the Assembly the maximum working day for all workers would be six hours, no person being allowed to work more than six days per week. Exempted under this bill are the domestic servants of any employer, who are allowed to work eight hours a day. The length of the week was not set forth in the bill.

Probably the greatest threat to high salaried persons in the industry is the personal income tax bill introduced into the Senate which would levy a tax on the net income of every resident of the state. The bill will follow the Federal plan with one-third of the Federal rate charged against returns.

Two Nebraska Bills Stir Omaha Protest

OMAHA, Jan. 15.—All city exhibitors met in a hastily called meeting to study two bills introduced in the Nebraska legislature last week, which are aimed directly at exhibitors. One of the measures calls for operators for each projection machine and the other would tax circuit theatres $25 each for two or more theatres; for 21 or more theatres the tax would be upped to $300 each.

Exhibitors will name a committee to appear in Lincoln when the bills come up for committee hearing.

Delaware Interests Work on Sunday Bill

WILMINGTON, Jan. 15.—Limited Sunday film shows will be allowed in Delaware if a bill now being prepared for introduction into the Legislature is enacted.

Details has not been worked out, but it is said the preliminary draft calls for shows after 9 o'clock Sunday nights. This is designed to meet possible objections.

New Year's Week Grosses Leap to Prosperity Level

(Continued from page 1)

factors which showmen can't explain four spots failed to share in the New Year's build-up. They were Boston, Pittsburgh, Portland and Washington.

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887

Comparative weekly totals:

	Week Ending Jan. 3-4		Week Ending Dec. 27-28	
	Theatres	Gross	Theatres	Gross
Boston	6	$94,500	7	$101,100
Buffalo	6	48,800	5	33,600
Chicago	9	173,000	9	134,000
Cleveland	5	49,200	5	39,200
Denver	5	28,500	5	20,500
Detroit	6	77,200	6	64,300
Indianapolis	5	22,550	5	21,000
Kansas City	6	55,700	6	43,400
Los Angeles	10	112,587	9	64,398
Minneapolis	6	28,000	7	24,200
Montreal	5	47,500	5	39,500
New York	9	380,600	9	279,000
Oklahoma City	4	21,300	4	19,740
Omaha	3	28,400	3	10,400
Philadelphia	11	155,900	10	135,300
Pittsburgh	6	50,400	6	53,800
Portland	7	33,800	7	37,400
Providence	7	67,500	6	50,100
San Francisco	7	107,500	7	93,000
St. Paul	5	22,000	5	16,200
Seattle	7	38,050	7	27,150
Washington	6	76,900	6	101,500
	141	$1,719,887	139	$1,408,788

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Presbytery Silent On Its Film Drive

The New York Presbytery yesterday refused to make any comment on its proposed campaign for clean pictures other than to commend the Legion of Decency for its drive toward the same end. The Presbytery does not agree with the Legion in all the details of its program, however, because of what is described as the traditional Presbyterian disapproval of the principles of ecclesiastical control as manifested in the Legion's boycott of condemned pictures.

At the annual mid-winter meeting of the Presbytery recently, it was suggested that approved lists of pictures be set up on the bulletin boards of all churches and that all churchgoers demand Congressional legislation requiring producers to label their product in such a way as to differentiate between pictures suitable for adults and those for children. It was indicated, however, that this will be the extent of the Presbyterian campaign, for the present at any rate.

Earle Price Reduction Worries Philadelphia

PHILADELPHIA, Jan. 15.—The Earle today announced a price slash from 65 cents top to 40 cents, beginning Friday. Mastbaum competition is blamed for the reduction, imminent for some time.

The reduction has independent exhibitors worried and may lead to either new lower clearance arrangements or price cutting. It is believed the morning price of 25 cents, plus stage show, will cut into neighborhoods, which must charge as much or more on second runs. The M. P. T. O. is investigating the situation.

Des Moines House Burns

DES MOINES, Jan. 15.—The Strand here was destroyed by fire today. The loss is estimated at $60,000. The house is a downtown second run of the Tri-State Theatre Corp. and one of the oldest in the city. Investigation revealed the fire to have started in the projection booth and to have made great headway when discovered. No plans for rebuilding have been announced.

Wall Street

"U" Off 3½ on Big Board

	High	Low	Close	Net Change
Columbia, vtc (C1)	36¼	34¾	35	—1¼
Consolidated Film.	7⅜	6½	7	+ ½
Consolidated Film, pfd., (½v)	21⅜	20	20⅜	+ ⅛
Eastman (4a)	114⅞	111¼	112	—3
Eastman, pfd, (6)	142¾	142	142	— ¾
Fox "A"	11⅞	11	11½	.....
Loew's, Inc., (1a)	32⅝	31½	31¾	— ¾
Loew's, Inc., pfd., (6½)	103½	103⅛	103⅛	— ⅜
M-G-M, pfd., 1.89)	28	28	28	.....
Paramount	3¼	3⅛	3⅛	— ⅛
Pathe	1⅛	1⅛	1⅛	— ⅛
Pathe "A"	15¼	14	14⅛	— ½
RKO	2⅛	2	2	.....
Universal, pfd.	36½	36½	36½	—3½
Warner	3⅞	3⅝	3⅝	— ¼
Warner, pfd.	18⅝	18½	18½	— ¼

Keith Bonds Lose 1½ Points

	High	Low	Close	Net Change
General Theatre, 6s, '40	8⅝	8⅝	8⅝	+ ⅛
General Theatre, 6s, '40, ctf.	8⅜	8⅜	8⅜	.....
Keith, B. F., 6s, '46	72½	71	71	—1½
Loew's, 6s, '41, ww, deb rights	105	105	105	+ ¼
Paramount B'way., 5½s, '51	43½	43½	43½	— ⅛
Paramount F. L., 6s, '47	60⅝	58¾	58¾	—1⅜
Paramount Publix, 5½s, '50	60¾	59½	59½	—1½
Pathe, 7s, '37 ww.	102	102	102	— ¼
Warner, 6s '39 wd.	55	53½	53½	—1

(a) Plus cash extras. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 15)

Industry Signs Deal With Czechoslovakia

(Continued from page 1)

has been signed between the Czech government and the industry in this country, according to a dispatch received yesterday by Col. Frederick L. Herron, foreign manager of the M. P. P. D. A., from George Canty, U. S. trade commissioner in Czechoslovakia, who affixed his signature to the compact on behalf of American distributors.

The following has been agreed to by both parties:

1. Distribution of American pictures in Czechoslovakia on a registration fee basis instead of under a compulsory quota system as formerly.

2. Where pictures are produced in Czechoslovakia, the government will allow a subsidy to the company producing such pictures, with allowance on registration fees for pictures imported by the producing company.

Coast to Issue All Feature Code Seals

(Continued from page 1)

passed upon features produced in the east and those produced abroad and brought here for distribution. The local office, in charge of Vincent G. Hart, has also been responsible for the issuance of code seals for short subjects produced here and will continue that phase of its work.

Open Des Moines Office

OMAHA, Jan. 15.—A booking office, to be handled out of the local Midwest Film exchange, has been installed in Des Moines by Bob Ringler, manager. F. E. Judd, assistant manager of the Omaha exchange, will take over the booking duties in Des Moines.

*Even before its release . . .**

THE GOOD FAIRY

spells **HOLD OVER** *business!*

Starring

Margaret SULLAVAN

Herbert MARSHALL

and featuring

Frank MORGAN

Reginald Owen, Alan Hale, June Clayworth, Eric Blore . . . Story by Ferenc Molnar. Translation by Jane Hinton. Screenplay by Preston Sturges . . . A UNIVERSAL PICTURE presented by Carl Laemmle. Directed by William Wyler. Produced by Carl Laemmle, Jr.



**Feb. 11 . . . Run (don't walk) to your nearest Universal Exchange!*

"Bill" Grabs Washington's Top, $24,000

WASHINGTON, Jan. 15.—"Broadway Bill" took top honors last week at the Earle by getting $24,000. This was over par by 36.3 per cent. Close second was Loew's Fox with "The Mighty Barnum" claiming $27,800, over the line by 35.6 per cent.

Wednesday and Thursday night business at Loew's Fox was bolstered by two appearances on each night of Guy Lombardo and his radio show, which subbed for the regular house stage attraction, the N. T. G. Revue.

All other houses were way under par due to playing partial third weeks and curtailed engagements to get back onto Friday openings on Jan. 11.

"The Wicked Woman" at Loew's Columbia did a great $1,800 for three days, but "The Church Mouse" was very weak at $1,400 for four days at the Metropolitan.

Three days on the third week of "The Little Minister" at RKO-Keith's were good for $3,800, and "Forsaking All Others" playing a similar period at Loew's Palace took $4,200.

Because of the short weeks, the total for the week's pictures as reported was only $63,000. Average for a full six-theatre, seven-day week is $71,200.

Estimated takings, exclusive of tax, for the week ending Jan. 10:

"BROADWAY BILL" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: "Variey Revels of 1935," with Paul Ash, m. c., David & Hilda Murray, Jackie Green, Barbara Blaine, Stanley Brothers, Audrey Seiber, Bert Granoff, 16 Paul Ash Girls. **Gross:** $24,000. (Average, $17,600)

"THE WICKED WOMAN" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 3 days. **Gross:** $1,800. (Average for 7 days, $3,100)

"THE MIGHTY BARNUM" (U. A.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: "N. T. G.'s New York Paradise Cafe Revue," with Jay Flippen, m. c., Vanessi, May Joyce, Earl Jack & Betty, Frank Conville, Washboard Serenaders, Kada, Sunny Dale, June Karl. (Substituted Wednesday and Thursday nights with Guy Lombardo & His Royal Canadians, wih Cross & Dunn, Joan Abbott and others.) **Gross:** $27,800. (Average, $20,500)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 3 days, on 3rd week. **Gross:** $4,200. (Average, first week, $14,500)

"THE CHURCH MOUSE" (Warners)
METROPOLITAN—(1,591), 25c-40c, 4 days. **Gross:** $1,400. (Average for 7 days, $4,100)

"THE LITTLE MINISTER" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 3 days, on 3rd week. **Gross:** $3,800. (Average for first week, $11,400)

Free Boston Shows End

BOSTON, Jan. 15.—Free film competition in the Scollay Square section has been ended by authorities. Films were shown in a so-called beer garden established by the Crawford House which took over the closed Strand and joined the auditorium to its present quarters. City officials decided showing pictures under such conditions was not covered in the establishment's license.

DiPesa's Father Dead

BOSTON, Jan. 15.—The father of Joseph DiPesa, exploitation manager for Loew's State and Loew's Orpheum, is dead. Pasquale DiPesa, 92 years old, fought for Italian unity with Garibaldi before coming to Boston half a century ago as an attache of the Italian consulate.

Hollywood Personals

Hollywood, Jan. 15.—Jean Arthur gets the lead in "The Girl is Mine," Sam Taylor's feature for Roach. . . . Janet Gaynor planning a trip to New York. . . . Lionel Barrymore and Lewis Stone up for the leading role in "Ah Wilderness" at M-G-M. . . . Mady Christians and Jed Harris in from New York. . . . Alice Faye to the High Sierras for a week. . . . "Fixer Uppers" is the title of the current Laurel and Hardy comedy at Roach. . . . Gilbert Roland and Mona Barrie teamed again in "Secret Lives" for Fox. . . . Charles Le Maire, designer, refuses a long term contract with Fox and is returning to New York. . . . M. H. Hoffman adds two more musical numbers to "Dizzy Dames." They are titled "Let's Be Frivolous" and "Love Is the Thing." . . . Herman Pan directing dance sequences in "A Dog of Flanders" for Radio. . . . Leon Errol spotted in "Princess O'Hara" at Universal. . . . Gertrude Michaels sends an extracted molar to Director Alan Crosland as proof that she was really at the dentist's and not playing hooky. . . . Lon Chaney, Jr., is so cahrazy about marble games that he had one placed in the house and now his spare change goes for new chapeaus for his wife. . . .

"Forsaking" At $18,000, Philadelphia

PHILADELPHIA, Jan. 15.—"Forsaking All Others" was the standout at the Boyd and was held. It took $18,000, over par by $6,000.

The Roxy-Mastbaum dropped off to $34,000 with "Biography of a Bachelor Girl" and the Fox found five days enough for "Evergreen."

"The Mighty Barnum" trailed off to a weak third week at the Aldine with under $5,000 and "My Heart is Calling" finished with a low gross at the Locust, where it was held for three weeks.

Total first run business was $104,800. Average is $106,030.

Estimated takings for the week ending Jan. 10:

"THE MIGHTY BARNUM" (U.A.)
ALDINE—(1,200), 35c-40c-55c, 6 days, 3rd week. **Gross:** $5,000. (Average, $7,000)

"KID MILLIONS" (U.A.) (2nd run)
ARCADIA—(600), 25c-35c-40c, 8 days. **Gross:** $2,800. (Average, 6 days, $2,400)

"FORSAKING ALL OTHERS" (M-G-M
BOYD — (2,400), 35c-40c-55c, 6 days. **Gross:** $18,000. (Average, $12,000)

"ROMANCE IN MANHATTAN (Radio)
EARLE — (2,000), 40c-55c-65c, 6 days. Stage: Molasses and January; Charles Carlile, Lynn Burno Revue, Ross and Bennett. **Gross:** $13,000. (Average, $12,000)

"EVERGREEN" (Gaumont-British)
FOX—(3.000), 40c-55c-65c, 5 days. Stage: Ritz Brothers, Tito Guizar, Gertrude Hoffman Girls, Balabanow Five. **Gross:** $10,000. (Average, 6 days, $12,000)

"BROADWAY BILL" (Col.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,100. (Average, $3,500)

"LITTLE MINISTER" (Radio) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $4,000)

"MY HEART IS CALLING" (Gaumont British)
LOCUST—(1,300), 55c-$1.10, 4 days, 3rd week. **Gross:** $1,200. (Average, 6 days, $5,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
ROXY-MASTBAUM — (4,800), 55c-75c-85c-$1.10, 6 days. Roxy revue on stage. **Gross:** $34,000. (Average, $33,000)

"IMITATION OF LIFE" (Univ.)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $10,000. (Average, $12,000)

"MURDER IN THE CLOUDS" (Warners)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,800. (Average, $6,000)

"Bill" Pulls $15,750, Big In Cleveland

CLEVELAND, Jan. 15.—"Broadway Bill" was the big attraction of the week, grossed $15,750 in its first week at Warner's Hippodrome against a $6,000 weekly average. The Dionne quintuplet short helped sell the program.

"Forsaking All Others" was also outstanding, grossing $28,000 in 10 days at Loew's State. "Bright Eyes" in a second run ten-day stay grossed $9,000 at the Allen, where average first run weekly gross is $3,000.

Total gross was $68,250. Average is $38,000.

Estimated takings:

Week Ending Jan. 9:

"BRIGHT EYES" (Fox)
ALLEN—(3,300), 20c-30c-40c, 11 days, 2nd run. **Gross:** $9,000. (Average for 7 days, $3,000)

Week Ending Jan. 11:

"BROADWAY BILL" (Col.)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $15,750. (Average, $6,000)

"MURDER IN THE CLOUDS" (F. N.)
RKO PALACE—(3,100), 30c-40c-60c, 5 days. Stage: Milton Berl and four acts of vaudeville. **Gross:** $9,000. (Average for 7 days, $15,000)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 10 days. **Gross:** $28,000. (Average for 7 days, $10,000)

Week Ending Jan. 6:

"LIMEHOUSE BLUES" (Para.)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

Week Ending Jan. 10:

"OUR DAILY BREAD" (U. A.)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 4 days. **Gross:** $2,000. (Average for 7 days, $4,000).

Extend Langdon Pact

HOLLYWOOD, Jan. 15.—Harry Langdon's contract to make two shorts for Columbia has been extended to four, according to Jules White, head of the short subject department.

'No Man's Land' for Mix

HOLLYWOOD, Jan. 15.—"No Man's Land" has been tentatively set as the title of Mascot's first serial starring Tom Mix.

"Gift," Show Hit $22,000 On the Loop

CHICAGO, Jan. 15.—Best comparative showing of the week on the Loop was "It's a Gift," helped by Sophie Tucker on the stage. The $22,000 gross at the Oriental was over the line by $7,000.

"Broadway Bill," with Dave Apollon and his band on the stage, was a splendid draw at the Chicago with a take of $40,000, up by $5,400, and "The Mighty Barnum" was in the big money with a gross of $22,000 at United Artists. "The Little Minister" went to $25,000 at the Palace, with Lester Cole and a revue on the stage. "Forsaking All Others" held up to $16,000 in its second week at the Roosevelt.

Total first run business was $151,500. Average is $131,600.

Estimated takings:

Week Ending Jan. 7:

"THE MIGHTY BARNUM" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $22,000. (Average, $17,000)

Week Ending Jan. 10:

"BROADWAY BILL" (Col.)
CHICAGO—(4,000), 35c-50c-68c, 7 days. Stage: Dave Apollon & International Varieties. **Gross:** $40,000. (Average, $34,600)

"IT'S A GIFT" (Para.)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Sophie Tucker in person. **Gross:** $22,000. (Average, $15,000)

"THE LITTLE MINISTER" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Lester Cole, Herman Hyde in "Words and Music." **Gross:** $25,000. (Average, $22,000)

"IMITATION OF LIFE" (Univ.)
GARRICK—(900), 25c-35c-40c, 2nd Loop week, 7 days. **Gross:** $5,500. (Average, $5,000)

Week Ending Jan. 11:

"GENTLEMEN ARE BORN" (F. N.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $12,000)

"FORSAKING ALL OTHERS" (M-G-M)
ROOSEVELT—(1,591), 25c-35c-50c, 2nd Loop week, 7 days. **Gross:** $16,000. (Average, $11,000)

Week Ending Jan. 12:

"DANGEROUS CORNERS" (Radio)
SAATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Lewis & Ames, Gene Straub, Hayes, Haig & Howe. **Gross:** $14,000. (Average, $15,000)

"Gables" $12,000 High in Montreal

MONTREAL, Jan. 15.—Big attractions and new policies put theatres over the top last week. "Anne of Green Gables" and the first stage presentation under a new plan brought $12,000 to the Capitol, a very good advance over recent takes.

"The Painted Veil" made the same figure at the Palace, however, while Loew's hovered at $11,000 for "The St. Louis Kid" and vaudeville. Second week of "Kid Millions" was worth $7,500 at the Princess as compared with the first week's $10,500.

Total business was $45,000. Average is $40,500.

Estimated takings for the week ending Jan. 12:

"ANNE OF GREEN GABLES" (Radio)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. Stage: "Folies de Paris." **Gross:** $12.000. (Average, $9,500)

"HERE COMES THE NAVY" (Warners)
IMPERIAL—(1,914), 15c-25c-35c, 7 days, 2nd week. **Gross:** $2,500. First week, $4,500. (Average, $3,500)

"THE ST. LOUIS KID" (Warners)
LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7

(*Continued on page 25*)

Rogers Pulls Big $14,000, Kansas City

KANSAS CITY, Jan. 15.—"Broadway Bill" was the big noise of the week, reaching a new high at the Tower with a take of $14,000. It was held for a second week, with a change in stage shows.

Total first run business was $33,800. Average is $27,200.

Estimated takings:

Wee Ending Jan. 10:

"I SELL ANYTHING" (F. N.)

MAINSTREET—(3,100), 15c-25c-40c, 3 days Baer-Levinsky Fight. **Gross:** $2,000. (Average, 3 days, $3,000)

"FORSAKING ALL OTHERS" (M-G-M)

MIDLAND—(4,000), 15c-25c-40c, 4 days, 2nd week. **Gross:** $8,000. (Average, 4 days, $5,200) Gross, first week 7 days, $20,000)

"BROADWAY BILL" (Col.)

TOWER—(2,200), 25c, 7 days. Stage: Jess Libonati Trio, Mack Bros. & Bobby, The Harrisons, Sherman & Wallace, others. **Gross:** $14,000. (Average, $8,000)

Week Ending Jan. 11:

"UNFINISHED SYMPHONY" (G-B)

APOLLO—(1,100), 25c, 7 days, 2nd week. **Gross:** $1,000. (Average, $1,500) (Gross, first week, $1,000)

"BORDERTOWN" (Warners)

NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)

"BRIGHT EYES" (Fox)

UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $3,800. (Average, $3,500) (Gross, first week, 8 days, $7,400)

"Gables" $12,000 High in Montreal

(*Continued from page* 16)

days. Stage: "Let's Smile Again," Fred. Sanborn; Rufe Davis & Radio Rubes; Bob Carter; Joe Holmes; Dorothy Young; Harriet Haye. **Gross:** $11,000. (Average, $10,500)

"THE PAINTED VEIL" (M-G-M)

PALACE—(2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $12,000. (Average, $11,000)

"KID MILLIONS" (U. A.)

"FUGITIVE LADY" (Col.)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $7,500. First week, $10,500. (Average, $6,000)

Arthur Hearing Today

HOLLYWOOD, Jan. 15.—Columbia's request for a permanent injunction to prevent Jean Arthur from engaging in any film work elsewhere until she has discharged a contract requiring her to make one picture for the company comes up for hearing here tomorrow. The studio now has a temporary restraining order. The litigation has cost Miss Arthur a role in Roach's "The Girl Is Mine," in which she has been replaced by Evelyn Venable.

Cleveland Baby Dies

CLEVELAND, Jan. 15.—Death has halted the move of Variety Club to adopt an eight-pound baby boy found in a rest room of the RKO Palace Sunday night. The child succumbed early this morning. Funeral expenses will be paid by the club.

Trans-Lux Opening Set

The new Trans-Lux Theatre under construction on Flatbush Ave., Brooklyn, is scheduled to open Jan. 26. The house policy will be the same as in Manhattan, with program changes Wednesdays and Saturdays.

Industry Heads to Pick Quigley Award

Distribution, advertising and exhibition executives will gather at the New York Athletic Club at noon, Jan. 22, to participate in the judging for the 1934 Quigley Grand Award and Second Grand Award. These prizes are to be given for the two best campaigns selected from the 13 entries that won the monthly Quigley plaques during the past year in the competitions conducted by the Managers' Round Table Club of *Motion Picture Herald*.

The sessions will be divided into two periods with preliminary examination of the entries before lunch and final judging immediately after. Majority vote of the committee will determine the winners.

Those invited are: George Schaefer, Ned E. Depinet, Felix F. Feist, J. R. Grainger, Neil F. Agnew, Al Lichtman, P. D. Cochrane, John Clark, W. Ray Johnston, Jack Cohn, Harry Thomas, S. Charles Einfeld, Si Seadler, Howard Dietz, Hal Horne, S. Barret McCormick, Ed Finney, Herschel Stuart, Charles E. McCarthy, Robert M. Gillham, Gordon White, Oscar A. Doob, John Dowd, Arthur Mayer, Dan Michalove, J. R. Vogel, C. C. Moskowitz, I. J. Hoffman, Joe Seider, Lee Ochs, Laurence Bolognino and E. M. Fay.

Although one monthly plaque was awarded in 1934, a deadlock in the voting for the top honors in December resulted in duplicate plaques to the showmen tied for first, thus accounting for the total of 13.

The monthly winners were:

Kenneth Grimes, Morgantown; Howard G. Sweet, East Lansing (now at Saginaw); Nevin McCord, Boise; Walter Golden, Jacksbnville; Gene Curtis and Ken Finlay, Montreal; R. E. "Fuzzy" Knight, Fairmount, W. Va.; Charles E. Curran, New York; Ed M. Hart, Plainfield; James M. Totman, Erie; Bob Suits, Reading; S. S. Solomon, Newark; Bill Hendricks, Memphis, and Morris Rosenthal, Bridgeport.

NEW HAVEN, Jan. 15.—The bronze plaque Quigley Award, recently made to Morris Rosenthal of the Majestic, Bridgeport, on the basis of "The Mighty Barnum" campaign, has been sent to Governor Wilbur Cross who will present it to Rosenthal at a special dinner at the Hotel Bond in Hartford next week. Loew officials from New York and New Haven, Hal Horne of United Artists, and others are expected as guests.

"Pimpernel" Gaining

LONDON, Jan. 15.—The second week's receipts at the Leicester Square Theatre here on "The Scarlet Pimpernel," London Film production starring Leslie Howard and Merle Oberon, beat the first week's take by $1,500. The first week's take was $24,500.

Whale Gets "Show Boat"

HOLLYWOOD, Jan. 15.—Universal has set James Whale to direct "Show Boat" which will go into production early in May. Carl Laemmle, Jr., will produce.

Fire at Roach Studios

HOLLYWOOD, Jan. 15.—Thousands of feet of positive film were destroyed in a fire in the cutting room of the Hal Roach studios today.

Hamm to Get $700 Weekly; Also 15%

(*Continued from page* 1)

and, if the present agreement is approved by the court, will become president and a director for the term of his operating contract. Charles would be secretary of the company and J. J. Friedl probably will be continued as general manager.

Consolidated net earnings of the company for 1933 were approximately $250,000 and for the first nine months of last year were $180,000. The bulk of the claims against Minnesota, with the exception of those of the Hamm Brewing Corp. and Paramount, have been settled, with merchandise creditors receiving a maximum of 50 cents on the $1 and film creditors a maximum of 25 cents on the $1.

Under the agreement the claims of Publix Northwest and Publix Theatres against Minnesota, aggregating more than $3,700,000, will be withdrawn and the $2,500,000 claim of Paramount Publix will be allowed in the amount of $2,000,000. A blanket mortgage of $500,000 held by the Hamm interests will be extended for five years and new adjusted leases will be entered into by Minnesota for all theatres for which the Hamm interests are the lessors.

Paramount Theatre Service Corp., home office organization, will receive $250 weekly from Minnesota for advisory services to be rendered.

Ohio Scales Shift For New Sales Tax

(*Continued from page* 1)

cents, including the three per cent retail sales tax, effective Jan. 1. The law prescribes this must be paid by the patron and not absorbed by the exhibitor.

In some instances, prices in the lower brackets, which were increased to figures divisible by five when the 10 per cent tax became effective, have not been reduced, which means a corresponding profit to the exhibitor.

In other cases, where the intermediate scales were advanced only the equivalent of the 10 per cent, prices have been restored to their original levels. This represents a reduction to the patron, and a loss to the exhibitor, who, for bookkeeping purposes, now must consider his admission three per cent less than his established figure.

Price differential among the subsequents is by no means uniform. Through the application of various methods of adjustment, they are higher in some situations and lower in others.

The 10-cent houses, exempt under the former tax law, now must pay three per cent. No exemptions exist, and the tax applies on total grosses, computed and payable monthly.

Missouri Sales Tax Jump Starts Fight

(*Continued from page* 1)

Missouri Retailers' Ass'n. for action against an increase. The opposition has not, however, changed the administration's viewpoint that an increase is necessary for relief and school requirements.

Merchants contend that if the present tax were efficiently and completely collected, an increase would not be necessary. While exhibitors have expressed no organized opposition, the consensus is that a higher tax would have to be passed on.

Many Changes In Proposed Quota Sought

By CLIFF HOLT

SYDNEY, Dec. 12.—Many changes are sought by the industry in the framework of the proposed quota law which American distributors, to a man, are opposing.

The industry asks for: (1) an opportunity of conferring with the Government in detail; (2) the elimination of the distributors' clause; (3) uniform legislation in all states as one state alone cannot operate the quota; (4) the elimination of the rights of the minister to control the film business; (5) simplification of the quota law based upon quality and the right of the exhibitor to buy his picture where he likes.

The feeling behind the industry's action is a desire to prevent exploitation of the quota by mushroom companies, and a repetition of the quota "quickies" which flooded the market after the British quota law came into operation. Neither exhibitors nor distributors here are loth to handle well-made local productions while producers consider that inferior Australian films will militate against their chances of establishing the local producing industry on a firm and lasting basis.

To combat the quota law, which they maintain would prove disastrous in its present state to the producing and exhibiting industry, 500 combined exhibitors, distributors and producers have formed the M. P. and Allied Trades Industry Council. This will enable them to provide a united front when taking their representations before the legislators.

WASHINGTON, Jan. 15.—Details of the quota law introduced by the government of New South Wales have been made public here by the U. S. Department of Commerce.

The quota for exhibitors would be four per cent for the first year, five per cent for the second year, seven and a half per cent for the third year, 10 per cent for the fourth year, and 12½ per cent for the fifth year.

The distributor's quota would be five per cent for the first year, seven and a half per cent for the second year, 10 per cent for the third year, 12½ per cent for the fourth year and 15 per cent for the fifth year.

This bill was introduced Dec. 5. It follows the introduction of similar legislation in Victoria, which was withdrawn in the face of objections similar to those which are now made to the bill in New South Wales.

Richmond's Sunday Benefit Row Ended

RICHMOND, Jan. 15.—A compromise has been reached between theatre managers and Chief of Police Robert B. Jordan on financial accountings for Sunday benefit shows. He will be permitted to inspect the accounts any time he likes.

It took a march to the City Hall, a financial statement by Robert T. Barton, Jr., attorney, and a talk with T. Gray Haddon, commonwealth attorney, to get the trouble straightened.

"Chairman" Smash Indianapolis Hit

INDIANAPOLIS, Jan. 15.—"The County Chairman" was a modern gold rush for the Apollo. Col. Ken Collins of the Kentucky colonels spent most of the week estimating the length of the lines outside the box-office and hoping the cashiers would not collapse.

At the end of the seven days the take was $7,500, just $5,000 over normal for a week. The picture may stay three weeks.

It was a good week all around. "Broadway Bill" reached $5,000 at the Indiana in four days, and "Romance in Manhattan" took $4,500 at the Circle in seven days.

Total first run business was $22,500. Average is $18,000.

Estimated takings:

Jan. 4 to Jan. 11:
"THE COUNTY CHAIRMAN" (Fox)
APOLLO—(1,171), 25c-40c, 7 days. **Gross:** $7,500. (Average, $2,500)

Jan. 4 to Jan. 11:
"ROMANCE IN MANHATTAN"
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

Jan. 5 to Jan. 8:
"LITTLE WOMEN" (Radio)
INDIANA—(3,133), 25c-40c, 3 days. **Gross:** $1,560. (Average for 7 days, $7,000)

Jan. 8 to Jan. 11:
"BROADWAY BILL"
INDIANA—(3,133), 25c-40c, 4 days. **Gross:** $5,000. (Average for 7 days, $7,000)

Jan. 4 to Jan. 11:
"FORSAKING ALL OTHERS" (M-G-M)
PALACE—(2,431), 25c-40c, 2nd week. **Gross:** $4,000. (Average, $4,500)

Twin Theatre Being Built in Columbus

COLUMBUS, Jan. 15.—The Bexley, being built by Theodore Lindenberg in a suburban location, will, it is claimed, be the first twin theatre of its kind in the country. The house will have an aggregate seating capacity of approximately 600, and will be divided into two separate units by a solid wall, with an equal number of seats on each side. Pictures will be shown on both screens simultaneously from the same projector, using Lindenberg's own sound system.

The dual arrangement of the theatre will facilitate handling capacity business, and permit one auditorium to be closed when attendance is light. Moreover, since no unnatural enlargement of sound is necessary in a small auditorium, this, together with other improvements which the system embodies, will insure absolutely perfect sound, the inventor says. With this new system, subjects are shown life size on the screen, and it is possible to project pictures on more than two screens at the same time.

Youngclaus Forming Circuit in Midwest

OMAHA, Jan. 15.—W. L. Youngclaus, widely known for his lawsuits against distributors, one of which tied up the Omaha trade territory to the extent so that the code has been operating under limited authority because of a Federal injunction, may return to exhibition as head of a new circuit.

According to word received here, Youngclaus plans a string of houses in Nebraska and Iowa. He has already started renovating and equipping a new house in Albion, Neb. Others said to follow are to be located in O'Neill, Broken Bow and Wayne, Neb., and in Harlan, Ia.

Looking 'Em Over

"The Old Curiosity Shop"

(Associated British Pictures)

LONDON, Dec. 26.—A magnificent performance by Hay Petrie, the well-known British stage player, in the Chaney-esque role of Quilp is in itself sufficient to make this picture one to be very seriously considered. There is also the point that, if a sequence of Dickens' pictures is due, this is one which reproduces the atmosphere and the actual settings of the author with an exceptional fidelity; it is Dickens for the Dickensians—and they are a big community, numerically.

Petrie undoubtedly scores a triumph. Chaney might have achieved a make-up, grim grotesque and sometimes humorous without being impossibly revolting, comparable to that of the British artiste; it is doubtful if he could have acted it as well. Quilp is sometimes regarded as one of Dickens' monsters; as Petrie plays him, he is a monster of flesh and blood, with conviction in every caper of his distorted body and in every grimace of his evil face.

The story deftly epitomizes the famous novel, following the adventures of Little Nell and her grandfather before and after they have left the Old Curiosity Shop in fear that Quilp, having seized the shop, will have the old man sent to an asylum. Their wanderings bring them into touch with the rich range of Dickens characters—Mrs. Jarley of the famous Waxworks; Codlin and Short, the Punch and Judy men; the traveling showmen—all against the background of an England in which the stage-coach, the coaching inn, the horse and the hostler reappear as the first Dickens illustrator saw them. Parallel with the main story is the romance of Dick Swiveller and the Marchioness, and for the greater part the machinations of Quilp, until he meets death in the river in an attempt to escape the police, provide a sinister under-current.

Thomas Bentley, the director, has treated the ultra-sentimental episode of Little Nell's death with discretion. In Elaine Benson he has found an instinctive interpreter of the part. He is at his best, however, in the direction of Quilp's scenes and in the sense of character which he displays in the minor comedy. The Swiveller-Marchioness episode is somewhat stagey, and a more boyish Kit might have been selected, while the grandfather, though well played by Ben Webster, is necessarily rather a tiresome character.

Gibb McLaughlin as Sampson Brass, Dick Tubb as Codlin, Amy Veness as Mrs. Jarley, J. Fisher-White as the schoolmaster and Beatrix Thompson as Mrs. Quilp all seem to have stepped straight out of the pages of Dickens, and this fidelity to the original, on top of Petrie's achievement, takes the film well out of the rut.

Running time, 85 minutes. "G."

ALLAN

"Mysterious Mr. Wong"

(Monogram)

Here is a combined mystery thriller and newspaper yarn that should please audiences and create favorable comment. It has fast moving and credible action backed up by good performances on the part of the entire cast. Effective comedy is thrown in for good measure.

William Nigh's direction is capable in that he did not let the story get away from him and turn into a farce. Harry Neuman's photography is good.

A sinister search for the mysterious 12 coins of Confucius, which are supposed to give their possessor sole sway over the Manchurian province of Keelat, has cast a pall over San Francisco's Chinatown. Murder after murder is committed as Bela Lugosi tries to get the coins. Wallace Ford, a reporter, is assigned to cover the murders and takes his girl friend, Arlene Judge, with him. Ford gets one of the coins, so Lugosi's hatchet men seize him and Miss Judge and imprison them in a torture chamber. From here on things move to a rapid climax with everything working out to general satisfaction.

Ford is particularly effective as the breezy reporter and Lugosi's portrayal of the sinister Oriental is very good.

This picture should hold its own on any program. Production Code Seal No. 423. Running time, 68 minutes. "G."

"Cowboy Holiday"

(Syndicate)

There are no dusty saddles in "Cowboy Holiday," an Arthur Alexander western bearing the Beacon Prod. trade-mark. The appearance of "Big Boy" Williams is the cue for action, and when the fellow gets going he makes the villain's existence pretty miserable. There are

(Continued on page 28)

"County Chairman" High in Portland

PORTLAND, Jan. 15.—"The County Chairman," as expected, topped the week in the downtown area, with a take at the Paramount of $10,000, double the average.

"Biography of a Bachelor Girl" at the Broadway proved popular enough for a second week with a take of $6,000, or $1,000 over normal.

"Little Minister" went into a second week at the Music Box, securing $3,000, with normal exceeded by $1,000.

Total first run business was $32,800. Average is $27,000.

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,000 (Average, $5,000)
"BIG HEARTED HERBERT" (Warners)
"HAPPINESS AHEAD" (F. N.)
ORIENTAL—(2,040), 25c, 7days. **Gross:** $1,800. (Average, $2,000)
"THE SECRET BRIDE" (Warners)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000)
"LITTLE MINISTER" (Radio)
MUSIC BOX—(1,000), 25c-35c-40c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,000)
"BRIGHT EYES" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $3,000)
"THE COUNTY CHAIRMAN" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $10,000. (Average, $5,000)
"FORSAKING ALL OTHERS" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

Stallings May Talk Upon Reels at Yale

NEW HAVEN, Jan. 15.—Yale University will sponsor a series of lectures on newsreels beginning about March 1 with Laurence Stallings mentioned here as the lecturer.

This will be the first time the college has given films any serious attention. The only time a picture has been shown within its precincts was when Professor Jerome Davis returned from Russia and screened his own travel films.

Luise Rainer Arrives

Luise Rainer, German actress signed by M-G-M, arrived from Hamburg yesterday en route to the coast. She will remain in New York for a few days before heading west.

Accompanied by her dog, Johnny, Miss Rainer stated she was seasick all the way over. She speaks broken English and was slightly embarrassed when a customs officer asked her to open her trunk and six packages which contained her personal belongings.

Writers Signed by Fox

HOLLYWOOD, Jan. 15. — Fox has signed Sam Hellman and Frances Hyland to collaborate on the adaptation of "Highway Robbery," and Nat Perrin to work with Arthur Sheekman on a screen play for "Nymph Errant."

Fox Signs Composers

Lew Pollack and Paul Webster, local songwriters, have been signed by Fox. They will leave for the coast shortly.

Consolidated Meets

The regular meeting of Consolidated's board of directors was held yesterday afternoon and continued into the night.

TIMELY, THRILLING DRAMA OF HEROES WHO TOIL AND TRIUMPH UNDER TONS OF TREACHEROUS RIVER

Swaggering tunnel men . . . courting danger with a careless shrug . . . courting women with a reckless laugh . . . taking life as they find it . . . and finding it crowded with action!



UNDER PRESSURE



with **EDMUND LOWE**
VICTOR McLAGLEN

FLORENCE RICE
MARJORIE RAMBEAU
CHARLES BICKFORD
SIEGFRIED RUMANN

Produced by Robert T. Kane

Directed by Raoul Walsh

Screen play by Borden Chase, Noel Pierce and Lester Cole
From the story by Borden Chase and Edward J. Doherty

FOX

Coast Bank Night Decision Reversed

(Continued from page 1)

the board refused. No testimony was given and a decision against Fox West Coast was handed down. Code Authority, in reversing the lower board, held that there was no reason for proceeding with the case after the compainant had requested dismissal. William Powers, attorney for F. W. C., last week charged the board with bias and prejudice when the case was up on appeal.

Seven decisions by local boards ordering bank nights stopped were sustained by Campi. They were: E. M. Tracey, Princess, Storm Lake, Ia., against George R. Norman, Empire, same city; Roy McAmis, Princess, Sayre, Okla., against G. A. Stovall and S. O. White, Rio, same city; Main Street, Circle, Lyric and Plaza, Oklahoma City, against Cozy, same city; Main Street, Circle, Lyric and Plaza, Tulsa, Okla., against the Gem, Tulsa, Okla.; Alameda, Alameda, Cal., against Arthur Richards, Neptune Palace, same city; C. A. Ferry, Granada, Alhambra, Cal., against O. W. Lewis, Mission, San Gabriel, Cal.; Mrs. Jennie H. Dodge, Mission, Ventura, Cal., against F. W. C. Glenn City, Santa Paula, Cal.

Leasing complaint of Barney Dubinsky, Miller & Jefferson, Jefferson City, Mo., against Leo Levy, Harry Sodini and W. H. Mueller, St. Louis, which was certified to Campi for determination, was dismissed.

Local boards were sustained in three clearance cases. They were: Alex Bellette, Grand, Frederickstown, Pa., against Peter Profili, American, Vestaburg, Pa.; Earl M. Forte, Ambassador, Philadelphia, against Stanley Co. of America, Benn, same city; John H. Hiser, State, Bethesda, Md., against Warners' Avalon, Washington, D. C.

Clearance Cut for Two Virginia Towns

WASHINGTON, Jan. 15.—Clearance given Martinsville over Bassetts, Va., was cut from 30 to 14 days by decision of the grievance board today in a case brought by J. B. Webster, Bassetts, against Mrs. R. W. Carper, Martinsville.

C. E. Carey, operating the Capital, Ocean City, Md., protested the clearance given Salisbury theatres and asked that protection be removed, especially during the summer. The board decided that the present 14 days is reasonable, but stated that Carey might make whatever private agreement between Salisbury and distributors he could for the benefit of his resort houses.

Four Board Changes Approved by Campi

Four replacements on local boards have been approved by Campi.

E. L. Cole succeeds Love B. Harrell as secretary of the Atlanta board. Roy M. Avery, new Atlanta branch manager for M-G-M, succeeds the late James W. Hanlon on the local clearance and zoning board. I. W. Farrar of Loew's replaces Jack Flex, same circuit, on the Indianapolis clearance and zoning board. A. J. O'Keefe of Universal has succeeded William C. Riter of Columbia on the Los Angeles clearance and zoning board.

Looking 'Em Over

"Cowboy Holiday"

(Continued from page 26)

times when the tale grows pretty tall, but this weakness is more than made up for by the sizzling pace and excitement of the story.

The villain is a deputy sheriff who takes advantage of the security offered by his position to prey on ranch folk. By night he poses as a notorious bandit, who happens to have gone straight. The villain doesn't know this, and so it is that suspicion is aroused that the one responsible for all the outlawry is someone other than the reformed bad man. From then on it is just a question of maneuvering the villain into a tight spot, something that is neatly and easily done with Williams around.

There is worked into the story a suggestion of a romance between Williams and Janet Chandler. Julian Revaro, Dick Alexander, John Elliott, Julia Bejarano and Alma Chester are other players. Bob Hill directed.

No code seal. Running time, 57 minutes. "G."

"White Cockatoo," Monday night's opener at the Astor, was reviewed on Jan. 9.

"The Silver Streak," previewed at the Mayfair last night, was reviewed by wire from Hollywood on Nov. 12.

"Romance in Manhattan," tomorrow morning's opener at the Radio City Music Hall, was reviewed from Hollywood by wire on Nov. 19.

"David Copperfield," opening at the Capitol Friday morning, was reviewed by wire from Hollywood on Jan. 8.

"The County Chairman," to be previewed at the Roxy tomorrow night, was reviewed by wire from Hollywood on Dec. 18.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Carnival"

(*Columbia*)

HOLLYWOOD, Jan. 15.—Using puppet show people against a circus background, Robert Riskin's story, directed by Walter Lang, tells of Lee Tracy, whose wife dies in childbirth, leaving him as the father and mother of a baby boy, aided by Sally Eilers and abetted by Jimmy Durante.

Successfully introducing the ingredients of father love, hokum comedy, baby parade, "hey rube" fight and circus fire, the entertainment is directed more to the eye than to the heart, though emotions are touched somewhat.

Tracy, Miss Eilers and Durante hold three top spots, giving substantial performances, with Durante shading the others as Tracy's light-fingered pal. Florence Rice, Thomas Jackson and Lucien Littlefield support. Sideshow freaks are introduced, as are incubator babies and other showmanship angles, all of which give exhibitors' exploitation opportunities.

The picture is good ordinary entertainment and satisfies as such. Production Code Seal No. 531. Running time, 75 minutes. "G."

Schall's NRA Attack Not Taken Seriously

WASHINGTON, Jan. 15.—Introduction in the Senate yesterday of a bill to repeal Title I of the NIRA by Senator Schall of Minnesota was dismissed today in informed circles as of little or no importance.

The bill would eliminate all provisions for codes from the law, a step to which the Administration would be uncompromisingly opposed.

On the other hand, the President is said to have before him a report from his advisors outlining three ways for handling the NRA in the future. One method would call for skeletonizing of codes to labor provisions and a few trade practices. The second would call for continuation of the NRA on a temporary basis, say for another year, while the third contemplates continuation of the administration permanently and with but little change in its setup or aims.

Senator Schall has been fighting the Administration and has attacked at various times both the codes and the Federal Communications Commission, charging the latter with aiding the Administration in an alleged effort to abolish freedom of speech.

Burglars Get $1,500

WEIRTON, W. Va., Jan. 15.—Burglars dynamited the safe of the Manos Amusement Co., escaping with $1,500, the receipts of the company's three theatres and a restaurant.

Dubinsky Wins His One Operator Fight

ST. JOSEPH, Mo., Jan. 15.—After a long squabble with the unions, Ed Dubinsky has won his fight for one-man operation from the I. A. T. S. E. operators' local here, it is revealed by reinstatement of the unions at his four houses here. Stagehands and musicians who opposed Dubinsky in sympathy with the operators, also have been recalled.

The operators returned to work at the old scale of $52.50 weekly, which prevailed before the break in the fall of 1933. The saving is in the booth personnel.

Members of the Independent M. P. Operators' Union, brought in by Dubinsky to replace the I. A. T. S. E. men, have been discharged. Irked over losing their jobs, they have filed claims for $6,500 with the NRA compliance board here demanding return of wages allegedly withheld in the period they worked for Dubinsky during the circuit's trouble with the I. A. T. S. E.

The complaint states each operator was compelled to kick back $17.50 of his $52.50 weekly wage, Dubinsky assertedly using the money to defray the expense of its controversy with the I. A. T. S. E.

Neb.-Ia. Unit for Code with Changes

OMAHA, Jan. 15.—A majority of the members of the Nebraska and Iowa M. P. T. O. at their convention here today indicated that they favored the continued operation of the code though some changes were held essential for its success. Particularly they suggested some means should be found to get quicker action from Code Authority on appeals. They also asked code procedure be simplified, that it have more teeth in order to be more operative.

No official vote was taken on any question.

Dale Goldie of Cherokee, Ia., and R. E. Falkenberg of Lexington, Neb., were named second and third vice-presidents, respectively. Regular election of officers is scheduled for October.

Loew Withdraws Two Grievance Charges

Loew withdrew two complaints filed before the New York grievance board yesterday. One was the complaint by Loew's Gates, Brooklyn, against the Marvin on reduced admissions. Loew's previously had won a decision.

The second case was Loew's New York against the Liberty for premature advertising.

M-G-M's complaint against James E. Ring, Thomas Gluck, Julia Weiss and Fords Plauhouse, Inc., for alleged illegal transfer of a theatre was dismissed by the board because of non-appearance of the complainant.

ITOA and Local 306 Agree on Booth Cost

(Continued from page 1)

and I.A.T.S.E. officials concerning the fact-finding report will not apply to I.T.O.A. houses, it is understood.

Deputy Administrator William P. Farnsworth yesterday confirmed MOTION PICTURE DAILY's exclusive story on the postponment of the public hearing in Washington from Jan. 18 to Jan. 25.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 14 NEW YORK, THURSDAY, JANUARY 17, 1935 TEN CENTS

Metropolitan Area Has 127 Dark Theatres

Of These 27 Are Without Sound Equipment

One hundred and twenty-seven theatres—100 of them sound houses and the remainder, silent on the screen as well as at the box-office—are dark in the territory served by New York City exchanges while 997 of the 1,124 in the area are proceeding full blast. This is what the statistical fabric of the local theatre industry showed as of Jan. 2, according to the annual directory made public by the Film Board of Trade yesterday.

The 997 houses open seat 1,202,553 in bulk and the 127 closed seat 96,409. Of the grand total, 801 are in New York and 323 in New Jersey, or, at least, those portions of the state served out of metropolitan exchanges. In New York State this includes all houses in the greater city, Long

(*Continued on page* 10)

Tax Measures Pile Up at Sacramento

SACRAMENTO, Jan. 16.—While Governor Merriam delayed presenting his budget message until Friday, Democratic forces hurled bombshells at the deficit problem with a barrage of tax bills.

Foremost among the bills was one proposing a levy up to 75 per cent on

(*Continued on page* 10)

Delay Chicago Bank Charge Against Fox

The suit of the Chicago Title & Trust Co. to recover $1,000,000 from William Fox and Fox Theatres Corp. over alleged defaults in guaranteed redemption of Roxy Theatre stock, which was scheduled for trial next Monday in state supreme court here, was adjourned yesterday to March 4

(*Continued on page* 6)

Pennsylvania House Gets a Sunday Bill

HARRISBURG, Jan. 16.—Representative Louis Schwartz, who introduced and secured the passage of the Sunday sports bill two years ago, has put in a bill for Sunday film showings, subject to local option.

The show must go on time—Ship via National Film Carriers, Inc.—Adv.

Exhibitors Had Fun Until Those 24 Dots Were Found

Up to Saturday night all Manhattan exhibitors, most of those from Brooklyn and a few of those from Staten Island thought they knew something about dice. They had heard the cubes had six sides and 21 dots, at least.

They also knew a gold brick salesman when they met one, and none of them ever bought 25-cent wrist watches.

That was up to Saturday night.

Distributors, of course, were gullible. If an exhibitor short-changed them on a percentage deal it was all in the day's work. Should they suspect a percentage deal on their nights off?

Saturday night they donned the stiff shirts, aired the camphor out of the dinner clothes, partook of some rich food and strolled into the rooms off the ballroom at the Astor to do a little wheel-spinning and roll a few bones. It was all for the benefit of

(*Continued on page* 12)

Tested—And How!

With Anna Sten's American, Samuel Goldwyn's English, Eddie Cantor's newly-acquired Italian and the *Osaka Asahi* (Japanese newspaper) editor's Japanese, the recently inaugurated radio telephone service between this country and Nippon was put to a gruelling test last night. It was a three-way hookup between New York, Hollywood and Japan.

What they were supposed to be talking about was "Nana" and "Roman Scandals."

Hope to Get Funds In Czechoslovakia

Intimations that Czechoslovakian authorities may permit the export of capital from the country by American film companies as an aftermath of the recent quota agreement there were reported here yesterday.

The agreement, fixing an import fee of 20,000 crowns (about $850) per picture, but covering an unlimited number of prints, makes possible the resumption of American film selling

(*Continued on page* 10)

Arthur Reports All Quiet in St. Louis

There's nothing new on the St. Louis front, Harry C. Arthur of Fanchon & Marco, stated yesterday on his return from that city. He said that the first he knew of the Paramount, RKO Radio and Warners indictments was when the story appeared in trade papers.

He said he does not intend to return to St. Louis for some time and that any news on the indictments would have to come from that city.

Selwyn Tieup "Bit Premature": Cochran

Hitting reports of his association with Arch Selwyn to produce a number of pictures Charles B. Cochran, London theatrical producer, yesterday

(*Continued on page* 6)

Broadcasters Seek Revival Of Popularity

In an attempt to halt the declining popularity of radio entertainment the broadcasting companies are throwing all their talents and resources into the creation of unit shows with control taken out of the hands of the advertising people—all in the cause of showmanship. So says *Motion Picture Herald* in its issue out today.

"For the first time since advertisers became aware of radio's strength as a medium to bring their wares into the public consciousness, the broadcasters are laying plans to drag themselves out of the rut of mere exhibition and again find their place in the

(*Continued on page* 6)

306 Primed to Fight Scale, I.T.O.A. Hears

Local 306 will fight the tentative basic wage scale schedule at the Washington public hearing on Jan. 25, it was stated at the I. T. O. A. meeting yesterday. The union is objecting to the 30-hour week provision,

(*Continued on page* 6)

Du-Art to Take Its Suit Up on Appeal

Its interim stay and its application for an injunction denied by Supreme Court Justice Steuer yesterday, Du-Art, which is suing Universal over

(*Continued on page* 6)

Producer Row Before Campi For 1st Time

Bellman Charges Breach Of Contract on Film

First producer-distributor dispute to come before Campi for settlement was heard yesterday by an appeal committee comprising Austin C. Keough, Paul Burger and Joseph Seider, and after a two-hour session was adjourned until this morning. At the suggestion of one of the lawyers, Keough recommended that litigants try to get together and settle the matter.

Jack Bellman, president of Hollywood Exchanges, charged breach of contract in his complaint against Goldsmith Prod., Ltd., Ken Goldsmith, Mascot, Majestic, Standard Film Exchanges, Gold Medal Film Co., contending that he holds a contract with Goldsmith, the producer, for distribution of "Little Men," Instead of turning over the prints for his territories, Bellman claims that

(*Continued on page* 6)

G.B. Changes Loom As Bernerd Arrives

Realignment of Gaumont British forces, in part, here looms as a result of the arrival yesterday on the *Olympic* of Jeffrey Bernerd, general manager, for a six weeks' check into the activities of the American company. While he would not discuss the situation at this time, Bernerd denied having had anything to do with the dropping of the exploitation department,

(*Continued on page* 10)

Tri-Ergon Rehearing Due Week of Feb. 4

WASHINGTON, Jan. 16.—Argument in the Tri-Ergon patents case rehearing will not be reached until the week of Feb. 4, it was learned today at the U. S. Supreme Court. A crowded calendar, delayed by reason of the

(*Continued on page* 6)

Warner Philadelphia Shift Is Confirmed

Division of the Philadelphia Warner houses into three zones, as announced in MOTION PICTURE DAILY Jan. 10, was officially confirmed by Joseph Bernhard, general manager, yesterday.

Under the new setup David

(*Continued on page* 6)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Johnsons to Do Another

S. R. Kent, Fox president, is so well pleased with Mr. and Mrs. Martin Johnson's latest, "Baboona," that he has made a deal with them to do another animal film in Africa, India, the Malay States and in the South Seas. They will fly to Cuba and South America and then across the Atlantic, reversing the route followed by the Lindberghs on the homeward portion of their last tour.

Mrs. Lucchese in Charge

PHILADELPHIA, Jan. 16.—Mrs. Anthony Lucchese will continue the Gold Medal-Majestic exchanges of her late husband here, she says. She will be assisted by a sales staff that includes William Carrer, Daniel Heenon, William Devonshire and Phil Duffy, with William Porter as booker and Robert Marcus as comptroller.

Ford, Nichols in Mexico

MEXICO CITY, Jan. 16.—Collecting information and local color for a film involving Taxco, historic mining center in the state of Guerrero, is one of the objects of a visit here by John Ford, Dudley Nichols and Lester Cowan. Columbia will make the picture.

Cover Central America

Cable advices to the RKO home office from Fred S. Gulbransen, manager of the Panama exchange, state that the company now has 100 per cent distribution in Central America. Gulbransen has just signed a contract with the Capitol circuit in Guatemala.

Purely Personal

GEORGE KAUFMAN and MORRIE RYSKIND leave for the coast Saturday to work out on the first MARX BROTHERS' script for M-G-M. KAUFMAN says the job will take from four to six weeks. RYSKIND states he will be gone about four weeks. Up to late last night there was no compromise. MAX GORDON goes along with the duo, just for the ride.

•

DAVE PALFREYMAN, BORIS MORROS (still without the admiral's uniform), FERDE GROFE and BILL PINE were among the diners at Sardi's yesterday. PINE said "tripe" to his waiter, then added he wanted food and wasn't referring to his business.

•

CHARLES SKOURAS is due in New York Jan. 23. He will be on the same train bringing S. R. KENT home from his studio visit. SKOURAS' visit has to do with that 10-year F.W.C. operating contract.

•

DAVE BERNSTEIN, CHARLES MOSKOWITZ, DAVID LOEW, ARTHUR LOEW, GABE HESS, and JOE VOGEL grouped around one table for lunch yesterday at the M. P. Club.

•

Others seen in the dining room included ED KUYKENDALL, MORT SPRING, EUGENE ZUKOR, ARNOLD VAN LEER, LAURENCE BOLOGNINO, BILL RAYNOR, LOUIS NIZER, TOM GEREY, SAM DEMBOW, HERMAN ROBBINS, BILLY FERGUSON, PAUL BENJAMIN, BEN ROSENBERG and SOL GORDON.

•

E. B. HATRICK flew to Hollywood yesterday following long distance conversations and an exchange of numerous telegrams between here and Hollywood Tuesday night.

•

NIKITAS DIPSON, operator of the Warner houses in Wheeling, W. Va., returns to his headquarters in Batavia, O., today. He attended a Campi appeal committee yesterday.

•

KATHARINE HEPBURN is enroute to the coast, having left Tuesday. She had an appointment with BARRETT MCCORMICK for tomorrow that she won't keep. Naturally.

•

PAUL CZINNER, now busy in London editing and cutting "Escape Me Never" which stars his wife, ELIZABETH BERGNER, expects to join her here shortly.

•

LUISE RAINER, German actress, yesterday conferred with J. ROBERT RUBIN. PAT CASEY was a later visitor in RUBIN'S sanctum.

•

LELAND HEYWARD flew to the coast yesterday, leaving at 5 A.M. GILBERT MILLER accompanied him.

•

LILY PONS leaves on her concert tour today and is due at the Radio studios in the spring.

•

ROY LARSON worked through Tuesday night on the March of Time and didn't report for duty yesterday.

•

LEOPOLD FRIEDMAN is back in service, fully recovered from the effects of a recent bridle path mishap.

•

ROSS CROPPER, RKO manager in Boston, is here huddling with EDDIE MCEVOY on some New England deals.

EARL TUCKER sails on the *Ile de France* Saturday to become assistant to GEORGE KAMEN in London. The KAMENS—KAY and GEORGE—are the two-man clearing house for Mickey Mouse dolls and accessories. HELEN and JOE GERSHESON, RUBY and MILT SCHWARTZWALD and hordes of others will be on hand to see that TUCKER doesn't slip his moorings.

•

SIR GERALD CAMPBELL, British consul general, will attend the opening of "Clive of India" tonight at the Rivoli. Others expected to attend are LAWRENCE TIBBETT, EDDIE CANTOR and family, BEN LYON, BEBE DANIELS, WALLACE BEERY and KITTY CARLISLE.

•

RUDY VALLEE, performing on the Radio City matinee program sponsored by RCA Victor over Station WJZ yesterday, referred to "The Vagabond Lover," which he made for RKO in 1929, as a "feeble" picture. Now was that nice?

•

DAN LONGWELL, member of the advertising department of *Time*, in cahoots with Batten, Barton, Durstine and Osborn, is responsible for "The March of Time" pressbook, one of the finest to hit these precincts in a long time.

•

GEORGE BRADLEY, former Broadway columnist on the now defunct *Morning Express,* soon starts writing a Hollywood column for the *Brooklyn Daily Eagle.* His headquarters will be on the coast.

•

CHARLES EINFELD, BOB GOLDSTEIN and HARRY GOETZ admiring the clothes on display in the lobby before mounting to the 6th floor of the Bond Building yesterday for lunch.

•

BILL PINE leaves for Hollywood by air tomorrow, stopping at Cincinnati for a day and then Chicago for a few hours to chat with some of the B. & K. crowd.

•

PROFESSOR BURGHAUSEN, signed by Louis B. Mayer on his recent trip abroad, arrives today on the *Conte di Savoia* enroute to Hollywood to work at the M-G-M studios.

•

HARVEY DAY, special sales representative for Terry-Toons, has returned from a two weeks' tour of Chicago, Des Moines and other midwest cities.

•

ARTHUR A. LEE had an announcement to make yesterday. It was about "The Iron Duke" and the fact it goes into the Music Hall on Jan. 24.

•

MARGARETA WALDMAN of the State Theatre, Vienna, under contract to M-G-M, came in yesterday on the *Conte di Savoia.*

•

JOE VERGESSLICH is back from Miami. His wife stays in the south recuperating from an illness.

•

HENRY RANDEL left for the south yesterday and hopes to enjoy his vacation.

•

SAM WARSHAWSKY takes over pressbook production at Gaumont British, succeeding LOU F. GUIMOND.

•

GEORGE GERHARD will shuttle between two offices in his new Cosmopolitan post—one in the Cosmo headquarters in the Loew Bldg., the other on the sixth floor of the Warner home office.

•

EDDIE GRAINGER is on sales tour again for Fox. Back Friday or Monday.

•

J. J. MCCARTHY and MORDAUNT HALL on a noon-day stroll along 6th Ave. yesterday.

•

FELIX FEIST was first away from the distributors' meeting at M. P. P. D. A. yesterday; AL LICHTMAN last.

•

L. F. EICK, manager of the Fenray, Martins Ferry, O., was in town for a spell yesterday.

•

E. L. ALPERSON has returned from Milwaukee and Chicago. His traveling companion was SPYROS SKOURAS.

•

JOSEPH M. SEIDER leaves for a six weeks' vacation jaunt to sunny Florida Saturday.

•

HARRY H. BUXBAUM flies to the coast today for an eight-hour visit.

•

NEIL AGNEW returns from Chicago today.

•

HUGH WILLIAMS has arrived.

English Archbishop Demands Censorship

LONDON, Jan. 16.—The Archbishop of Canterbury yesterday headed a deputation that visited Prime Minister MacDonald to denounce immorality in pictures and demand a state censorship.

At present the release of pictures is controlled by a board of censors and the present board is neither paid by nor responsible to the government. "In fact," claimed a member of the deputation, "it pays for and censors itself."

MacDonald promised the subject would be "examined immediately with a view of deciding what is the wisest course to pursue."

Sir Charles Grant Robertson, chairman of the National Cinema Inquiry Committee, supported the Archbishop and said that independent investigation revealed that at least one-quarter of the pictures passed by the censor were for one reason or another "unsatisfactory."

The Prime Minister then announced that the government was ready to consider any practical steps to relieve this situation.

Brandt, S. & C. Battle

Harry Brandt and Springer & Cocalis are in a competitive battle on Long Island with both independent circuit operators bidding for product. Brandt recently acquired the Capitol, Bayside, former S. & C. house. S. & C. took over the Rectory, same city, after he lost the Capitol, and is now trying to get exchanges to switch contracts, a move Brandt is fighting.

Ampa Meeting Closed

Today's Ampa meeting will be closed so committee members can report on plans for the annual dinner to be given April 27. A picture entitled "Why Fish Don't Bite," featuring members, will be shown.

They KNEW it was big!
They ADVERTISED it big!
And LOOK what happened

IMITATION OF LIFE

in	*at*	*for*	*thanks to*
Baltimore	Keith's	2 wks.	J. Shanberg
Buffalo	Lafayette	3 wks.	C. Hayman
Chicago	Chicago Garrick	2 wks.	Balaban & Katz
Kansas City	Uptown	2 wks.	E. Rhoden
Memphis	Strand	9 days	M. A. Lightman
Cleveland	Alhambra	2 wks.	G. Harvey
Louisville	Brown	2 wks.	J. Schwartz
Miami	Mayfair	9 days	S. Meyer
Milwaukee	Palace Garden	2 wks.	H. Fitzgerald
Los Angeles	Pantages	4 wks.	A. Pantages
New York City	Roxy	3 wks.	H. S. Cullman
Oakland	Roxie	3 wks.	J. Blumenfeld
Niagara Falls	Strand	7 days	C. Hayman
Portland, Ore.	Orpheum Music Box	3 wks.	J. Hamrick
Richmond	Capitol	2 wks.	S. Bendheim, Jr.
Seattle	Music Hall Music Box	3 wks.	J. Hamrick
St. Louis	Ambassador Fox	2 wks.	Harry Arthur
San Diego	Spreckles	2 wks.	L. Metzger
Salt Lake City	Orpheum Studio	3 wks.	Harry Arthur
Sacramento	Sierra	2 wks.	J. Blumenfeld
San Francisco	Orpheum Strand	4 wks.	H. Arthur
Syracuse	Eckel	2 wks.	M. Schine
Toledo	Rivoli Palace	2 wks.	W. K. Skirbol
Winnipeg	Lyceum	3 wks.	S. Gunn

THEY *stepped out with* UNIVERSAL!

AS BIG AS ITS TITLE!



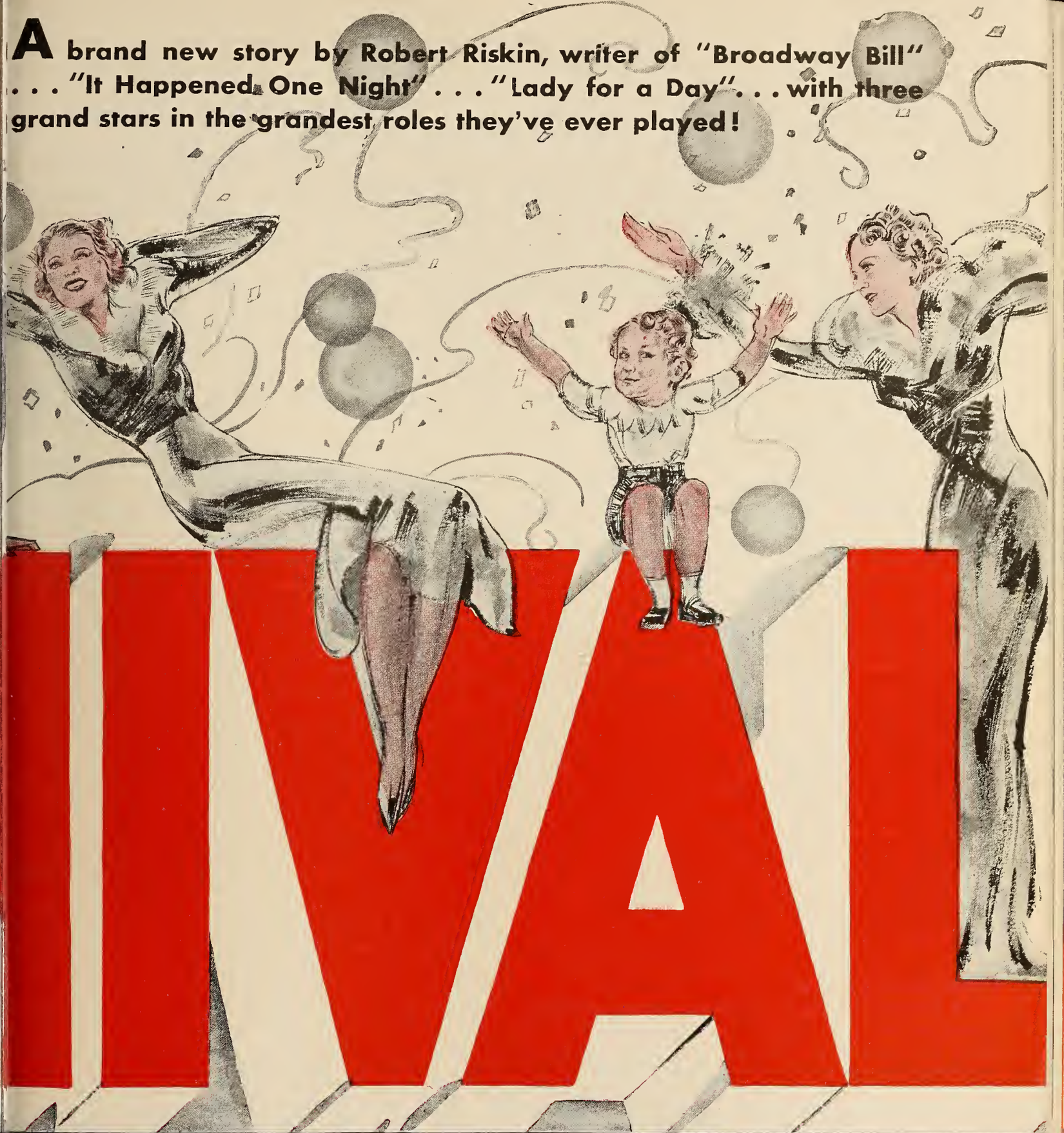
CARI

with **LEE TRACY**
JIMMY

COLUMBIA PICTURES

Directed by **WALTER LANG**

A brand new story by Robert Riskin, writer of "Broadway Bill" . . . "It Happened One Night" . . . "Lady for a Day" . . . with three grand stars in the grandest roles they've ever played!



IVAL

SALLY EILERS
DURANTE

A COLUMBIA PICTURE

COLUMBIA PICTURES

Producer Row Before Campi For 1st Time

(*Continued from page 1*)

Goldsmith made the picture for Mascot, leaving Hollywood with contracts for 100 theatres which it cannot serve.

Jacob Schechter represented Bellman; Stephen Eller, Goldsmith Prod., and Gordon W. Levoy, Mascot. The complainant submitted 27 exhibits, the defendant, two.

A Mascot official stated last night that Goldsmith had supervised the picture for Mascot. There was no hope of settling the dispute at a late hour last evening. Levoy and Eller came from California to try the case.

Schwartz-RKO Case To Be Heard Today

A. H. Schwartz's clearance and zoning complaint against RKO asking that the latter's seven-day protection for the Columbia and Park, Far Rockaway, and the Alden, Jamaica, over Century's Fantasy, Rockville Center, be eliminated, will come up today before the main New York clearance board. Louis Nizer has been retained by RKO and Mitchell Klupt will represent the independent circuit.

Originally scheduled to come before the Long Island advisory board in accordance with the custom in all previous cases involving that territory, the main board took the dispute out of the lower board's hands when it was found that most of the members of the advisory committee were affiliated with Century in one way or another.

Morris Kutinsky's overbuying complaint against Century, involving selective contracts, is slated to be decided by Campi today. The New York grievance board previously awarded Kutinsky all over 250 films Century had bought for its Queen, Queens Village, L. I. Kutinsky has the Community, same town.

Coast Rate Charge Is Heard by Campi

Charges that Morgan Walsh did not live up to the minimum admission price in his contracts for the T. & D., Oakland, Cal., made by J. Blumenfeld of the American, same city, were heard on appeal yesterday by a Campi committee consisting of Harry H. Buxbaum and William Yoost. John C. Flinn sat in as a member of the board in the absence of R. H. Cochrane.

Other cases heard were the clearance complaint by the Fenray, Martins Ferry, O., against all first runs in Wheeling, W. Va. L. F. Eick, manager of the Fenray, said that his theatre is not in competition with the Warner houses and that Wheeling is two miles from his city.

The Capitol, Bellaire, O., also complained against Warners clearance in Wheeling, but the complainant was not on hand to give additional testimony. I. Levinson, L. J. Kaufman and Nickitas Dipson represented Warners. Sidney Justin represented Paramount which has a theatre in Wheeling.

All for the Sake of MPTOA

Moving along rapidly now by way of preparation for the forthcoming M.P.T.O.A. convention, slated for New Orleans Feb. 25-28, the following committees have been appointed:

Finance: **H. S. McLeod, St. Charles, chairman; Victor Meyer, Orpheum; P. J. Sliman, Laurel, all of New Orleans.**

Entertainment: **Frank Heidrich, Lyceum, chairman; Robert Blair, Saenger; E. J. Myrick, United Theatres Circuit; A. J. Higgenbotham, Columbia, Hammond; Maurice Barr, Saenger Theatres; Warren Salles, Garden, and H. S. McLeod.**

Registration: **Vic Meyer, chairman; J. Walker Ross, Jr., New Orleans Association of Commerce; Bert Kiern, Happy Hour.**

Film Carnival: **Luke Connor, New Orleans Warner manager; Harold Wilkes, Paramount; James Briant, M-G-M.**

Reception: **Rodney Toups, chairman, and including all New Orleans theatre owners and circuit and exchange executives.**

Banquet: **Robert Blair, chairman; Joe Estes, Tudor and Globe; Rodney Toups, Loew's State, all of New Orleans.**

There will be others later.

Delay Chicago Bank Charge Against Fox

(*Continued from page 1*)

as a result of a stipulation agreed to by counsel in the case.

Those signing the stipulation were Hirsh, Newman, Reass & Becker, counsel for William Fox; Sullivan & Cromwell, counsel for Chicago Title & Trust; Max D. Steuer, counsel for Fox Film Corp.; Wollman & Wollman, counsel for Harley L. Clarke; Hornblower, Miller, Miller & Boston, counsel for Albert H. Wiggin; Mudge, Stern, Williams & Tucker, counsel for Chase National Bank and Chase Securities Corp., Henry Brill, counsel for Fox Theatres.

306 Primed to Fight Scale, I.T.O.A. Hears

(*Continued from page 1*)

insisting that the present 40-hour schedule be maintained. However, regardless of the action in Washington, the unit and operators' organization have closed a deal for member houses.

Other opposition to the basic plan as it now stands includes Century circuit, the T. O. C. C. and Springer & Cocalis.

Net profit at the ball last Saturday is figured around $9,000, most of which came from the program.

Maine House Bombed

PORTLAND, Me., Jan. 16.—A bomb exploded in the Casco here today, partly wrecking the interior and causing damage estimated at $1,500. Investigation revealed the bomb to have been placed in the theatre after the last show yesterday. Manager Fred Stone said he had exercised caution due to recent bombings in New England cities. The theatre is owned by the E. M. Loew, Inc., chain of Boston.

Signs Lillian Hellman

HOLLYWOOD, Jan. 16.—Samuel Goldwyn today signed Lillian Hellman, author of "The Children's Hour," current New York stage hit, to write the adaptation for "The Dark Angel."

Stop Globe Giveaways

LOS ANGELES, Jan. 16.—The grievance board has ordered the Alden, Globe, Ariz., to stop merchants' prosperity nights.

Selwyn Tieup "Bit Premature": Cochran

(*Continued from page 1*)

declared the stories were a "bit premature." He arrived on the *Olympic* with Elisabeth Bergner, who opens in a few days in "Escape Me Never."

The Selwyn-Cochran tieup was announced last week in a publicity release by Nat Dorfman, Selwyn's press agent. The story was accorded quite a break by all New York dailies.

Cochran also explained that S. R. Kent and Winfield Sheehan some time ago released him from his contract with the company so that he could concentrate on other activities.

Miss Bergner recently completed a picture version for B. & D. of "Escape Me Never." She will remain in New York with the play for 12 weeks and then return to appear in "St. Joan," by George Bernard Shaw. The author also wrote the script for the picture and negotiations are now under way with an English company to produce. Dr. Paul Czinner, Miss Bergner's husband, will direct. Cochran will return to London in 10 days, he said.

Du-Art to Take Its Suit Up on Appeal

(*Continued from page 1*)

laboratory work, today will take its litigation up the line into the Court of Appeals for relief.

Du-Art alleges it holds a contract with Universal to turn out all of the company's laboratory printing and charges the latter is endeavoring to transfer it to Consolidated.

Wins $2,500 Over Photo

BOSTON, Jan. 16.—Fofo Lauka, New York performer, has been awarded $2,500 in Municipal Court here in her suit against the Park Entertainment Co., Inc., charging a photograph of her was displayed in the lobby of the Park, although she was not appearing at the theatre. The actress sued for $50,000.

Services for Baker

NEW HAVEN, Jan. 16.—Memorial services for the late Prof. George Pierce Baker, former head of the Dep't of Drama at Yale, will be held at the University Dwight Memorial Chapl next Monday. Dr. William Lyon Phelps will present the memorial address.

Broadcasters Seek Revival Of Popularity

(*Continued from page 1*)

sun as producers of consequence," the publication asserts.

"Today some 90 per cent of the leading radio programs are produced by advertising agencies or production groups associated with advertising agencies, giving the broadcasters no choice but to remain exhibitors only. Now the broadcasters find that the agencies are not showmen but are submerging the talent of their continuity writers and contract performers to the commercial messages of their clients, 'depopularizing' radio entertainment."

In their effort "to become producers again" the broadcasters, according to the *Herald*, "face the prospect of expanding their skeleton sales staffs, engaging the services of first class theatrical producers with a background of practical radio production, hiring better talent as a general practice for all programs rather than for a few and speeding up the mechanism of all departments, even to the inclusion of less wearisome facilities for handling studio audiences."

The new types of shows would run much longer than they do now, even as much as three hours, with entertainment of every variety. Any number of advertisers would have time on the same program.

NBC and CBS are leading the new movement. The former has already discussed the idea with a number of national advertisers.

The big radio chains are so confident that the new policy will capture public approval that they are advancing their rates.

Warner Philadelphia Shift Is Confirmed

(*Continued from page 1*)

("Skip") Weshner will have charge of Zone 1, first run downtown houses; Leonard Schlessinger will have Zone 2, all the city theatres except the downtown houses, and A. J. Vanni will have Zone 3, the houses outside of the Philadelphia city limits.

Dave Miller, former exchangeman, will be buyer and booker; Harry Goldberg continues as head of advertising and publicity, and Louis Davidoff, former booker and buyer, becomes assistant to Schlessinger. John A. Flynn continues as assistant in the operation of Zone 2.

Tri-Ergon Rehearing Due Week of Feb. 4

(*Continued from page 1*)

lengthy arguments in the socalled "gold clause" case, has retarded the court, which next Monday will recess for two weeks for the consideration and writing of opinions in cases now being heard. The tribunal will reconvene Feb. 4, and the Tri-Ergon case is expected to be reached late that week.

Meet Again Feb. 16

The next board of directors' meet of Consolidated is scheduled for Feb. 16. Annual stockholders' meeting is slated around March 5.

BRINGS A NEW HEART THRILL TO RADIO CITY MUSIC HALL TODAY . . .

. . . the screen's new sweethearts . . . in one of the breeziest, gayest love stories that ever brought tears to laughing eyes . . .

THE GREAT LOVER OF THE STAGE . . . NOW THE ROMANTIC IDOL OF THE SCREEN

and . . .

THE DANCING STAR OF "GAY DIVORCEE" . . . REVEALED AS A LOVABLE CHARMER



Romance IN MANHATTAN

with ARTHUR HOHL ★ Directed by Stephen Roberts
A Pandro S. Berman Production

RKO RADIO PICTURE

YOU'LL TAKE THEIR W

LITTLE ME

HARRISON'S REPORTS January 12, 1935

"Little Men"

(*Mascot Pictures; running time 77 min.*)

The best independent picture produced in years.

It is wholesome entertainment for the family trade. It has deep human interest. Some of the situations should bring tears to the eyes, and others should provoke hearty laughter. Supposedly a continuation of the life led by Jo, the heroine of "Little Women," after she had married the professor, most of the action revolves, not around the grownups, but around the orphan children being cared for and educated by Jo and her husband. The picture deals mostly with the joys, sorrows, squabbles and pranks of the children. Fine performances are given by the boys, particularly by Buster Phelps, who is crippled and occasionally bemoans the fact that he cannot join the other boys at play; also by Frankie Darro, who is rough but honest, and ready to help out others in trouble, as well as David Durand, who is at times weak, but always generous. The most sympathetic character, however, is Erin O'Brien-Moore (Jo), who is gentle and motherly in her treatment of all the children.

In the development of the plot, Darro, who had been induced by Durant to join the orphan asylum, is accused of a theft he had not committed. Despite Erin's protestations, he is sent to a reform school. It is later discovered that Darro is innocent. At a holiday celebration everyone feels that their joy would be complete if Darro were with them. And he does return, having run away from the school, because he had been treated cruelly.

The story is by Louise M. Alcott. Phil Rosen is the director. In the cast are Ralph Morgan, Trent Durkin, Cora Sue Collins, Phyllis Fraser, Dickie Moore, Gustave Von Seyffertitz, and others.

Regardless of its box office value, this picture should be shown everywhere; it will do the industry much good.

Excellent for children, adolescents, and Sundays.
Suitability, *Class A*.

A REVIEWER WHO KNOWS says:

"The best independent picture produced in years."

SHOWMEN V They've

CENTRAL THEATRE
Oakland, Cal.

COOPER CIRCU
Colorado

MISSOURI THE
St. Louis, M

ALHAMBRA T
Cleveland,

ERLANGER
Buffalo

FAMILY
Scr

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Jan

ME

MASCOT FEATURE

MASCOT PICTURES C

NAT LEVINE, *President*

1776 BROADWAY, NEW YORK

D FOR
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SUPERBA THEATRE
San Diego, Cal.

TIME THEATRE
Minneapolis, Minn.

SAVANNAH THEATRE
Savannah, Ga.

STRAND THEATRE
Cincinnati, Ohio

STRAND THEATRE
Providence, R. I.

BOYD THEATRE
Richmond, Va.

BIJOU THEATRE
Springfield, Mass.

ST. CHARLES THEATRE
New Orleans, La.

USE

TRE



THE RICHMOND NEWS LEADER
VIRGINIA'S GREATEST NEWSPAPER

Published every afternoon except Sunday at News Leader Square, Fourth and Grace streets, by The News Leader Company.
JOHN STEWART BRYAN, President and Publisher.

FRIDAY, DECEMBER 28.

A great intellect is a generation's best endowment.

SEE "LITTLE MEN."

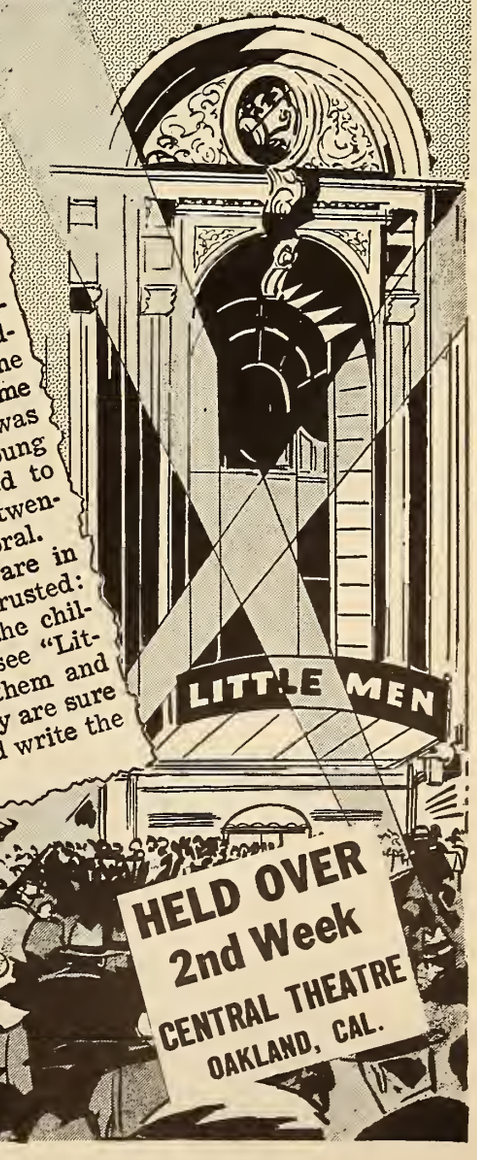
The telephone rang—which was not news. A lady introduced herself—which was almost news, because many females are inclined to conceal their identity on the wire. "I am," she said, "an old-fashioned mother, and I have two boys. I often have to complain about the movies that are offered; so, when I see one that is fine, I think I ought to commend it. There is at the Byrd this week a film called 'Little Men.' It is one of the best I ever saw, especially for children. I wish you would urge every mother in Richmond to take her children to see it."

Adult judgment of pictures is not always accurate, according to the standards of youth. We decided to check the good report by the impression of some young movie fans. Their verdict was enthusiastic. "It's swell," one young gentleman remarked, and proceeded to outline the plot with none of the twentieth-century avoidance of the moral.

When youth and motherhood are in accord, their guidance can be trusted: Be sure, therefore, to send all the children to the Byrd forthwith to see "Little Men" and, if you go with them and like the picture as much as they are sure to do, tell the management and write the producer.

VIRGINIA'S GREATEST NEWSPAPER says:

"Be sure to see it."



HELD OVER
2nd Week
CENTRAL THEATRE
OAKLAND, CAL.

PORATION

e Address: "LEVPIC"

Metropolitan Area Has 127 Dark Theatres

(Continued from page 1)

Island and points south of Kingston. In New Jersey, it covers all accounts north of Trenton.

Circuits, of course, dominate. Affiliated theatres, banded together in chains, total 122 in New York State and seat 267,361. In the same classification in New Jersey, the circuits run to 73 with seats bulking 132,117. Unaffiliated circuits in New York State total 359 with an aggregate capacity of 420,580. In Jersey, the circuits number 99 and their combined seats, 101,211. Independent theatres in New York State served from this point aggregate 320 with a combined capacity of 266,121. In Jersey, the total ends at 151 with seats totalling 111,572. Of the grand total of 1,124, sound is used in 1,097 theatres.

Hope to Get Funds In Czechoslovakia

(Continued from page 1)

in Czechoslovakia after an interruption of more than 18 months. Although the agreement has been accepted for the industry, several large distributors retain hope of further concessions from Czechoslovakian authorities who, it is reported, have indicated a willingness to engage in further negotiations.

Not only leave to withdraw capital from Czechoslovakia is desired by distributors, as some expressed hopes of obtaining an import fee applied to negatives instead of positives. Action on this would probably await a three months' trial to disclose earnings possibilities on the present basis.

An inter-company agreement among the distributors delays the actual release of pictures in Czechoslovakia until Feb. 8 to permit companies who are without quarters in Prague to organize distribution facilities for an equal physical start.

Looking 'Em Over

"The Runaway Bride"

(B. & D.-U. A.)

Here is a picture from Britain that, although not as lavish in production values as some previous English efforts, should receive a nice reception here. It has none of the common defects usually found in films of this type, such as clipped accents, poor photography, lighting and sound tied in with a weak story.

Herbert Wilcox handled the direction in such a way that the story keeps moving at a pace fast enough to maintain audience interest throughout. The camera work of F. A. Young is particularly commendable because of outdoor scenes in the Swiss Alps and lakes.

In short, the story answers the question: Can romance defy caste? It is a tale of a queen and a commoner. Beautiful Anna Neagle is recalled from a New York store to ascend the throne of a European kingdom. In spite of all efforts for peace, a revolutionary party led by the commoner, Fernand Graavey, overthrows her and sets up a republic as she flees to Switzerland. Graavey, now president, leaves for a rest and meets the queen in the Swiss Alps. In this romantic surrounding, the two succumb to each other's charms, but keep their respective identities to themselves. Miss Neagle is then recalled by her people and Graavey is seized as a traitor. The action then moves quickly to the climax that finds the lovers together again and ready to head the government, Miss Neagle when it desires a queen and her husband when it desires a president.

Exploitation angles are here for showmen to use. It should prove a satisfactory picture from both sides of the box-office.

Production Code Seal No. 0216. Running time, 69 minutes. "G."



Czechoslovak Film Advisors Are Named

WASHINGTON, Jan. 16.—The Ministry of Commerce of Czechoslovakia recently announced the appointment of Dr. Alois Rathausky, a confidential friend and advisor of Minister of Commerce Dostalek, as chairman of the Czechoslovak M.P. Advisory Commission, according to a report to the U. S. Department of Commerce.

Other members of the commission include: Dr. Joseph Piskac, representing the Ministry of Commerce; Dr. Adolf Prusa (director, Ocean Film Co.), representing the Czechoslovak Ass'n. of Film Industry and Trade; Milos Havel (owner, A. B. Studio), representing the Czechoslovak Ass'n. of M. P. Producers; and Vladimir Wokoun (manager, Phenix Theatre), representing the M. P. Theatre Owners Ass'n. Alternates include Beda Heller, Dr. Joseph Ort, John Reiter and Bohumil Sottner.

The Ministry of Foreign Affairs is represented by Joseph Palivec, director of the ministry's press service. Dr. A. Matula (president, Czechoslovak Agricultural College) represents the Ministry of Education. One Mr. Binnovec, director, represents the Czechoslovak Film Trade Union. The Czechoslovak Newspaper Syndicate has not appointed its member to the commission.

Columbia Affair Set

Plans are being made for the Columbians' fifth annual dinner-dance, to be held March 2 at the Waldorf-Astoria. Hal Hode, president of the Columbia club, has selected committees for the affair. Max Seligman heads the program committee; Floyd Weber, table; Vincent Borrelli, finance; Bud Gray, entertainment; Danny Heiss, press, and Etta Le Voff, tickets.

Wall Street

Trading on Big Board Up

	High	Low	Close	Net Change
Columbia Pictures (c1)	35¼	34¼	35¼	+ ¼
Consolidated Film.	7½	7	7⅜	+ ⅜
Consolidated Film, pfd. (½v)	21¼	20¾	20⅞	+ ¼
Eastman (4a)	112¼	110½	112¼	+ ¼
Eastman, pfd. (6).	143¼	142¾	143¼	+1¼
Loew's, Inc. (1a)..	32¼	31¾	32	+ ¼
Paramount	3¼	3⅛	3¼	+ ⅛
Pathe "A"	15¼	15	15	+ ⅛
RKO	2	1⅞	1⅞	— ⅛
Warner	3¾	3⅝	3⅝	.....

Curb Stocks Up Slightly

	High	Low	Close	Net Change
Technicolor	12	11¾	12	+ ¼
Trans-Lux (20b)..	2⅞	2⅞	2⅞	+ ¼

Paramount F. L. Up 1¼

	High	Low	Close	Net Change
General Theatre..	8½	8½	8⅜	— ⅛
Gen'l Theatre, ctf	8½	8⅜	8½	+ ⅛
Keith, 6s, '46	70⅝	70	70	—1
Loew's, 6s, '41, ww deb rights..	105	105	105	.....
Paramount B'way, 5½s, '51	43	43	43	.....
Paramount, F. L., 6s, '47	60	59¼	60	+1¼
Paramount Publix, 5½s, '50	60¼	59½	60	+ ½
Pathe, 7s, '37 ww.	101½	101½	101½	— ½
Warner, 6s, '39 wd.	54¼	54	54⅜	+ ⅝

(a) Plus cash extras. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 16)

G.B. Changes Loom As Bernerd Arrives

(Continued from page 1)

adding that this move was one of the various things he was going to look into. He will report his findings to Mark Ostrer who will arrive in three weeks for a five weeks' visit.

"Gaumont British during 1933-34 had its biggest year," Bernerd declared. He could not give figures, but added that the company's features are breaking records in English theatres. He also said that he did not bring any pictures over with him.

Originally, Bernerd said that his trip was his first holiday in years, but when pressed on the realignment subject admitted there was something to it.

On the same boat were Ida Lupino and her sister. Paramount recently took up the second-year option on Miss Lupino's contract and she heads for the coast tomorrow, her next picture unknown.

John Wood, who has been signed by RKO Radio, was a fellow passenger. He leaves for Hollywood today. Elisabeth Bergner was on the boat, too.

Tax Measures Pile Up at Sacramento

(Continued from page 1)

incomes. Hollywood's payroll, amounting to $76,000,000 annually, would be heavily hit.

Another bill proposes a boost in corporation franchise taxes from two to six per cent.

A 30-hour week bill has the Administration's blessing. Still another provides for a tax on sales of stocks and bonds. Others expected include censorship, producers' tax and admission tax.

Out today

A Discussion of

MR. WALTER LIPPMANN'S

Discussion of

"MORALS AND THE MOVIES"

By TERRY RAMSAYE



In

MOTION PICTURE HERALD

"All Others" Hits $27,000, San Francisco

SAN FRANCISCO, Jan. 16.—"Forsaking All Others" put the Warfield on the profit side of the ledger with a bang last week by piling up $27,000, over average by $4,000. It was held.

The other big attraction of the week was "Little Minister" at the Golden Gate where the $17,500 take also was $4,000 up, enough to rate a holdover.

"The Mighty Barnum" took $8,000 in its third week at United Artists and was held for a fourth. "Broadway Bill" also was held for a fourth week at the Orpheum after getting $7,500 in its third stanza.

Total first run business was $85,000. Average is $83,000.

Estimated takings:

Week Ending Jan. 8:

"LITTLE MINISTER" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $17,500. (Average, $13,000.)

Week Ending Jan. 9:

"HELLDORADO" (Fox)
"STRANGE WIVES" (Univ.)

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $9,500. (Average, $11,000.)

Week Ending Jan. 10:

"BROADWAY BILL" (Col.)

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 3rd week. **Gross:** $7,500. (Average, $9,000.)

"BRIGHT EYES" (Fox)

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days, 2nd week. **Gross:** $5,500. (Average, $8,000.)

"THE MIGHTY BARNUM" (U. A.)

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 3rd week. **Gross:** $8,000. (Average, $8,000.)

Week Ending Jan. 11:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"ENTER MADAME" (Para.)

PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $10,000. (Average, $11,000.)

"FORSAKING ALL OTHERS" (M-G-M)

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage band. **Gross:** $27,000. (Average, $23,000.)

Row Over Maynard Is Sent to Campi

LOS ANGELES, Jan. 16.—J. O. Donovan, local code representative, has forwarded to New York for adjudication a complaint by Charles Burr of Burr Enterprises, who charges Ken Maynard with jumping a contract to make a series of pictures and signing up with Majestic. Also named are Larry Darmour and the Small-Landau Agency.

Burr says deals on the series had been closed throughout the country when the alleged breach of contract occurred and production was to have gotten underway Jan. 1.

Small-Landau asserts Burr failed to produce a bond agreed upon to bind an option secured by the producer on Maynard's services, with offers from Monogram and Majestic pending in the meantime.

Darmour is said to have given financial assurance to carry through the program of eight films the actor was to make. Burr allegedly spent much time and money feeling out the demand for Maynard, yet, the agency maintains, Burr was not financially able to carry out the contract and did not exercise his option when due.

Acquires Iowa Theatre

WOODWARD, Ia., Jan. 16. — R. M. Fanning has purchased the Strand here from C. L. Spencer.

Exhibitors Had Fun Until Those 24 Dots Were Found

(*Continued from page* 1)

the Independent Theatre Owners' treasury—on the up and up, as it were—and maybe a little fun on the side.

At one of the dice tables the chips were five smackers; at the other one buck would start the fun. The players rolled the dice down toward the boy who raked in the chips and threw the cubes back. One player won $8—he admits it. Others didn't.

Some say the losses ranged from $3,000 up to $20,000. Harry Brandt says it was only a few hundreds, but whatever it was Henry Randell, Brooklyn branch manager for Paramount, thought it was "colossal." He picked up the dice and found two sides with five dots on, instead of the customary two opposite the five.

Conversation developed. Somebody even used the word "crooked." The losers all crowded back to the tables and expressed themselves in the well-modulated tones the occasion demanded. Harry Brandt exercised his presidential authority and insisted that the house winnings should be returned and they were.

Later it developed that the playing privileges had been rented out to the owner of the equipment on a percentage basis. Exhibitors don't like checkers, so none was hired.

Since early Sunday morning everyone has been trying to keep it quiet and forget about it. They still are, but what some wives think of husbands who play with 24-dot dice — — —.

"Biography" High In Oklahoma City

OKLAHOMA CITY, Jan. 16.—"Biography of a Bachelor Girl" took top money in a quiet week here. The $4,500 gross went $500 over average at the Midwest.

The Liberty fared well on its split week policy, getting $2,300 in four days with a combination of "Babbitt" on the screen and the Singers Midget Band on the stage. "Strange Wives," on for the other three days of the week, grossed only $500.

Total first run business was $13,200. Average is $13,500.

Estimated takings for the week ending Jan. 12:

"HERE IS MY HEART" (Para.)

WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,500. (Average, $5,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,500. (Average, $4,000)

"SECRET BRIDE" (Warners)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,400. (Average, $2,000)

"BABBITT" (F. N.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage: Singer's Midget Band. **Gross:** $2,300. (Average week, $2,500)

"STRANGE WIVES" (Univ.)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average week, $2,500)

Mayor an Exhibitor

MEMPHIS, Jan. 16.—Oxford, Miss., seat of the University of Mississippi near here, has its first showman-mayor. R. X. Williams, owner of the Lyric, is now mayor of the thriving Mississippi city. Williams is a leader in exhibitor circles as well, being an officer of the tri-state M.P.T.O. and the Mississippi organization.

"Forsaking" Sets New Omaha Record

OMAHA, Jan. 16.—"Forsaking All Others" cracked a record at the World, which has been on the books since before the happy days of 1929. It ran up to $11,300, which is $5,800 over the normal take. In addition, "Kid Millions" grabbed $1,200 at a New Year's eve midnight show.

"Little Minister" was good at $9,100, over par by $3,100, and took third place among the high grossers at this house since Mort H. Singer took it over. A combination of "It's a Gift" and Harriet Calloway and her band ran up to $10,400 in three days, above normal by $3,900, at the Orpheum. "Sweet Adeline" and "Wicked Woman" at the Orpheum in the next seven days took $9,000.

Total first run business was $41,000. Average is $27,337.50.

Week Ending Jan. 9:

"FORSAKING ALL OTHERS" (M-G-M)

WORLD—(2,200), 25c-40c, 9 days. **Gross:** $11,300. (Average, $5,500)

"KID MILLIONS" (U. A.)

One performance Dec. 31, 50c-75c. **Gross:** $1,200. (Average, $1,337.50)

Week Ending Jan. 10:

"THE LITTLE MINISTER" (Radio)

BRANDEIS—(1,200), 25c-35c-40c, 10 days. **Gross:** $9,100. (Average, $6,000)

Week Ending Jan. 3:

"IT'S A GIFT" (Para.)

ORPHEUM—(3,000), 25c-35c-55c, 3 days. Harriet Calloway band and seven acts vaudeville. Midnight performance Dec. 31 ($1 reserved seats). **Gross:** $10,400. (Average, $6,500)

Week Ending Jan. 10:

"SWEET ADELINE" (Warners)
"WICKED WOMAN" (M-G-M)

ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $9,000. (Average, $8,000)

Reviews Breen's Work

HOLLYWOOD, Jan. 16. — Will Hays presided at the quarterly meeting of the M. P. Producers' Ass'n today, reviewing the activities of Joseph I. Breen's Production Code Administration, which was six months old yesterday. In attendance were Harry Cohn, E. H. Allen, R. J. Obringer, Winfield Sheehan, William R. Fraser, Louis B. Mayer, Emanuel Cohen, B. B. Kahane, Hal Roach, Jack Warner and Stanley Bergerman.

Trade to Feed Censor

PHILADELPHIA, Jan. 16.—A testimonial dinner will be tendered Samuel D. Schwartz, retiring chairman of the state board of censors, by the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware, Jan. 28. The occasion may also serve as an official trade welcome to L. Howell Davis, new chairman of the censor board. The entire local industry is expected to participate.

Sapinsley Gets Orpheum

MEMPHIS, Jan. 16.—Ed Sapinsley has succeeded Charlie Mensing as manager of the Orpheum. Sapinsley, formerly connected with the Malco office, is a brother-in-law of M. A. Lightman, who took the theatre over recently from the G.C.S. partners of Chicago. Mensing was a temporary holdover from the G.C.S. regime.

"Bill" Buffalo Wow, $17,100, $10,600 Over

BUFFALO, Jan. 16.—Some remarkable business was done here last week, with "Broadway Bill" the sensation of the week. It grabbed $17,100 at the Lafayette, over normal by $10,600.

"Forsaking All Others" was a close second as a sensation. It went to $12,300, up by $4,300, at the Great Lakes.

Total first run business was $58,700. Average is $42,800.

Estimated takings for the week ending Jan. 11:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)

BUFFALO — (3,500), 30c-55c, 7 days. Stage: Gene & Glenn, DeQuincey & Lewis; Trainor Bros.; Robert Williams and Red Dust; Three De Long Sisters. **Gross:** $15,800. (Average, $14,300)

"THE ST. LOUIS KID" (Warners)
"ONE HOUR LATE" (Para.)

CENTURY—(3,000), 25c, 9 days. **Gross:** $6,300. (Average, $6,000)

"FORSAKING ALL OTHERS" (M-G-M)

GREAT LAKES—(3,000), 25c-40c, 10 days. **Gross:** $12,300. (Average, $8,000)

"THE PRESIDENT VANISHES" (Para.)
"BY YOUR LEAVE" (Radio)

HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $7,200. (Average, $8,000)

"BROADWAY BILL" (Col.)

LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $17,100. (Average, $6,500)

Indianans Asked to Push Family Shows

INDIANAPOLIS, Jan. 16.—Exhibitors are being urged by Associated Theatre Owners to cooperate with the American Ass'n of University Women in arranging family nights and children's matinees.

The women want family shows on Friday nights, with all subjects approved. They also want double bills eliminated on Saturdays when children attend matinees and object to "horror" pictures on these programs.

The Parent-Teacher groups have an ordinance, for which they are working, which would make family nights compulsory.

Says Klock Overbought

KANSAS CITY, Jan. 16.—Glen Klock, operator of the Klock, Neodesha, Kan., is crowding his programs to the extent of eight features a week in order to keep competition out of the town, is the charge made by A. B. McNabb, owner of the Gem in the same town, in a complaint filed with the local grievance board.

McNabb also charges Klock has failed to maintain minimum admissions specified in contracts.

"Bill" Is Hit in Cincy

CINCINNATI, Jan. 16.—"Broadway Bill," racing across the RKO Palace screen this week, is outdistancing all contenders for top money. Opening Friday, with box-office lines the rule rather than the exception, the take for the first three days stood at $9,000, with the picture expected to do around $19,000 on the week. It will move to the RKO Lyric for a second downtown stanza.

Helen Hayes Coming

HOLLYWOOD, Jan. 16.—Helen Hayes will start east Sunday to appear in a stage revival of "Mary, Queen of Scots."

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 15 NEW YORK, FRIDAY, JANUARY 18, 1935 TEN CENTS

Gaumont May Handle B.I.P. Product Here

Ostrer and Dent Admit Discussing Proposal

By BRUCE ALLAN

LONDON, Jan. 17.—Gaumont British may distribute for British International in the United States. Mark Ostrer of G. B. and Arthur Dent of B. I. P. today admitted to your correspondent that such discussions have been held.

On the strength of continued and persistent reports that the Ostrers and John Maxwell, dominant factor in B. I. P. are discussing deals, perhaps of a varied assortment, shares of Associated British Pictures were higher today at 6/3d. and Gaumont British as well at 10/7d.

It is understood Maxwell has offered the committee of investigation of

(*Continued on page 2*)

Truth to Remain as Is by Vote of Ampa

Truth is going to stay entirely unadorned as far as Ampa is concerned. Some of the boys thought that in the new era of production code seals and things like that it might be a good idea to modify the annual "Naked Truth" dinner's designation.

Tradition maintained its grip, however. Paul Benjamin put it to a vote

(*Continued on page 2*)

Sirovich Demanding Patents Pool Probe

WASHINGTON, Jan. 17.—Investigation by the House patents committee of the operations of patent pools is being sought by Representative Sirovich of New York. The legislator charges the pools seek to obtain by illegal methods a virtual monopoly and attempt to stifle fair competition.

Premiums Gaining

Chicago, Jan. 17.—Current estimates are that approximately 160 theatres here are now using premiums and giveaways. Recent failure to put the premium question to a vote promises to increase the number of houses using giveaways.

Premium distributors are decidedly optimistic. Eight concerns, mostly along film row, are handling premiums.

Long Fox Met Struggle Goes Added Round

Charges Made, Apology Asked, That's All

All of the eminent counsel in the proceedings to reorganize Fox Metropolitan Playhouses have been agreed for months that prompt action in the case is essential or the estate and its patient creditors will take a terrific licking. Yesterday, in the third year of the rehabilitating process, counsel told Federal Judge Julian W. Mack that they were still of the same mind.

In fact, the principal Fox Met noteholders' committee, which claims to represent 89 per cent of the $12,460,000 secured notes of the company, has had its second completed plan of reorganization in hand each time it has come to court during the past month. It seems to be having some unexpected difficulty, however, in leaving the plan behind when the committee's counsel goes out of the courtroom. So many things keep cropping

(*Continued on page 10*)

Bellman-Goldsmith Hearing Continued

Jack Bellman was the star witness in his breach of contract complaint before a Campi code committee yesterday. On the committee were Austin C. Keough, chairman; Paul Burger of U. A., and Joseph Seider, president of Prudential circuit.

The hearing held yesterday morning was a continuation of a session

(*Continued on page 12*)

Hartford Disturbed By Five-Cent Show

HARTFORD, Jan. 17.—Exhibitors are perturbed over the announcement of a five-cent show to be given on Saturday at the State under the auspices of the R. G. Miller Co., a local dairy. The dairy company paraded all its equipment today, and advertised a special show which will include a Warner western and several shorts. The State

(*Continued on page 12*)

Warners to Have Own Poland Office: Morris

Warners will open an office in Poland shortly, Sam E. Morris, head of the company's foreign department, stated last night as he debarked from the *Conte di Savoia* after a seven

(*Continued on page 8*)

Would Cut 'Eloping'

State Capitol, Sacramento, Jan. 17—Assemblyman Desmond has a bill to repeal the so-called "Gin Marriage" law which requires a three-day wait after the issuance of a license. This would make it unnecessary for Hollywood talent to "elope" to Yuma.

Closed Para. Hearings to Be Requested

A petition to conduct closed hearings in chambers on the fairness of the Paramount Publix plan of reorganization will be made to Federal Judge Alfred C. Coxe at the close of the resumed hearing today in an effort to speed acceptance of the plan, it was learned yesterday.

Entering of formal proof of the reorganization plan for Paramount Broadway, holding company for the Paramount Building and theatre, will be concluded at the morning court session today with Austin Keough, Paramount secretary and general counsel, on the stand. This will complete the proof of the Paramount Publix plan, of which the Paramount Broadway plan is a part, and will be followed by

(*Continued on page 10*)

Guild to Continue Battle for a Code

HOLLYWOOD, Jan. 17.—The Screen Actors' Guild will continue its fight for a code of fair practice, a draft of which is now in the hands of the NRA in Washington, and should recovery officials turn down the compact, which has been rejected in its entirety by producers, the group will negotiate further with the latter.

This was revealed by Robert Montgomery in an address last night at a

(*Continued on page 12*)

Legitimate Theatre Code Case Delayed

Hearing of a motion made by the Shubert office to dismiss the complaint filed by Beckhardt's Ticket Agency and Mayfair Ticket Agency against the legitimate theatre code was postponed yesterday until Jan. 24 by Judge Steuer in the New York Supreme Court. Phillip Wittenberg, attorney, representing Shubert, asked for the

(*Continued on page 12*)

Further Film Probe Awaits Capital Study

Cummings Is Examining St. Louis Data

WASHINGTON, Jan. 17.—A full evaluation of the results achieved in the St. Louis prosecutions is being made by the Department of Justice before a determination is reached as to where the Government will strike next, it was indicated today by Attorney General Homer Cummings.

It was said by the Attorney General that no immediate investigation was contemplated in any other city, but it was admitted at the department that complaints have been received from other places which are being studied. The Attorney General, however, admitted that unless a matter reaches a stage where sufficient substance is indicated to go into court it would not come to his attention.

Although Cummings said that so far as he knew there was no investigation going on in southern California,

(*Continued on page 2*)

Seitz Says He Plans Suit Against Warner

CLEVELAND, Jan. 17.—Earl Seitz of Seitz Amusement Co., which owns the State at Sandusky, says he is preparing to file a complaint in Federal court against Warners, charging conspiracy in restraint of trade. He as-

(*Continued on page 2*)

Order Registration Of Columbia Issues

WASHINGTON, Jan. 17.—Application of Harry Cohn, Attilio H. Giannini and Jack Cohn, as voting trustees, for the registration on the New

(*Continued on page 2*)

"Audible"

Only one report filtered through on Wednesday's three-way radio telephone conversation that featured Anna Sten's American, Samuel Goldwyn's English, Eddie Cantor's newly-acquired Italian and the *Osake Asahi* (Japanese newspaper) editor's Japanese.

Eddie said yesterday that every word was "audible."

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Gaumont May Sell B.I.P. Product Here

(*Continued from page* 1)

General Theatres, a G. B. theatre enterprise and the target of some of its stockholders, a deal whereby he would take over the preference shares controlling General Theatres and that he stands willing either to offer cash for them or an exchange of A. B. P. stock.

The Maxwell interests are further expected to take over United Picture Theatres, previously managed by G. B., but since July controlled by a receiver for the debenture holders.

Truth to Remain as Is by Vote of Ampa

(*Continued from page* 1)

at a closed meeting yesterday and the majority was against even a fan or a balloon.

After this had been decided Benjamin named a publicity and a magazine committee. Then Ed Finney's epic, "Why Fish Don't Bite," was screened, and the wisecracks flew.

Laemmle, Sr., Is 68

HOLLYWOOD, Jan. 17.—Confined to his home with a cold, Carl Laemmle was unable to attend a birthday party given in his honor at the Universal studio today. It was his 68th birthday and marked his 29th year in the business.

Insiders' Outlook

By RED KANN

IF the inside on the inside is all accurate and there appears reasonable reasons to conclude that it is, efforts made to ward off the St. Louis excitement were plentiful and valiant, reaching as they did into high places around the house painted white in Washington but with results already apparent and uncomfortable. Now what? That's the next question bandied about for answer, or answers, of which there may be several. It's largely a problem in attitude. If the Justice Department is lumbering along on the avowed purpose of proving at large that the anti-trust laws are not moss-covered and too completely lethargic, the additional grand jury probes hinted for other key cities beyond St. Louis first and Los Angeles second undoubtedly will develop. . . .

▼

The original inside tip from Potomac shores, if you recall, had it that the film business was being jumped on as a sort of convenient springboard from which the trust busters of the nation could propel themselves into wholesale action. If this version holds up, its implications are extremely important in that they throw daylight into the situation's values and would tend to demonstrate that St. Louis developed, not so much because it rated development, but because it furnished the legalistic crusaders a reasonable opportunity to break their lances against a non-resisting enemy with many newspaper headlines gathered in the spoils. . . .

▼

Another angle, suffused in reasonable conjecture, points up the Justice Department's reputed displeasure over the block booking system and its current gyrations as a scare designed to frighten the industry into some sort of a trade. Since this business often lacks the rigidity in its backbone which it might better enjoy, an offhand guess, based on considerable observation, informs that the odds of getting away with such a scheme were in Washington's favor. For the doctrine prevailing on many high film pinnacles is one of erroneous compromise when the pressure becomes felt on the theory there is far too much at stake to risk disruptions of major proportions. . . .

▼

And still another slant concerns what is known as a consent decree. This is a very legal document in which indicted companies and individuals set forth in writing properly phrased their shame over deeds committed and their promise never more to tread the way of the transgressor. They sign it in all solemnity, as does the government; the pact is made binding for a period of years and the expensive goings on of waging and resisting a trial before the Federal bar is vitiated. A procedure such as this, however, must develop out of a mutuality arrived at by both parties. The indicted companies, if the Warner attitude is any criterion, will insist on a trial. But so may the government for that matter. Which leaves all of what has gone before in the dead center of exactly nothing except conjecture. . . .

▼

The accord arrived at between the Czech government and the industry is important. It reopens that territory for American films and allows domestic producers to mill around in Europe's third best market. France is one and Spain is two. England, of course, outsteps all of them. . . .

▼

Opium smoker's ravings: Merlin H. Aylesworth has been offered a post on the Paramount directorate.

One of the better known newsreels is about to gather a new distributor unto itself.

Manny Cohen's rating at Paramount will do sky writing as a result of "Bengal Lancers."

Columbia thinks exhibition is a pretty good business to be in.

"Hei Tiki" to Globe

Morris Epstein, of First Division Pictures, has closed a deal with the Globe for a three-week run of "Hei Tiki," starting Feb. 1.

Following the local run, the picture will be roadshowed. Special exploitation is planned for each key city.

The picture was produced by Alexander Markey on the Isle of Ghosts, in New Zealand, with an entire native cast.

Mayfair Books "Nights"

First Division's "Sing Sing Nights" will follow Radio's "The Silver Streak" into the Mayfair next week.

Up Again Today

Du-Art yesterday was successful in another step in its laboratory litigation against Universal when the Appellate Division of the New York State Supreme Court reinstated the stay vacated on Wednesday by Justice Steuer. Universal's appeal, in turn, is scheduled to be heard this morning.

Ajax Closes Carey Deal

Ajax Pictures Corp. has closed a deal to produce six westerns with Harry Carey for the state rights market. First release will be March 1.

Further Film Probe Awaits U. S. Study

(*Continued from page* 1)

officials admitted that agents are now in Los Angeles and the department is still studying the complaints from that area, but has not yet decided what course will be followed.

While the Attorney General stressed that no immediate action is planned, observers saw nothing in his statement to indicate that the department was not going ahead with the consideration of other prosecutions, although, naturally, the course it will follow will depend almost entirely upon what officials think of their chances to secure convictions. It is still predicted in Washington that the next move will be in Los Angeles.

Seitz Says He Plans Suit Against Warner

(*Continued from page* 1)

serts the situation here parallels the St. Louis case.

Seitz has brought two cases before the grievance board charging overbuying. The first was dismissed for lack of sufficient evidence and the second was certified to Code Authority.

Warners refuse to comment.

It is expected papers will be filed within the next few days, either in Toledo or Cleveland.

Campi did not get to the Seitz case yesterday, consuming all afternoon on the Kutinsky-Century overbuying issue involving selective contracts. It will be decided this morning.

Pictures Aiding in Crime War: Milliken

The industry is giving "definite assistance" to the nationwide crime drive, declares Carl E. Milliken, secretary of the M.P.P.D.A. He made this declaration yesterday at the annual meeting of the Federal Grand Jury Ass'n of the southern district of the N. Y. Bar Ass'n.

Milliken said pictures were using every means to avoid contributing to the making of crime or to undermining character and were continuing "definite and specific efforts to present within the proper scope of artistic creation, the best and most scientific methods of crime suppression by police and other law enforcement agencies."

Order Registration Of Columbia Issues

(*Continued from page* 1)

York Stock Exchange of 5,023 voting trust certificates on Columbia Pictures common stock has been ordered effective by the Securities and Exchange Commission upon notice to the exchange of the issuance of the certificates.

The commission has also ordered effective, upon notice of issuance, the registration of 4,340 shares of unissued stock of Columbia Pictures on the New York Curb Exchange.

Warners Take Back Earle

PHILADELPHIA, Jan. 17.—After two years of nominal independent management, the Earle will return tomorrow to direct Warner control. William A. Haynes, for six years district manager for this territory, will manage.

EARL DERR BIGGERS' FAMOUS DETECTIVE DISCOVERS NEW THRILLS TO BRING IN THE CROWDS



CHARLIE CHAN IN PARIS

WARNER OLAND

Mary Brian • Thomas Beck
Erik Rhodes

FOX

Produced by John Stone **Directed by Lewis Seiler**

Story by Philip MacDonald. Screen play by Edward T. Lowe and Stuart Anthony. Based on the character "Charlie Chan" created by Earl Derr Biggers.

Variety Daily: **"Exhibs need have no worry about this one."** ***Motion Picture Daily:*** **"Ranks high in the Chan category. Intriguing entertainment with plenty of surprise!"**

...THRILL THEM WITH SIGHTS

It starts where others left of

SHOW A legion of giant baboons attacked by battalions of raging monkeys!

SHOW The most tremendous herd of angry elephants ever viewed by man!

SHOW The wild stampede of snorting buffalo — thousands upon thousands!

SHOW These adventurers brave the frowning treacherous peaks of Mt. Keyna, haunt of evil spirits!

SHOW The bitter fight between a savage wart-hog and a marauding leopard!

SHOW A snarling lion leading his ferocious mates against a grounded plane!

SHOW The great steel jaws of crocodile killers awaiting their human prey!

SHOW The secret heart of the untouched kingdom of relentless claw and fang!



THEY'VE NEVER SEEN BEFORE!

..BECAUSE THEY WENT ~~BY PLANE~~!

MR. & MRS. MARTIN JOHNSON'S

BOONA



AN AERIAL EPIC OVER AFRICA

Supervised by Truman Talley

50,000 MILES OF AMAZING SCENES PACKED INTO ONE BREATHLESS HOUR!

THERE'S NOTHING RARE ABOUT THESE



Ov

VI

"BROADWAY BREVITIES—'THE SONG OF FAME': If all short subjects were as well cast and produced as this two-reel film, exhibitors would not be forced to double-feature. This musical subject is better than many feature pictures."



"DOROTHY STONE, BOB HOPE in 'PAREE, PAREE': This is excellent entertainment of the musical comedy type. When you play Vitaphone shorts, advertise them and listen to the public comment on them."



"'BARBER SHOP BLUES': A crackerjack one-reel."

"HAL Le ROY, DOROTHY DARE in 'SYNCOPATED CITY': Vitaphone shorts are okay and my patrons like the Broadway Brevities and especially Hal LeRoy's dancing."



"MELODY MASTERS—PHIL TALNY AND HIS MUSIC QUEENS: Excellent entertainn and pleased our entire audie Other producers should pay V phone to produce shorts for the

"HAL LeROY, DAWN O'DA 'PICTURE PALACE': A very musical comedy with plenty beautiful girls and good music. cellent entertainment and will pl everyone."

"LEON ERROL in 'GOOD MO ING EVE': A dandy musical c edy in color."

"'BUSINESS IS A PLEASU This one is great. Beautiful c comedy, snappy dance num just about everything you can into a two-reel short. Got as m favorable comments as a featu

AND COMING SOON—NEW VITAPHONE SHORTS

lids to

TAPHONE

We're used to having exhibitors tell us that Warner Bros. make the best Shorts and Trailers. Vitaphone's Stars and Music and Production Quality take care of that. But when 17 separate reports in a single issue of "What The Picture Did For Me" praise Vitaphone Shorts to the stratosphere, THAT'S NEWS! Read these straight-from-box office bulletins... compare them with the results you're getting from competing product ... then ask yourself if it isn't simple common sense to SWITCH TO VITAPHONE



"BIG V COMEDIES — ROSCOE ATES in 'SO YOU WON'T T-T-T-TALK': One of those real belly laugh comedies. And how the folks ate it up. Call it hokum or slapstick or whatever you want to, but this is the type of comedy that goes over here in a big way."



"JEANNE AUBERT in 'GEM OF THE OCEAN': This is a very good entertainment of the musical comedy type with plenty of beautiful girls and great dancing numbers."

"MERRIE MELODIES—'THE GIRL AT THE IRONING BOARD': This cartoon is done in a way that makes it excellent entertainment for both young and old. Vitaphone continually produces good shorts that please the public."



" 'NO CONTEST': Very good. Ruth Etting can sing and does in this."







"SEE AMERICA FIRST SERIES— 'BOSTON TEA PARTY': First of this series I have run and it is excellent. I would be willing to pay for this one for my own benefit."

"PEPPER POTS — 'A CABINET MEETING': A dandy single reel from Vitaphone."

"FREDDY RICH AND ORCHESTRA in 'MIRRORS': A good musical short. Vera Van and the Eton Boys help."

"RUTH ETTING in 'NO CONTEST': A very good musical comedy. Has plenty of beautiful girls, good music and everything you could expect of a musical comedy. Great entertainment."

" 'GOOD MORNING EVE': An entertaining musical comedy in color."







RING POLLY MORAN, EL BRENDEL, SHEMP HOWARD, HERB WILLIAMS

Payroll Tax of 3% Asked for Insurance

WASHINGTON, Jan. 17.—Employers in the film industry will be subject to a payroll tax, beginning Jan. 1, next, at one per cent and rising by the beginning of 1938 to three per cent, under an unemployment insurance bill introduced in Congress today by Senator Wagner of New York. The bill is designed to conform with a message from President Roosevelt asking for the enactment of social legislation.

Old age and unemployment insurance will be financed jointly by employers and state and Federal governments. The old age insurance tax, however, is not to be borne alone by employers, but half of the tax is to be deducted from employes' wages. Further, it is provided, there is to be no tax upon that portion of a payroll representing non-manual employes receiving more than $250 per month.

Clearance Dispute Ends in New Haven

NEW HAVEN, Jan. 17.—Following a long battle before the clearance and zoning board, in which the Dixwell protested against an increase in protection from 30 to 41 days, as a result of Loew's College unprecedented second run, the board passed a compromise decision of 37 days in favor of the Dixwell today.

Contending since the first hearing of the case on Jan. 7, that for eight years prior to this season the Dixwell had been served 30 days after first run, Dr. J. P. Fishman nevertheless agreed that 37 days' maximum would be a fair decision, reaffirming the provision of the revised clearance-zoning schedule, the adoption of which by Campi New Haven exhibs have been urging strongly.

The final decision was passed by a three to two vote, Morris Joseph not voting. It provides that the College shall have a 30-day maximum clearance, so long as it charges 30 cents; and that the Dixwell shall have a 37-day maximum on a 25-cent admission, or a 30-day maximum on a corresponding raise in admission. It is specifically stated that the board does not intend to increase existing clearances which are shorter than the maximum set out in the revised schedule.

A similar case has been filed by the Whalley, and Edward G. Levy, M. P. T. O. secretary, reports several others are in the offing.

The State here, filed a complaint against the Lawrence this week under the reduced admission clause. The Lawrence counterpointed by filing an identical complaint against the State, and obtained a continuance of the hearing on the first complaint from Friday to Monday, Jan. 21, when both cases will be heard by the grievance board. In the meantime, both theatres will run five-cent matinees Saturday.

Delay Century-RKO Case

Century's clearance complaint against RKO in Long Island was again postponed yesterday, this time at the request of the complainant. The new hearing is set for Jan. 31. The plaintiff seeks to eliminate a seven-day protection RKO houses have in Far Rockaway and Jamaica over the Fantasy, Rockville Center.

Looking 'Em Over

"Clive of India"

(20th Century-United Artists)

Three times in India and back in London to meet the carping criticism piled up around his head by enemies, it is a stirring and simple speech which Ronald Colman, as Lord Clive, makes to the House of Commons in defense of his career. And when the prime minister shortly thereafter tells him of the high measure in which the King holds those services, the picture of which these two effective sequences are a part comes to a touching conclusion.

But all of "Clive of India" is not on the same plane. Or perhaps that is asking too much. Dash and verve mark its opening sequences, showing, as they do, the impetuous East India Company clerk, the destiny that takes him into the army and courage that makes him the conqueror of Southern India. In his headlong dash toward the top, Clive sweeps Loretta Young off her feet and into his arms as he sweeps the enemy before him.

The first phase of his job done, he goes back to England on promise to his wife that there he will remain. Then comes the second urge and so Clive goes back to the scene of his first victories to further cement for England the empire over the seas. Ultimately develops the second return to England and private life, if only for a spell. The third venture finds him going alone, his wife discouraged by his broken promises and warning him that inevitably success will be crowned with disaster. On Indian soil, with at home newspapers after his scalp, Clive hurries to the mother country again, and as the picture closes, is found in his wife's arms and with the King's gratitude ringing in his ears.

There is considerable color in the production which has been turned out on a large scale. The armored elephants in the battle of Plassey are something new in celluloid battles, but the staccato close-ups of men dying in their audible terror are unnecessary and unsuited for feminine and juvenile patronage.

As the picture stands, it is somewhat repetitious and seemingly overlong. In point of acting, Colman and Miss Young are good in the principal roles with an assortment of sincere performances furnished by Colin Clive, Francis Lister, C. Aubrey Smith, Montagu Love, Lumsden Hare and others. Richard Boleslawski directed.

Production Code Seal No. 501. Running time, 94 minutes. "G."

K.

"Hollywood Mystery"

(Principal)

Regal has produced in "Hollywood Mystery" entertainment that ought to go well at neighborhood houses. It is fast-moving, filled with action, its story briskly told and its acting capable for the most part. The tale mingles the underworld with the world of Hollywood.

Frank Albertson, publicity man for a producing company, tries to help his boss (Tenen Holtz) to handle an inflated foreign director, who demands a real gangster for the chief role of a racketeer in an underworld picture. To mollify the fellow Albertson hires an Italian actor (Jose Crespo) to pose as a gang chieftain.

A fight is staged in a night spot in which the ham is made to emerge in heroic colors. The director (John Davidson) is completely taken in and insists the bogus gangster be signed for the star role. At the same time Albertson manages to get the girl friend (June Clyde) engaged for the feminine lead.

Things start to get hot when the discovery is made that the ham socked an underworld big shot by mistake. When the gangster learns the identity of the man who smacked him, it takes him no time to corner him and hand him a lacing. The police break up the little party, pull in the tough guy and his pals and learn the truth about Signor Crespo.

There is considerable fun in the film as well as melodramatics. Breezy Eason directed. No code seal. Running time, 55 minutes. "G."

(Additional review on page 10)

Flash Preview

Mystery of Edwin Drood— . . . exciting murder mystery . . . good for any spot. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Sign Olivia Di Haviland

HOLLYWOOD, Jan. 17.—Olivia di Haviland has been signed to a five-year contract by Warners. The actress is currently working in "Midsummer Night's Dream."

Charter Two Companies

ALBANY, Jan. 17.—Two new theatre incorporations here include United Theatre Owners, Inc., with Martha J. Hoffman, Henrietta Zeichner and F. Augusta Weissman as directors and subscribers, and Prisoners of War, Inc., with Murray A. Schechtman, Jane E. Cross and Helene M. Hart as directors and subscribers.

Wall Street

Warner Up on Big Board

	High	Low	Close	Net Change
Columbia (c1)	35¼	35¼	35¼	.....
Consolidated Film	7½	7⅜	7¼	— ⅛
Consolidated Film, pfd., (½v)	21	20½	20¾	+ ⅜
Eastman (4a)	112½	112¼	112½	+ ¼
Fox Film "A"	11⅜	11	11⅛	— ⅜
Loew's, Inc. (1a)	32¼	31¾	31¾	+ ¼
Loew's, Inc., pfd.	102½	102½	102½	— ⅝
M-G-M, pfd. (1.89)	28¼	28¼	28¼	+ ¼
Paramount, cts.	3¼	3⅛	3¼	.....
Pathe	1⅛	1⅛	1⅛	.....
Pathe "A"	15⅛	15⅛	15⅛	+ ⅛
RKO	2⅛	2	2⅛	+ ¼
Warner	4	3⅝	4	+ ⅜
Warner, pfd.	20⅞	18	20⅞	+2⅜

Trans-Lux Gains ⅛ on Curb

	High	Low	Close	Net Change
Technicolor (20b)	11⅞	11¾	11⅞	— ⅛
Trans-Lux	3	3	3	+ ⅛

Small Gains on Bond Market

	High	Low	Close	Net Change
General Theatre, 6s, '40	8¾	8½	8¾	+ ¼
General Theatre, 6s, '40, ctf.	8½	8¼	8¼	— ¼
Keith, B. F., 6s, '46	69¼	69¼	69¼	— ¾
Loew's, 6s, '41, ww deb rights.	105¼	105	105¼	+ ¼
Paramount B'way, 5½s, '51	43¾	43	43	— ½
Paramount, F. L., 6s, '47	61¼	60½	61¼	+1¼
Paramount Publix, 5½s, '50	61¼	60¾	61	+1
Warner, 6s, '39 wd.,	55½	54¼	55¼	+1⅛

(a) Plus cash extras. (c) Plus stock extras. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 17)

Warners to Have Own Poland Office: Morris

(Continued from page 1)

weeks' trip to England, Spain, France and Italy. The latest foreign office will be opened within the next few weeks, but no date is set, he said. Preparations are now under way. As for conditions abroad, Morris said they were improving.

Buddy Morris, son of the foreign head and president of Music Publishers Holding Corp., which controls Witmark, Harms and several other companies, also was a passenger on the Italian liner. He said that he renewed a contract with Bert Feldman of Feldman & Co. to handle Warner music in England for the next three years. He also closed a three-year deal with Chappell & Co. for the Continent and Australia.

Discussing music conditions abroad, Buddy Morris declared there was no need for signing foreign writers, since most of the music is of American origin. "Every place you go you hear American tunes," he said.

Bill Would Retain Cal. Sales Tax as Is

STATE CAPITOL, SACRAMENTO, Jan. 17.—Senator Sharkey has introduced a bill to continue the sales tax at two and one-half per cent, instead of permitting a reduction to two per cent on June 30 as the present law requires. This will make a difference of $20,000,000 per biennium in the estimated state revenue.

Pat Harmon Assaulted

HOLLYWOOD, Jan. 17.—Pat Harmon suffered serious head lacerations when assaulted by three unknown men last night when he quit work at the Fox Wilshire studios. He was hit with a gas pipe.



UNIVERSAL

...for more than twenty years the champion producers of serials
ANNOUNCES FOUR NEW SERIAL CHAMPIONS FOR 1935-36!

BUCK JONES

in "The ROARING WEST"

15 of his greatest episodes!

***"The* NEW EXPLOITS *of* TAILSPIN TOMMY"**

12 chapters of <u>new</u> aerial daring!

***"The* ADVENTURES *of* FRANK MERRIWELL"**

Universal scoops the industry with this famous series of 12!

"FLASH GORDON"

12 chapters of blazing adventure from the newspaper comic strip!

Long Fox Met Struggle Goes Added Round

(Continued from page 1)

up that have to be settled first. For example, yesterday's hearing was diverted by an indelicate charge by one lawyer that some other lawyers were laying unholy hands on money that belonged to the bondholders. Time was taken out while the advisability of apologies or, in lieu of them, a scolding by the court, was argued.

Milton C. Weisman, present as receiver for Fox Theatres Corp., which owns the 100,000 shares of Fox Met common stock outstanding, had made the discomfiting implication against Beekman, Bogue & Clark, counsel for the Fox Met noteholders' committee, in a brief submitted to the court. Weisman took the position, in arguing against the necessity for an apology, that, while he may have been mistaken in his premise, no harm had been done. The argument promised to continue indefinitely, but Judge Mack terminated it neatly by observing to Weisman that "if you, as an attorney, cannot see the need here for an apology, nothing the court could say would make it plainer to you."

$5,750,000 Claim Against Fox Met

Weisman has filed a claim of $5,750,000 against Fox Met on behalf of Fox Theatres' stock ownership in the former. The Fox Theatres' receivers who preceded Weisman had regarded this claim as worth only $4,500,000 and indicated they would be willing to settle for $100,000. Weisman disdained such a settlement and filed the claim in the increased amount. The bondholders' committee contends that Fox Met is insolvent and intimates, in effect, that the stock certificates might make an interesting wall design in the refurbishing of an office in the modern motif.

An alleged attempt by Weisman to convert the committee to a different viewpoint was recounted to the court yesterday by Morton G. Bogue, of counsel for the committee. According to this version, Weisman lunched with Bogue, his associate, William L. Bainton, and Alvin J. Schlosser and Ernest W. Niver, members of the noteholders' committee, and proposed a plan of reorganization for Fox Met which would give noteholders the same amount of bonds of a reorganized company as is now proposed in the bondholders' own reorganization plan, and for the balance of their claims they would receive some cash and a non-cumulative preferred stock of the new company, while Fox Theatres would subscribe $500,000 for all of the common stock of the new company.

Makes Charge Against Weisman

"After listening to his proposal," Bogue related, "we showed him how far apart we were in our viewpoints."

He failed to state who paid for the lunch.

Thereafter, Bogue said, Weisman, accompanied by Basil O'Connor, counsel for the Fox Theatres' receiver, met him a second time and, according to Bogue, "threatened to destroy the committee and its members by introducing charges against them, and otherwise, unless they got what they wanted."

Weisman denied the charge, saying that he was "not so foolish as to threaten."

"I merely tried to get together with them," Weisman said, "because I believe the estate could be destroyed while we fought, if obliged to."

Weisman previously had stated to the court that he "had been informed" that William M. Greve, a member of the bondholders' committee, had traded in Fox Met bonds to the extent of $600.000, buying them at prices ranging from $40 to $130 per $1,000 and that Greve had subsequently transferred ownership of the bonds "to one of the corporations he controls after learning of my plans to bring charges against him." Weisman also charged that Max Horwitz, another member of the committee, who, he said, was formerly identified with Hallgarten & Co., had traded in the bonds for that company. He concluded by saying that members of the committee should submit themselves for examination in court on their trading in Fox Met bonds.

Bogue, as counsel for the committee members, entered a denial of the charges, pointing out that an examination as to their alleged trading in the bonds, could take place at the time of a hearing on the fairness of a plan of reorganization.

Judge Mack declared that Weisman had no standing as between the bondholders' committee and their doings, stating that it was up to the committee whether or not the men on it should be removed, but adding that "the charges against them will be taken up by the court before any plan is approved."

"There ought to be some plan evolved soon," Judge Mack said, "to avoid throwing this company back into a detrimental receivership or bankruptcy. I am willing to sit down with the parties in interest and try to make an adjustment of their differences for that reason."

Judge Mack granted applications by both the bondholders' committee and the Fox Theatres' receiver for leave to intervene in the reorganization proceedings. The motion of each was opposed by the other, and Bogue offered to withdraw his committee's application when Weisman made his opposition but was not permitted to by the court. The order of intervention has but little significance, merely entitling intervenors to be served with notices of all proceedings. Bogue's application for court sanction of the mailing out of copies of the committee's plan of reorganization to creditors with provable claims for their acceptance was denied by the court as unnecessary to the procedure.

The committee will now proceed with its effort to obtain acceptances of the plan prior to formally filing it with the court for a hearing on its fairness. This is regarded as a routine procedure as only 25 per cent of the bondholders are required to accept the plan in order to have it presented to the court.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Whole Town's Talking"

(Columbia)

HOLLYWOOD, Jan. 17.—Using as a springboard the dual role of tough gangster and meek clerk, Edward G. Robinson literally bounces back into the limelight in one of the season's finest entertainments. It should be a terrific moneymaker.

Not since "Little Caesar" has Robinson had a role so meaty as the one he milks with such deftness for crackling audience reactions of sympathy, laughter and hate.

As a timid wage slave addicted to writing poetry, he unknowingly resembles Public Enemy No. 1. Catapulted into a dragnet, the police insist he is Killer Mannion until he is identified as Clerk Jones. The police, to protect themselves, give him a letter of identification in order to leave them free to hunt Mannion.

Stimulated by drink and with his ego expanded by an admiring boss and a reporter, he comes home and meets Mannion face to face. The gangster demands the identification letter for night use, agreeing to let the clerk use it in the daytime, both to occupy the clerk's apartment.

With such a satirical, yet laugh-provoking premise, the ensuing action is fraught with tingling excitement and surprise twists, the action moving at breckneck speed and with a suspense that gave a preview audience the jitters.

The contrasting swagger of the gang leader and the self-effacing mannerisms of the clerk furnish hilarious laughter until a romance climaxes in powerful dramatic strokes as the gang chief is rubbed out.

John Ford again demonstrates in "The Whole Town's Talking" the directorial genius evinced in "Arrowsmith," "The Lost Patrol" and "Judge Priest." Jo Swerling's and Robert Riskin's screen play from W. B. Burnett's story is a model in dextrous writing of balanced comedy, drama and smart dialogue.

The cast is outstanding. It includes Jean Arthur, Wallace Ford, Donald Meek, Ed Brophy, Arthur Hohl, Arthur Byron, Etienne Girardot, J. Farrell MacDonald, John Wray and Effie Ellsler. Joe August's photography, including his double exposure, is excellent.

The high spot is Robinson's drinking scene. It is Chaplinesque. The preview audience applauded vigorously.

Combining violent melodrama with whimsical characterization and laughs aplenty, Columbia has produced smash entertainment that may well bracket in popularity "It Happened One Night" and "One Night of Love." Previewed without Production Code Seal. Running time, 97 minutes. "G."

Closed Para. Hearings to Be Requested

(Continued from page 1)

the hearing of all those opposed to the consolidated plans.

Efforts may be made, it is understood, to restrict the time allotted to those in opposition to the plan tomorrow so that all may be heard briefly. Detailed opposition to the plan will be restricted to the closed hearings in chambers later, if the application to conduct such hearings is granted by the court. In this case, objectors would probably be heard separately.

Opposition to the plan is still not clearly defined in the ranks of influential creditor representation. Samuel Zirn, counsel for a small bondholders' group, and Archibald Palmer, appearing in the nature of public defender, rather than as a creditor representative, have constituted the sole opposition to the proceedings thus far. Classified in the probable ranks of opposition, also, is an independent bondholders' group represented by Szold and Brandwen.

Seek 2 to 4 Industry Men

The stockholders' committee and the merchandise creditors' committee, both being influential groups, are known to favor the addition to the board of directors of the new company as many as two to four men of industry experience. While not outwardly opposed to the plan, these groups may withhold their approval of it until some adjustment of their views on the new management has been made.

Reorganization groups held several meetings during the past week on nomination of new candidates for the board, including a lengthy meeting yesterday, but failed to arrive at anything decisive. Additional meetings are scheduled for this week-end. Meanwhile, the names of George Schaefer, Paramount general manager; Frank C. Walker, vice-president of M. E .Comerford Circuit; Charles E. Richardson, former Paramount Publix trustee, and Barney Balaban of B. & K., recur most frequently in reorganization circles in this connection.

Palmer is expected to lead opposition to the plan at today's hearing with a charge that the reorganization procedure is irregular in that the plan is being offered by Paramount Publix whereas, he charges, no stockholders' meeting was held at which the plan was adopted for the company by its stockholders. Opposition to the payment of six per cent interest on the Paramount bank debt of $3,600,000, provided in the cash settlement of the banks' claims, is also expected to be renewed today and may lead to modification of that agreement. Demands for preferred treatment in the plan of subscribers to new common stock is also anticipated.

Chaplin Back at Work

HOLLYWOOD, Jan. 17.—Recovered from a 10-day attack of the flu, Charlie Chaplin today resumed production on his new film.

Still
UNIQUE

WHEN it was introduced in 1931, Eastman Super-Sensitive Panchromatic Negative was definitely a "new and different" product. And there is still no other film like it...no other has wrought comparable changes in motion picture procedure, or contributed as much to motion picture quality. It is only natural that this Eastman film should be unique, also, in the enthusiasm which it continues to arouse among cameramen and producers. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

Bellman-Goldsmith Hearing Continued

(*Continued from page* 1)

held Wednesday, when it was recommended to the litigants that efforts should be made to settle the case. This, however, failed to materialize and the hearing resumed where the litigants left off the previous day.

George Moser and John Golder of the Hollywood, Buffalo and Philadelphia exchanges, respectively, appeared for brief testimony. Both stated that they had been selling "Little Men" for some time and had not been advised to stop.

Bellman testified under examination by Mascot's attorney that he had entered into a deal with Ken Goldsmith of Goldsmith Prod., Ltd., on June 6, 1933, for six pictures, one of which was "Little Men." He said he had advertised and sold this picture to his accounts under terms of his contract and had not been advised directly by Goldsmith that the picture would not be delivered. Bellman added that he learned through the trade papers some time ago that Mascot was making it and that Goldsmith was supervising.

The plaintiff said that he had not defaulted on any payments under his contract and on May 7, 1934, entered into a modified agreement with Goldsmith on the picture.

Bellman Charges Conspiracy

Through his counsel, Jacob Schechter, Bellman declared that Mascot and Goldsmith had conspired to take the picture away from him.

Mascot's attorney held Bellman's contract was with Goldsmith Prod. and did not provide that Goldsmith himself should make it.

During the hearing, it was brought out that Bellman had signed for eight Ken Maynard pictures to be produced by C. C. Burr and that these will not be delivered because Burr's option has expired and he is making the series for Mascot. This evidence was stricken from the record after objection by Schechter.

Jack Fier of Mascot stated that production started on "Little Men" about Nov. 15 and a month later it was previewed at Green Bay, Wis. Stephen Eller represented Goldsmith Prod. The committee's recommendation will be sent to Campi for final determination.

Briefs were ordered submitted on Monday, but meanwhile the committee will study the evidence and exhibits. Depositions of interested parties in Hollywood who did not appear may be sought by the committee, it was indicated.

Hartford Disturbed By Five-Cent Show

(*Continued from page* 1)

has been dark for some time, and at the Warner Theatre department it was stated that the theatre was merely leased for advertising purposes by the R. G. Miller Co.

Meantime, it appears that efforts on the part of Leonard O'Neill of the Cameo to stop the Saturday show by filing a complaint against Warner's theatre department, will be unsuccessful, since there is not sufficient time to call a meeting. O'Neill states that the Warner exchange head denied all knowledge of the booking. The Cameo manager maintains that the Warner theatre department is responsible.

Purely Personal

PROFESSOR HUGO BURGHAUSER, president of the Philharmonic Orchestra Society of Vienna, and his wife, MARGUERITA WALLMANN, Viennese stage producer, arrived on the *Conte di Savoia* last night. Both were signed some time ago by LOUIS B. MAYER when he saw them perform in Vienna. They will create special material for M-G-M, leaving for the coast in a week. They are in New York for the first time.

●

WILLIAM P. FARNSWORTH, NATHAN YAMINS, ED KUYDENDALL, SIDNEY JUSTIN, HAROLD BAREFORD, TYREE DILLARD and FELIX FEIST carried their discussion of code problems over from 6th Ave. to the M. P. Club for lunch yesterday.

●

Others spotted around the club were JOE VOGEL, ARTHUR LOEW, DAVID LOEW, OSCAR DOOB, LOUIS K. SIDNEY, MORT SPRING, HOWARD DIETZ, HARRY BRANDT, LEE OCHS, NAT COHEN, BOB WOLF, DAVE BLUM, MORTON VAN PRAAG, ARNOLD VAN LEER, GEORGE DEMBOW, BEN ROSENBERG, LOUIS NIZER, LOUIS PHILLIPS, PAT CASEY and JAMES L. RYAN.

●

ARNOLD VAN LEER, who manages to rig up exploitable exploitation tie-ups, is flirting in several directions at once for a new job, now that he has resigned as exploitation chief for Gaumont British. His latest is a cooperative with John Jameson's whiskeys on behalf of "Man of Aran." First ads run in the *New York Times* this morning to be followed in other cities across the nation later.

●

ELIZABETH BERGNER is apparently "still asleep." The Theatre Guild had no news of her yesterday and the hotel at which she is stopping warded off callers by saying she "wasn't registered."

●

LUISE RAINER, German star signed by M-G-M and who arrived from Hungary a few days ago, is in the Morningside Hospital under observation for a stomach disorder.

●

HAL HORNE will address the *N. Y. Times* advertising class this morning. His subject will be "Motion Picture Advertising."

●

HARRY BRANDT and AL LICHTMAN head for Miami next Monday. WALTER READE goes south some time next month.

●

FRANK PHELPS of the Warner theatre department left for Philadelphia yesterday for a two-day meeting there.

●

HARRY BERNSTEIN, head of Loew's real estate department, is due back from Miami shores any day now.

●

MOE STREIMER leaves for Miami today for a vacation. NAT BIER will pinch hit during his absence.

●

CHARLES CABALLERO, manager of the Plymouth, Worcester, Mass., was in town yesterday.

●

FRED MCCONNELL back from Charlotte. Over the airline.

●

EDWARD GOLDEN has returned from Buffalo and Detroit.

HARRY H. BUXBAUM'S family is nicely tied up with various dates of historic import. For instance, there is the head of the household. He was born on Jan. 19 and so finds his natal date identical with Robert E. Lee's. MRS. B.'s birthday is Feb. 12 and so was Lincoln's. HARRY, JR. saw the light of day 10 days later on the calendar and an unknown named George Washington did likewise. On April 14, Lincoln died; JOHN BUXBAUM was born on the same day, different year naturally.

●

BOB SAVINI is back from the coast where he closed with HOWARD HUGHES to re-distribute the product the latter originally made for U. A. "Things are certainly busy with the independent producers," says BOB. "Every one of them (about 20 in all) has from six to 15 features to produce this year." It's going to be a big year for independent distributors, of which he is one, concludes SAVINI.

●

KATHARINE HEPBURN really did take that plane for the coast, but before she left she spent a couple of hours around the Radio office saying so long to BARRETT MCCORMICK and the boys and thanking them for their work on "Little Minister."

●

JOE BARRY and BILL KELLER, winners of a recent radio amateur night contest, start a week's engagement at the Roxy today. The week at the house was first prize, but no one is saying what the other prizes were.

●

ROLAND YOUNG and CHARLES MACARTHUR lunching at "21" and appearing to be deep in a discussion of the proposed play that YOUNG is to do on Broadway.

●

WILLIAM HOLLANDER, advertising and publicity chief for B. & K. in Chicago, is in town for a few days.

●

NAT LEFTON leaves for Cleveland today. JACK JOSSEY heads for the same city either tomorrow or Sunday.

●

BILL FERGUSON rushed off to Philadelphia yesterday afternoon. "David Copperfield" was calling.

●

ED KUYKENDALL will leave for Washington Sunday night and returnes next Wednesday.

●

BEN VERSCHLEISER, Monogram associate producer, treks back to Hollywood on Sunday.

●

JACK COHEN spotted at the opening of "Creeping Fire" at the Vanderbilt Wednesday night.

●

SI FABIAN broke his nose the other day. It happened in an auto accident.

●

CHARLES STERN is in Boston and from there goes to New Haven.

●

FANCHON of Fanchon & Marco left for the coast Wednesday.

Explosion at L. A. House

LOS ANGELES, Jan. 17.—An explosion of unknown origin took place at the Fox Wilshire today. The box-office was slightly damaged. Ellaine Schaeffer, cashier, was slightly injured. Paul Baetz, manager, believes the cause was damp gas underneath the floor.

Guild to Continue Battle for a Code

(*Continued from page* 1)

mass meeting called to acquaint members with details of the guild's recent affiliation with Actors' Equity via Associated Actors and Artistes of America.

The gathering was told that negotiations for a new standard contract cannot be consummated until after the present standard agreement, prepared by the Academy, expires next March.

No intimation was given that the actors would seek to gain their ends through the medium of a strike. The understanding, rather, was that the players desired to negotiate with producers on a friendly basis for the best interests of both sides, yet the guild was represented as definitely going on record as recognizing no agreements other than those prepared by it.

The guild yesterday received verification of its A.A.A.A. charter, which becomes effective when details are worked out.

Report Under Scrutiny

WASHINGTON, Jan. 17.—Compliance Director Sol A. Rosenblatt is studying the report by the actors' committee in Hollywood on the 5-5-5 committee. The brief consists of 112 pages of typewritten matter.

Rosenblatt some time ago made an effort to straighten out the dispute between producers, writers and actors when he went to Hollywood, but failed.

Legitimate Theatre Code Case Delayed

(*Continued from page* 1)

dismissal in the belief that the brokers' complaint in law did not contain anything which entitled them to relief.

The temporary injunction against the code sought by the brokers comes up Monday in the same court, but not before the same judge. This hearing also is scheduled to be postponed.

Deputy Administrator William P. Farnsworth came in from Washington yesterday for the hearing, but diverted his attention to the film code.

'Clive' Opens; B'way Debut Proves Draw

With weather sloppy under foot and sunlight arcs decorating the Grecian front of the Rivoli, "Clive of India" took its bow on Broadway last night with an invited audience seated in the mezzanine reserved for them and the paying public elsewhere.

The United Artists executive force turned out en masse and sprinkled throughout the house were familiar film figures such as Spyros Skouras and E. L. Alperson of the Skouras circuit, Fred Meyers of the RKO circuit, and many others.

When the first show broke at 10:11 P. M., crowds waiting for orchestra and mezzanine seats made it necessary to put up the tape.

"Clive of India" is reviewed by Red Kann on page 8 *today.*

Takes Lacygne Theatre

KANSAS CITY, Jan. 17.—W. F. Irwin has taken over the Liberty, Lacygne, Kan., from Earl L. Vance.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 16 NEW YORK, SATURDAY, JANUARY 19, 1935 TEN CENTS

Kutinsky's Overbuying Case Decided

Campi Reverses Contract On Selective Buys

Campi yesterday handed down an important decision relative to selective contracts when it reached a final determination on Morris Kutinsky's overbuying complaint against the Century circuit on Long Island. The plaintiff operates the Community, Queens Village, and Century has the Queens, same town.

When the case was decided by the New York grievance board, Kutinsky was awarded all over 250 pictures bought by Century. The respondent was ordered to submit within 15 days two lists of pictures over that figure from which the plaintiff could make his choice. Century appealed. Louis Nizer represented the plaintiff, while Mitchell Klupt represented Century.

According to Campi's decision, A. H. Schwartz of Century was found to have 208 pictures bought, but he must

(*Continued on page 4*)

Electrics File Suit On Patents in West

MINNEAPOLIS, Jan. 18.—Infringement charges have been filed in Federal court here by Western Electric, Erpi and A. T. & T. against Cinema Supplies, Inc., and Joseph Numero and Theodore Karate. An accounting and damages are sought.

The plaintiffs charge violation of patents granted Harold D. Arnold and others between 1920 and 1925 which have since been assigned to the electrics.

Boettiger Marries Roosevelt Daughter

John Boettiger, who joined the Hays office on Dec. 17 after resigning as Washington correspondent of the *Chicago Tribune*, was married yesterday to Mrs. Anna Roosevelt Dall, daughter of the President. The

(*Continued on page 2*)

Lutherans to Start Film Campaign Soon

The movement for clean pictures by the Lutheran Church of America will be launched as soon as possible, according to a spokesman of the National Lutheran Council, which held

(*Continued on page 3*)

Ship film by National Film Carriers, Inc., and be certain of on time delivery.—Adv.

Johnston Favors Banking Control for Para. Board

"Great confidence" in the future of Paramount Publix was expressed yesterday by Percy H. Johnston, former president and recently elected chairman of the board of Chemical Bank & Trust Co., and a director of Paramount, who appeared as a witness yesterday at the hearing on the Paramount reorganization plan before Federal Judge Alfred C. Coxe. At the same time Johnston testified that he was opposed to management, or company, men on the board of directors of reorganized Paramount.

Testifying to his confidence in the company's future, Johnston said that, based on his "intimate knowledge" of Paramount, he would have been willing to accept for his bank a settlement of the $13,000,000 claim against the company by its creditor bank

(*Continued on page 3*)

"Lancer" Smash for Paramount, $65,300

"Lives of a Bengal Lancer" is cleaning up at the Paramount and from all indications is due for a four-week run. For the first week the tally was $65,300, which topped "Belle of the Nineties," the Mae West picture, and came pretty close to "She

(*Continued on page 3*)

Relief Bill in for California Artists

STATE CAPITOL, SACRAMENTO, Jan. 18.—A ray of hope for unemployed artists, many of whom have been with film studios, has been cast here by

(*Continued on page 3*)

Sinclair on Stage

Los Angeles, Jan. 18.—For what is reported to be a fat sum Upton Sinclair has been engaged to make personal appearances at the Pantages during the run of "Our Daily Bread", which opens at the theatre Wednesday.

Seek to Avoid New Colorado Theatre Taxes

DENVER, Jan. 18.—With evidence proving that millions in Denver theatre investments have been lost in the past few years, exhibitors hope to convince the Colorado Legislature, now in session, that it should pass theatres by when looking for additional revenue for the next two years. An effort is to be made to pass a sales tax, and exhibitors will exert their influence to keep tickets exempt.

In Denver, and there is no reason to believe the situation is any worse here than in other sections of the state, 36 of the 40 theatres have suffered bankruptcy, rent adjustments, foreclosures or evictions.

All but three have changed hands,

(*Continued on page 3*)

Charnow 'Mercy' Plea Casts Campi Session Into Turmoil

Cries of "help" and a plea for "mercy" rang through the RKO Building and penetrated Campi's sanctum yesterday afternoon as Julius Charnow, operator of the Leonia, Leonia, N. J., screamed hysterically in the reception room at Code Authority headquarters. Campi members were "shocked" and temporarily bewildered at the outburst and had to call a halt to discussions of the Los Angeles clearance schedule until the echoes of Charnow's screams ebbed into oblivion.

Charnow, knowing that Campi was in session, several times asked the attendant to bring word to Deputy Administrator William P. Farnsworth for an interview. The New Jersey exhibitor wanted to see the NRA official in regard to his clearance situation, but all requests were denied.

Having lost his mother about three weeks ago, when she was killed in an automobile accident, and fearing the loss of his theatre because he could get no clearance relief from either the New York boards or Campi, Charnow lost control of himself and shrieked at the top of his lungs.

About two years ago the Leonia, which had been leased to Fox Metro-

(*Continued on page 4*)

Para.'s Bank Payment Plan Is Attacked

Lawyers Also Criticize Para. B'way Moves

Vigorous attacks on the proposed settlement of Paramount's $13,600,000 bank debt and on phases of the proposed plan of reorganization for Paramount Broadway, holding company for the Paramount Bldg. and theatre, marked the resumption of hearings yesterday on the Paramount Publix plan of reorganization before Federal Judge Alfred C. Coxe.

The hearing was adjourned until next Wednesday, at which time arguments in opposition to the consolidated Paramount Publix and Paramount Broadway plans will be heard. Efforts will be made to limit the arguments at this session and to conduct further hearings at closed sessions in chambers, it was learned. Yesterday's hearing saw the conclusion of the formal proof of both the Paramount and Broadway plans.

Attacks on the bank settlement which provides for the payment of

(*Continued on page 3*)

MPTOA Sets Train Schedules to N. O.

Train schedules for the M.P.T.O.A. convention in New Orleans starting Feb. 25 have been worked out. New Englanders will catch a train that leaves Boston at 4 o'clock Feb. 23 and make stops at Providence, Springfield, Hartford, New Haven and Bridgeport.

Cars on this train will be attached to a train leaving the Pennsylvania

(*Continued on page 2*)

Mexican Withdrawal Story Is Discounted

By JAMES LOCKHART

MEXICO CITY, Jan. 18.—American distributors here are discounting the story that appeared recently in a local newspaper to the effect they are

(*Continued on page 2*)

Columbia Wins New Jean Arthur Action

LOS ANGELES, Jan. 18.—Columbia scored a legal victory in Superior Court when Judge Thomas L. Ambrose upheld a temporary injunction

(*Continued on page 2*)

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Mexican Withdrawal Story Is Discounted

(*Continued from page* 1)

quietly canceling their contracts in preparation for withdrawal from Mexico by the middle of February as a result of the recent imposition of new taxes.

Distributors are optimistic over the prospects for worthwhile relief from the tax situation before the end of this month.

The newspaper asserted that if the Americans quit Mexico the country would be practically without product for exhibition, since native producers are unable to supply theatres with pictures and European sources are negligible.

Laemmle Birthday Fete

HOLLYWOOD, Jan. 18.—Carl Laemmle, Sr., whose 68th birthday yesterday found him in bed with a cold, was sufficiently recovered today to attend a studio birthday party given for him by friends and Universal employes. The affair was on a sound stage.

Selwyn an Aid to Mayer

HOLLYWOOD, Jan. 18.—Edgar Selwyn has been made an assistant to Louis B. Mayer at M-G-M, continuing at the same time as supervisor and director.

Decision Is Reserved

Decision in the Du-Art vs. Universal action involving print work on the latter's releases was reserved in the Appellate Division yesterday.

Purely Personal

EUGENE ZUKOR, GEORGE SCHAEFER, DR. JULIUS KLEIN, Y. FRANK FREEMAN and MAX D. HOWELL among interested spectators at yesterday's hearing on the Paramount Publix reorganization plan in Federal court.

•

GEORGE KAMEN, London representative of Mickey Mouse-Walt Disney, Ltd., leaves today with his assistant, EARL TUCKER, for England. They are on the *Ile de France*.

•

EDDIE CANTOR has gone to Miami for eight days, taking his two daughters, who did not go to Europe, along with him to make up for missing the foreign excursion.

•

ED KUYKENDALL, BEN ROSENBERG and RALPH POUCHER were deeply engrossed in future plans for New Orleans late next month while lunching at the M. P. Club yesterday.

•

ARTHUR LOEW, MORT SPRING, TOM GERETY, AL LICHTMAN and HAL RODNER seated at an adjacent table.

•

LAURENCE BOLOGNINO, LOUIS COHEN, EMIL JENSEN, LOUIS PHILLIPS, LEE OCHS and LOUIS NIZER also spotted around the room.

•

JAMES M. BECK, JR., M.P.P.D.A. representative in London, concludes a two months' visit here with the sailing of the *Ile de France* today.

•

RUTGERS NEILSON, JOE RIVKIN and ALEXANDER GRAY lunched at Sardi's yesterday, but they didn't pose for a caricature by IRVING HOFFMAN.

•

MRS. STUART W. WEBB, wife of the Pathe president, leaves today on a Mediterranean cruise on the *Santa Paula*.

•

W. W. MURRAY, of Fox Movietone News, sails today on the *Western World* for Bermuda. MRS. MURRAY is accompanying him.

•

EDDIE GRAINGER completed a swing around the Poli circuit Thursday evening and returned to Fox headquarters yesterday morning.

•

MELVIN LEVY, author of "Gold Eagle Guy," has flown to the coast to join the M-G-M writing staff.

•

M. H. HOFFMAN of Liberty Prod back in New York from Hollywood. He came in the bird's way.

•

ROBERT SAVINI, who just returned from the coast, goes to Dallas in 10 days.

•

SI SEADLER will get back from Bermuda on Monday.

•

WALLACE BEERY has gone back to Hollywood.

•

MANNY REINER of the M-G-M advertising department is home sick.

•

JOE CLEMMONS and SOL. E. GORDON left last night for Beaumont, Texas.

•

NAT SALAND of Mercury heads for the coast today on a three-week trek.

•

WILLIAM SCULLY is in Boston and returns Monday.

HENRY GINSBERG, vice-president and general manager of the Hal Roach studios, hits town Wednesday, leaving Hollywood today. He'll stop in Chicago on the way east. Conferences on short subject plans for the new year are bringing him here.

•

GEORGE WEEKS sends word here that he has closed a deal with IKE LIBSON of Cincinnati for the first run of "Evergreen" and "The Iron Duke" at the Capitol there. RUDOLPHE KNOEPFLE, Cincinnati representative of G. B., assisted WEEKS.

•

JOE MOSKOWITZ standing quietly in the Rivoli lobby the other night watching the crowd pour in to preview "Clive of India" while publicity department assistants ran around like wet hens.

•

MONROE GREENTHAL escorting prominent guests to a row of ushers who in turn showed the way to seats. His escorting was done with dash and aplomb.

•

A. C. BLUMENTHAL and MILTON WEISMAN arriving late for the same picture and being almost forced to sit in the aisle.

•

LAWRENCE and MRS. TIBBETT next to ED SULLIVAN spotted in the front row of the loge also.

•

JOE SCHENCK acknowledged hellos from a center loge seat and nearly lost his hat to a souvenir hunter.

•

AL LICHTMAN sporting a red hot muffler.

•

EMIL JENSEN bids fair to win the bagatelle prize at the M. P. Club this week, much to the disgust of LEE OCHS. JENSEN ran over 16,000 points yesterday.

•

JULES LEVY may be warming the body job in Miami, but he continues to get his copy of MOTION PICTURE DAILY each morning by air. Ditto JOHN CLARK and WILLIE RODGERS.

•

SAM MORRIS dropped into his office yesterday for a few minutes. It was a surprise visit since he isn't expected to return to his desk until Monday.

•

BERNARD S. DEUTSCH, president of the Board of Aldermen, will be on hand at the reopening of the Strand Wednesday to do the official honors.

•

HENRY RANDEL didn't take that Florida vacation after all. His plans were changed and he'll stay in town for awhile.

•

R. H. COCHRANE was among those who took in "The Petrified Forest" Thursday eve.

•

SHERMAN KRELLBERG clambers aboard the airline from Hollywood Monday.

Seek to Control Tieups

HOLLYWOOD, Jan. 18.—At a meeting at the Hays office today publicity directors appointed Ralph Wheelwright, Sam W. B. Cohn and Perry Lieber to a committee to study advertising tie-ups. A report will be made at the next meeting, when steps will be taken to keep the practice from running wild.

MPTOA Sets Train Schedules to N. O.

(*Continued from page* 1)

station at 9:15 that night, and stops will be made at most of the important stations through Washington and Atlanta to New Orleans.

The train from the west leaves Seattle over the Union Pacific at 4:20 P.M. Feb. 20 and it will go down the coast to San Francisco, Los Angeles and San Diego and cross Texas on the Southern Pacific. The whole train may be special from Los Angeles. Up to that time cars will be attached to regular trains.

More committee chairmen have been named as follows: Credentials and rules—M. E. Comerford; resolutions—Edward G. Levy; music tax, Lewen Pizor; code trade practices—Morgan A. Walsh; code labor provisions—Jack Miller; non-theatrical competition—George A. Giles; legislation and taxation—M. A. Lightman; public relations and community affairs—Fred Wehrenberg.

MPTOA Carnival May Be at Airport

NEW ORLEANS, Jan. 18.—The local committee in charge of the entertainment program for the M.P.T.O.A. convention has made tentative plans for the holding of the Film Carnival at Shushan airport, about 10 miles from the center of the city. The king and queen will arrive at the airport in an airplane.

The steamer *President* has been chartered for a floor show to be given the visitors. The booths of the various exhibitors will be placed at the scene of the carnival, though a few will be displayed on the mezzanine floor of the Hotel Roosevelt.

Columbia Wins New Jean Arthur Action

(*Continued from page* 1)

granted last week against Jean Arthur to prevent her from appearing in any pictures until she has made a second film for Columbia.

Miss Arthur's defense was that Columbia had made no demand for her services other than to offer her a script to read. In the meantime she accepted an offer from Hal Roach to play the feminine lead in "The Girl Is Mine," she said.

Fearing a delay, Roach put Evelyn Venable into the role Wednesday.

Boettiger Marries Roosevelt Daughter

(*Continued from page* 1)

ceremony took place at the Roosevelt home here, 49 East 65th St., and was performed by Justice Kernochan, an old friend of the family.

Among those present were Mrs. James Roosevelt, the President's mother; Mrs. Roosevelt, the President's wife; Mrs. James Roosevelt, wife of one of his sons, and Harry Hooker, an old friend of the family. The honeymoon destination was not announced.

Gracie Allen Poisoned

HOLLYWOOD, Jan. 18.—Gracie Allen was improving from an attack of ptomaine poisoning today. The comedienne was stricken while on location on Paramount's "Love in Bloom."

Para.'s Bank Payment Plan Is Attacked

(Continued from page 1)

$5,175,000 cash were led by Archibald Palmer, who also essayed to show that the reorganization procedure is irregular in that the plan is being offered by Paramount, whereas no stockholders' meeting was held at which the plan was adopted for the company.

Malcolm Sumner, counsel for bondholders, and Allied Owners' Corp., a large Paramount creditor, opposed phases of the Paramount Broadway reorganization plan. This plan, however, is favored by the two largest Broadway bondholders' committees, which together represent approximately half of the $8,875,000 bonds outstanding. Opponents of the plan contended that the bondholders' claims would not aggregate more than $3,000,000 or $4,000,000, whereas the reorganization plan, they held, involves Paramount in guarantees aggregating $4,400,000 and also provide for an annual rental of $260,000 for the Paramount Theatre and $188,000 for office space in the Paramount Bldg. The rentals were attacked as high.

Paramount Theatre Called Burden

A separation of the Broadway plan from the Paramount Publix plan was urged on the grounds that the Paramount is a hazardous financial investment and that without it Paramount could sell its first run pictures to other Broadway theatres and net $350,000 to $500,000 annually.

In addition to being defended for their utilitarian, good will and advertising values by the principal Broadway bondholders' committees, retention of the Paramount Bldg. and theatre was defended by Alfred Cook, counsel for Paramount Publix.

Objections by Allied Owners to the Broadway plan and the indicated objections to the Paramount plan of Szold & Brandwen, representing debenture holders, earlier in the day, disclosed the only new opposition to the plan to date. Nathan Burkan, representing the merchandise creditors' committee, indicated that that group might oppose the plan unless an agreement with reorganization committees is arrived at by Tuesday or Wednesday. Burkan's committee favors the election of additional industry men to the board of the new company.

"Lancer" Smash for Paramount, $65,300

(Continued from page 1)

Done Him Wrong," which played there two years ago. The house was compelled to keep open until 5 A. M. last Saturday because of the crowds.

The Capitol took a nosedive, garnering only $19,800 with "One Night of Love." "David Copperfield" opened strong yesterday and four policemen had to keep the early crowds in check.

"Evergreen," at the Music Hall last week dipped to a gross of $52,000. At the Roxy, "Unfinished Symphony" garnered a weak $22,500. Gaumont British spent $6,000 and the Roxy $2,500 for newspaper ads on the latter. "Enter Madame," at the Palace, tallied around $8,000.

"The Mighty Barnum" in five days of the fourth week at the Rivoli grossed $10,560.

Johnston Favors Banking Control for Para. Board

(Continued from page 1)

group which provided for a cash payment of less than the $5,175,000 which the reorganization plan proposes.

"I confidently believe that all of the bank creditors will get their money," he said. "However, there are 15 banks involved and some of them, either because they haven't the intimate knowledge of Paramount that I have or because it would be unwise for some of them to accept any large amount of stock in settlement of their claims, cannot feel as I do about accepting a proposal other than this."

Under questioning by Archibald Palmer, counsel for holders of 3,600 shares of Paramount stock, Johnston's testimony proved one of the lighter interludes of an all-day court session marked by routine procedure.

Asked by Palmer why he opposed the exclusion of company men from the board of reorganized Paramount, Johnston replied: "Because they would be placed in the position of passing upon their own acts. That was tried before in Paramount, you know."

"At this time," Palmer pursued, "with the church and press assailing the industry as an immoral institution, you still believe the right policy would be to exclude from the board men with intimate knowledge of the industry in favor of bankers and economists?"

"I certainly do," Johnston replied. "We don't have to know how to make a picture. I don't know how to run a train or make an American radiator, but I am on the board of companies that do those things. I do think we know how to pick our management. That's the important thing."

"But you can make mistakes, Mr. Johnston?" Palmer asked.

"I don't know of anyone living who can't," was the reply.

"Do you think the Paramount board as now constituted is a good one?" Palmer asked next.

"I can speak only for myself. I think you could get a much better director than I, and I would be happy if you did," Johnston answered. "I resigned from 15 boards at the beginning of the year to conserve my time."

Johnston denied in response to a question that the banks had refused to accept a settlement on any other basis than that contained in the plan. Asked whether, in the course of the settlement negotiations between the bank committee and reorganization factors, the spokesmen for any other creditor committee had opposed the $5,175,000 cash payment to the banks, Johnston replied that Frank A. Vanderlip and other members of the debenture holders' committee, and Duncan Holmes and Maurice Newton of the stockholders' committee had. He said, however, that after discussion it was finally agreed that because the banks had put new money into Paramount they should receive an equal amount in cash and, for the balance of their claim, which represented old credit, they would take their place with other creditors of Paramount.

Johnston testified that the reorganization committees had discussed the underwriting of the new Paramount common stock with "numerous" financial houses, among them Hayden Stone & Co., Haligarten & Co. and Kuhn, Loeb & Co., but that the subject is still in an "ephemeral state." He added, however, that the underwriting "can be secured, barring a general economic calamity." He stated that, in his opinion, the new stock subscription rights would "have a value," basing his opinion on the present market quotations on Paramount certificates.

Lutherans to Start Film Campaign Soon

(Continued from page 1)

its annual meeting at the Hotel McAlpin recently.

It was voted at the meeting by the National Council to join forces with the Legion of Decency and also to have Lutherans not only boycott objectionable pictures, but also carry out a word of mouth campaign against them.

The council also frowned alike on producers and players, insisting that the latter must "lead lives that conform to decent standards of society."

Musicians Relax for Acts

The executive board of the American Federation of Musicians has notified the American Federation of Actors that members of vaudeville acts who are required to play a musical instrument in the course of the act will not be compelled to carry an A. F. M. card in the future. The traveling musician's tax, which was also required, has also been canceled.

Relief Bill in for California Artists

(Continued from page 1)

Assemblyman Charles W. Lyon of Los Angeles.

Through a bill introduced into the Assembly he plans a Commemoration Commission to sponsor and supervise the organization and operation of Self-Help Artists' Cooperative aid projects to be financed through the SERA.

Whenever more than seven persons skilled in arts and letters have signed an application, the director of the commission will form a cooperative to produce products, all of which may be purchased by any State Department or by any political subdivision. Under some conditions the products may be sold to the public.

Rogers Takes the Floor

INDIANAPOLIS, Jan. 18.—Will Rogers spoke before the Indiana legislature upon his arrival here today.

Study St. Louis Bids

ST. LOUIS, Jan. 18.—Bids are in for reconstruction of the North Grand, now controlled by the Best Amusement Co. The house has been dark for several years.

Seek to Avoid New Colorado Theatre Taxes

(Continued from page 1)

although the most recent change had nothing to do with financial difficulties.

The three largest and newest first runs have been in bankruptcy. The Denver and Paramount reverted to their owners when Paramount-Publix failed, and the Orpheum was taken over by the bondholders when RKO got into financial difficulties. Harry Huffman is now operating all three. Huffman also has the Tabor, former Bishop-Cass house, which has been through varied financial troubles.

The America has been torn down and the site is occupied by a department store. Other downtown theatres, still operating, but at reduced admissions, are the Isis, Rivoli, State, Victory, Plaza and Rialto.

Neighborhood houses have been hard hit. Several have been remodeled into stores, some are closed, some have been sold with losses, and others are operating with reduced rents.

Sold House at Third Cost

The Oriental, largest house in North Denver, was lost to the builder through foreclosure. Frank Culp erected the Granada for $36,000, and sold it four years later for $12,000. The Egyptian, eight years old, is now operating for half the rent called for originally. The Highlands and Alcott have been turned into department stores.

Builders lost money in the Washington Park, Gothic, Majestic, Hiawatha, Santa Fe and Jewel, and in the past five years, all have been through the courts once or more under bankruptcy or foreclosure.

The Aladdin, Ogden, Webber and Denham are the only spots in the city that have escaped the courts and are still operating at nearly their former scale of prices.

Novarro-M-G-M Split

HOLLYWOOD, Jan. 18.—Ramon Novarro's contract to do one more film for M-G-M has been canceled by mutual agreement. Lack of a suitable story was given as the reason. The actor, in cooperation with his brother, plans to make independently for the open market a film in Spanish and English, cash supplied by himself.

Upon the film's completion he will leave the beginning of April on a personal appearance tour of Europe. On his return, should M-G-M have found a story for him, he will return to the company; otherwise he will become a free agent, it is said.

L. A. Trio Lose Permits

LOS ANGELES, Jan. 18.—The Burbank, Lyceum and New China, all in operation more than 20 years, have been denied 1935 operating licenses by the fire commissioner for allegedly failing to conform to the building ordinances.

First in Two Years

NEW HAVEN, Jan. 18.—The Roger Sherman, Warner theatre, will go into a week of stage shows beginning Feb. 1 for the first time in two years with Will Osborne and his band.

Abilene and Salina Protection Row Up

KANSAS CITY, Jan. 18.—H. F. Strowig, operating the Lyric and Seelye, Abilene, Kan., has filed a complaint with the local clearance and zoning board against seven days' protection held by Salina, Kan., over his town. He asserts the protection is excessive considering the fact the situations are separated by 25 miles. Salina is the larger town.

The board has set next Monday as the date for a hearing on the complaint of subsequents in St. Joseph, Mo., against Dubinsky Bros. charging excessive protection. Distributors named as respondents are Consolidated Film, Columbia, Fox, Majestic, M-G-M, Midwest, Paramount, RKO, Security, U. A., Universal, Vitagraph.

The four complainants allege an agreement exists between Dubinsky and the distributors to prohibit their buying second city run or to allow them to play pictures at an admission higher than 15 cents and thereby secure a prior run over Dubinsky's Crystal, or to allow them to secure films day and date with the Dubinsky house.

Regional Board Gets Two Operator Cases

KANSAS CITY, Jan. 18.—The Regional Labor Board here is to hold hearings on two complaints by operators against exhibitors. Both charge violation of Section 7-A of the NIRA and make other allegations.

The I.A.T.S.E. local at Topeka charges discrimination in the discharge of its men by the new owner of the Best at the time he took the house over from Fox Midwest.

The second case involves E. S. Young, Central, Kansas City, who discharged an operator affiliated with a "rump" union when he entered into an agreement with Local 170, I.A.T.S.E. The independent union charges breach of contract.

Campi Makes Shifts

Ben Berinstein, a member of the Los Angeles grievance board, has been switched to the clearance board by Campi. He replaces Russell Rogers, unaffiliated exhibitor, resigned. M. Whitson succeeds Berinstein on the grievance committee. Abe Kaplan of U. A. has replaced Dave Miller on the Buffalo clearance and zoning board. Miller recently joined Warners in Philadelphia.

M. Rose of First Division has been appointed to the Albany clearance and zoning board.

L. A. Schedule Debated

After an all-day session yesterday devoted to discussion of the Los Angeles clearance schedule, Campi tabled the matter for the next hearing on Jan. 23. Fox, M-G-M and Warners are understood to have raised objections to the principle of admission price as the basis for clearance.

No action was taken on the Philadelphia ban on premiums.

Edward Sutherland Ill

HOLLYWOOD, Jan. 18.—Director Edward Sutherland has been ordered to bed by his physician, Dr. H. J. Strathern, to forestall a severe cold. "Mississippi" will be finished by Wesley Ruggles.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Mystery of Edwin Drood"

(Universal)

HOLLYWOOD, Jan. 18.—Dickens' unfinished novel emerges as an exciting murder mystery laid in a small English village. The yarn concerns Claude Rains, dope addict, who murders his nephew, David Manners, in a jealous rage over Heather Angel, his betrothed.

Rains then contrives to build up circumstantial evidence against Douglass Montgomery, also in love with Miss Angel, but Montgomery, disguised as an old man, finally pins the murder where it belongs.

The story, well adapted to the screen by Leopold Atlas and Bradley King, features a spooky background for thrills and chills. Stuart Walker's direction shows a fine understanding of characterization and suspense elements. The cast is topnotch, including Rains, Manners, Montgomery, Miss Angel, George Ernest as a street urchin, Zeffie Tilbury as an opium woman, Walter Kingsford as Miss Angel's guardian, Franklin L. Sullivan as Tutor Crisparkle, and Forrester Harvey as Durdles.

The photography by George Robinson is excellent. The picture was produced smartly by Edmund Grainger. It rates well in production values and dramatic interest and should give satisfaction entertainment-wise and at the box-office. It is good for any spot. Production Code Seal No. 544. Running time, 85 minutes. "G."

Charnow 'Mercy' Plea Casts Campi Session Into Turmoil

Kutinsky's Case Is Decided by Campi

(Continued from page 1)

decide within 21 days after a picture plays on Broadway whether or not he will date it. If Century fails to reach a decision within the three-week period, the film immediately becomes available to Kutinsky.

The ruling is a reversal of the standard contract clause on selectivity. The contract provision states that if an exhibitor does not date a picture within 21 days after Broadway, this means that he has decided to play it later. The Code Authority ruling makes it imperative for Century to notify exchanges within three weeks if it wants a picture playing on Broadway. Otherwise, it loses the right to date it in.

On all pictures released previous to Jan. 1, Schwartz must decide within 10 days whether he wants them. Those passed by the boards will become available to Kutinsky.

K. C. Group May Go To U. S. with Plaints

KANSAS CITY, Jan. 18.—If the I. T. O. at its meeting Monday fails to act against distributors on the local clearance setup and other grievances, a group of independents plans to take matters in its own hands and may carry its fight to Washington, it was revealed today. The showmen charge the protection program is being foisted on them under the guise of the NRA.

Hoyt to Write Another

HOLLYWOOD, Jan. 18.—Vance Hoyt, author of "Sequoia," animal film, has been engaged by Charles R. Rogers to do a similar story for Paramount under the title "Wild Glory."

(Continued from page 1)

politan Playhouses, was dumped in his lap by Irving Trust Co., receivers. The house under Fox Met had been operated by Skouras Theatres Corp., which during its tenancy played prior runs. Since the theatre reverted to him, Charnow declares he has been unable to buy first, second or third runs, adding that he has to play after Loew's Embassy in Jersey City from 60 to 70 days because of the circuit's cumulative protection. This, Charnow declares, will force him to close and lose his entire investment in the house and make him penniless.

Similar Case in Fort Lee

Several weeks ago E. Thornton Kelly, who had the Palisades, Fort Lee, N. J., had a similar clearance situation and advised the local board and Campi that if he did not get relief he would be forced to close. No relief was given and Kelly is no longer an exhibitor.

Charnow's case had been before Campi several times, the final decision of the body being that it could do nothing for him.

At the sound of his screams several Campi members left the session and calmed Charnow, promising him nothing, but telling him that they would try to get the interested parties together and see what they could do for him. Farnsworth spoke to Charnow after he had calmed down.

The New Jersey exhibitor is a member of Allied, one of the first to sign the code, a member of the New Jersey clearance advisory committee and has sat in as a member of several Campi appeal committees.

Nathan Yamins, an Allied board member and president of the Independent Exhibitors of New England, was chairman of the Campi session yesterday.

Ontario to Extend Its Censorship Law

TORONTO, Jan. 18.—Legislation is to be brought down at the forthcoming session of the Ontario Parliament to provide for censorship of all "narrow film" for public presentation in the province as a result of the quandary in which the Provincial Government finds itself in connection with the showing of the Russian propaganda film "Ten Days That Shook the World."

Complaints have been received from various centres regarding the exhibition of this picture by the so-called Workers' Sports Ass'n., which is classed as a Red organization. No official action could be taken by the Government, however, because it was discovered that the Theatres and Cinematographs' Act did not require the censoring of narrow prints.

After the legislators get through with the proposed amendment all narrow films, including industrial, educational and religious subjects intended for showing before an audience will have to be passed upon by the censor board.

Sub-Standard Film Men Hit Censorship

The Miniature Movies Institute has started a drive to obtain exemption of 8mm and 16mm films from the provisions of State Senator John T. McCall's censorship bill calling for annual license fees and the posting of bonds by distributors and exhibitors. Petitions have been sent to the Senate Committee on Public Education, Governor Lehman, Senator McCall and other members of the legislature.

The institute points out that "35mm is the width of the theatre motion pictures which the McCall bill aims to regulate," adding that to place under the bill films intended for non-theatrical showing would be unfair.

Wall Street

Eastman Up 1½ on Big Board

	High	Low	Close	Net Change
Consolidated Film	7¼	7	7⅛	— ⅛
Consolidated Film pfd. (½ v)	20⅞	20½	20¾	.....
Eastman (4a)	114	113	114	+1½
Eastman pfd. (6)	143¼	143¼	143¼	.....
Fox	11½	11	11½	.....
Loew's (½)	32¾	31⅞	32¾	+ ½
Loew's pfd. (6½)	103	103	103	+ ½
Paramount	3⅝	3¼	3½	+ ¼
RKO	2¼	2⅛	2¼	+ ⅛
Warner	4⅛	4	4	.....

Technicolor Up ¼ on Curb

	High	Low	Close	Net Change
Technicolor	11¾	11⅝	11⅝	+ ¼
Trans Lux (.20b)	3	3	3	.....

Paramount Up 3 on Bond Market

	High	Low	Close	Net Change
General Theatre 6s '40	8¾	8⅜	8½	— ¼
General Theatre Equip. 6s '40 ctf.	8½	8½	8½	+ ¼
Paramount Broadway 5½s '51	43	42⅞	42⅞	— ⅛
Paramount F. L. 6s '47	63¾	61¼	63½	+2¼
Paramount Publix 5½s. '50	64	61½	64	+3
Warner Bros. 6s '39 wd.	56½	55½	56½	+1¼

(a) Plus cash extras. (c) Plus stock extras. (b) Paid last year. (v) Paid this year on account of accumulations.

(Quotations at close of Jan. 18)

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Flareup Over Protection in K. C. Expected

Independents Protesting Against Fox Midwest

KANSAS CITY, Jan. 20.—A flareup over protection is imminent in Kansas City, according to independent exhibitors who are demanding that the I. T. O. take some action. Their protest is against Fox Midwest, which, they charge, is being favored by distributors.

The St. Louis grand jury indictments have encouraged some independents to discuss the feasibility of bringing the local situation to the attention of Federal authorities. There is also talk of possible court action. Both of these courses are generally discounted, however, and calmer heads

(*Continued on page 6*)

Expect Hearing on Alien Actors Bill

WASHINGTON, Jan. 20.—Questions relating to the employment of alien actors in the United States are expected to be aired again before the House immigration committee within the next two weeks, in connection with the bill introduced by Representative Dickstein to make such persons subject to the contract labor provisions of the Immigration Law.

While Dickstein did not originally contemplate holding hearings, believing that all pertinent information had been developed at the hearings last year, members of the committee are

(*Continued on page 4*)

Funds to Save War Film Now in Sight

WASHINGTON, Jan. 20.—Plans for reconditioning invaluable war films now deteriorating are being developed by the U. S. Signal Corps and will probably be put into effect within the next few months.

Although $35,000 is estimated as necessary it is not believed that it

(*Continued on page 4*)

Receiver for Big 4 To Be Picked Today

Appointment of a receiver for all property of Big 4 Film Corp. assigned to John R. Freuler, president, will be made today by Justice Steuer of state supreme court on the application of

(*Continued on page 4*)

Insiders' Outlook

By RED KANN

"I DON'T know how to run a train or make an American Radiator, but I am on the board of companies that do those things," said Percy H. Johnston during round three of the Paramount reorganization hearings on Friday. The former president and now the chairman of the board of the Chemical Bank was expounding again his theory that the management should be kept in the background and banking and investment houses in the foreground of Paramount's future operation. . . .

JOHNSTON'S attitude is the typical, to-be-expected attitude of the banking coterie toward this industry. It persuades this column to decide quickly that it is columns of figures which look appetizing because they happen to be temporarily lodged on the right side of the ledgers which induce that opinion, plus an impression that the divinely-designated banking men can do no wrong. Which is more than passing strange in view of the opinion, subscribed to here and

(*Continued on page 2*)

New British Regulations In Prospect

By BRUCE ALLAN

LONDON, Jan. 20.—Already operating under the Quota Act, legislation further regulating distributors is in the offing, the proposed restrictions being viewed as aimed principally at American companies.

The Cinematograph Exhibitors' Ass'n. is active in the movement, its attitude and its course having been made clear by Major Ellis, a member of its general council, in an address before the Devon and Cornwall branch of the C. E. A. In his speech, he disclosed this scheme as a purpose of the council which will sound out the government along these lines.

Significant in his speech was the tip

(*Continued on page 4*)

Jersey Clearance Up For Hearing Jan. 28

Hearing on an appeal of the Rosenblatt-Welt theatres against New Jersey exchanges for a reduction of clearance by Warners over the R-W Maplewood, Maplewood, is slated for Jan. 28.

Last year the Maplewood had Fox and U. A. and followed downtown Newark houses 21 days after the last playdate. This season Warner houses have both products with the 21-day provision and now the Maplewood has to wait not only the original three weeks, but, in addition, the extra clearance for the individual Warner houses.

Short Forcing Outlook Stirs Up Australia

By CLIFF HOLT

SYDNEY, Dec. 12.—Exhibitors here are getting restive under a policy laid down by some distributors that in 1935 shorts must be bought with features. When the N. S. W. Exhibitors' Ass'n asked distributors to define their policy, Fox, Universal and United Artists declared that they would sell separately. Silence on the subject from other distributors is regarded as ominous.

As 99 per cent of Australian theatres run dual-feature bills, exhibitors contend that they have room for nothing more than a news reel, or shorts of proved drawing power, such as "Three Little Pigs." Realizing the

(*Continued on page 4*)

Impartial Man Ends Wisconsin Tie Vote

MILWAUKEE, Jan. 20.—The impartial member of the local clearance and zoning board was called upon to cast the deciding vote in the case of J. E. Draginis, operator of the Classic, Waupun vs. Fox Film, United Artists and the Fond du Lac Theatre at Fond du Lac.

Draginis sought relief from clearance claiming there was no competition between the Classic and Fond du Lac, which are approximately 20 miles apart. The deciding vote was cast in Draginis' favor and the board opined no clearance between the two towns was required.

RKO and Loew Product Deal Under Attack

M. & S. Demanding Films For Downtown Spots

Attempts to arbitrate charges brought by Meyer & Schneider involving an alleged conspiracy through the metropolitan product agreement entered into between RKO and Loew's last September will be made tomorrow before a trio of arbitrators, it was learned on Saturday. If sustained, the M. & S. charges may nullify the Loew's-RKO product agreement, possibly creating a film supply crisis here for RKO, in the opinion of Max D. Steuer, counsel for the plaintiffs.

The charges are based on an alleged breach of a lease provision entered into between RKO and M. & S. under which RKO is said to have agreed to play all first runs at the Hollywood

(*Continued on page 2*)

Move to Tip Scales Here Is Called Off

A plan to boost prices at local theatres has died aborning. A meeting of leading independent and circuit officials was to have been called several times, but the session never materialized.

According to the plan, all theatres were to boost admissions for evening shows. Many exhibitors find that with the low admission for matinee performances, patrons tend to keep away from the box-office at night because of the increased tariff. Hence, all meetings were called off.

Booth Costs Coming Up Again Here Today

Members of the NRA fact-finding committee again gather at Campi headquarters today to discuss the tentative basic wage scale. Various interests including Local 306, the T. O. C. C., Century circuit and Springer & Cocalis are opposed to the scale established. Arguments will be heard today and unless some semblance of unanimity is reached the public hearing scheduled for Jan. 25 in Washington may be put over another week.

Report Campi Drops Seitz Buying Charge

CLEVELAND, Jan. 20.—Reports emanating from New York have it that Campi, via a committee consisting of

(*Continued on page 6*)

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Stanley in Jersey Gets Big Mortgage

JERSEY CITY, Jan. 20.—The Stanley Co. has secured a $1,000,000 mortgage through the New York Trust Co. on a number of Jersey houses. The mortgage covers money borrowed on notes. Under the terms the money is to be repaid in weekly sums until the balance of the principal falls due on Jan. 3, 1936.

The mortgage covers not only real estate but personal property. It is signed by H. M. Warner. The theatres mortgaged are: Fabian, Hoboken; Montauk, Passaic; Playhouse, Passaic; Warner, Newark; Lincoln, Union City; Roosevelt, Union City; Ritz, Elizabeth; Oritani, Hackensack; U. S., Hoboken; Capitol, Passaic; Beacon, Elizabeth; Montauk lobby, Passaic, and the Lincoln lobby, Union City.

Lloyd Hamilton Dead

HOLLYWOOD, Jan. 20.—Arrangements were being made today for funeral services for Lloyd Hamilton, who died Friday of a stomach ailment. He was in his 44th year. His stage and screen career extended over a period of 25 years.

Sutherland to Resume

HOLLYWOOD, Jan. 20. — Edward Sutherland, recovering from a severe cold, will return to Paramount this week to resume directing "Mississippi." Wesley Ruggles has been pinch-hitting.

Insiders' Outlook

(*Continued from page* 1)

in many other places as well, that the last four or five years had demonstrated pretty much beyond argument that even the bankers, elect and exclusive, did not quite understand what it was all about. . . .

▼

There are so many costly experiences to draw upon from the not so dim pages of film history that furrowing familiar ground such as again seems to be timely must prove tiresome and as well as repetitious. Outsiders looking down on the celluloid scene usually to a man forget its volatile make-up, the slashing competition which often marks its careening course, the constant and bitter fight for place, the vital necessity for dispatch in framing decisions, the many and deep pitfalls so simple to fall into and so difficult of escape. . . .

▼

Railroad men run the railroads, having sweated and slaved to earn their business majority over long periods of years. And so the parallel might be drawn in other fields. Why the bankers regard the film business in any other light is difficult to understand. There have been errors of judgment in all directions in this industry and those mistakes frequently have been costly. What of it? Certainly the bankers, as an institution, have not been wallowing in any particular glory in recent times, nor have they kept their noses so meticulously clean. . . .

▼

One might imagine that, as the years slip by, the realization would come that there are elements of chance which stamp this industry as something apart from others. Rant against it and deplore it, but the facts are inescapable, nevertheless. Bankers play a part, of course, and it is an important and indispensable part. Management and a hefty word in the formulation of policy, however, belong to the men who may not know all, but who know more than the bankers about the flips of the wheel, the chances and the opportunities, the need for do and dare. So should it be not only at Paramount, but elsewhere. Film administration may be expensive. Go further and call it extravagant. Yet it can't, it couldn't cost more than a banker-for-bankers' operation for the long haul. . . .

▼

Campi's week-end decision sustaining the selective buying provision of the code and, at the same time, reversing the standard contract, may do things to the long-established practice of block selling without the need for frenzied legislative activities in Washington. The standard form of contract stipulates that the exhibitor who has made his buy selectively must date pictures within 21 days after conclusion of the first run or resign himself to play films so undated at some nebulous and future time. The code stipulates the exhibitor who has made his buy selectively must book or reject within 21 days. Otherwise, the film becomes available to his competitor. . . .

▼

It is this provision of the NRA document which Campi now upholds and, by so doing, negates the standard contract clause designed to cover this point. The case in issue was that of Morris Kutinsky, operator of the Community in Queens Village, versus A. H. Schwartz and his Century circuit, operating the Queens, same community. Campi held that the Queens, which had purchased 208 selectively from a group of 319 had not overbought. Rapidly thereafter, exhibition opinion began to formulate itself in the metropolitan area and drew the conclusion that, with this first test of the code's selectivity clause, it appears no longer necessary for them to buy any one distributor's product 100 per cent in order to acquire a preferred group of attractions. In other words, they read into Campi's decision a formal recognition of their right to buy selectively even if more pictures are tied up than may be required. . . .

▼

Exchanges, no doubt, will insist that exhibitors will have to buy their output complete to get a preferred group. But now, as always, there is the factor of circuit buying power which exchanges cannot and will not ignore. This poises as anything but remote the ability of a circuit so blessed to get the pictures it may want on a selective basis without the necessity for taking the "also rans" as well. And that sounds like a pretty good-sized wallop at block booking. . . .

Both Fox Plants to Be on Equal Footing

HOLLYWOOD, Jan. 20.—Sol Wurtzel's record as executive producer operating the Fox Hollywood studios the past two years brings forth the statement from Winfield Sheehan that the plant here will continue under Wurtzel's direction in every way on an equal footing with Movietone City.

Fox talent, according to Sheehan, will be utilized impartially by both.

John Stone, Wurtzel's chief aid, will continue the same as Edward T. Lowe and Joseph Engle, associate producers.

RKO and Loew Product Deal Under Attack

(*Continued from page* 1)

and Apollo day and date with the Academy and Jefferson. Under the provisions of the RKO-Loew's product agreement of last September, whereby Loew's released all of the Fox product and half of Columbia and Universal to RKO for situations not in conflict with Loew's, RKO was prevented from carrying out its first run playing agreement with M. & S. in the Hollywood and Apollo, it is charged. The two houses, which RKO leases from M. & S., are in competition with Loew's Delancey and Avenue B and thus under the terms of the product agreement, it is alleged, were prevented from playing day and date with the Academy and Jefferson, which are not competition for Loew's.

Under the provisions of the RKO-M. & S. lease, all disputes are to be submitted to arbitration prior to summary court action. The arbitrators named to hear the case at the N. Y. County Lawyers Ass'n tomorrow are George W. Retz, Judge Robert McC. Marsh and Maurice Deiches.

Essential Purpose of Action

The essential action brought by M. & S. is to compel RKO to play the same pictures at the Hollywood and Apollo which it plays in its other houses in the metropolitan area. This involves the playing of the Fox, Columbia and Universal product released to RKO by Loew's under the September agreement. Loew's had acquired this product early in the season, but entered into the releasing agreement with RKO when the latter, which had acquired only Radio and half of the Paramount and Warner product, was faced with a critical film supply situation.

Efforts were made at the time of the RKO-Loew's agreement to settle the complications presented by the Apollo and Hollywood, with RKO reported to have offered M. & S. $100,000 in settlement of the leases. Prior to that RKO had expended $20,000 on remodeling the houses. M. & S. was reported to have declined to consider a settlement offer of less than $160,000.

Attempts to reach William Mallard and I. E. Lambert of RKO for comment on the case Saturday were unsuccessful, as were similar attempts to communicate with J. Robert Rubin, Leopold Friedman and C. C. Moskowitz of Loew's.

Jossey-Farley Wedding

Jack Jossey, vice-president of Monogram Pictures Corp. of Ohio, was married to June Farley Saturday night at the Hotel Warwick. The bride was given away by W. Ray Johnston, president of Monogram, and Mrs. Trem Carr, wife of Monogram's production chief, acted as matron of honor.

The bride is well known in Cleveland, having been the featured soprano at the Cleveland Opera House.

Jossey has been in the industry for the past 22 years and has spent most of his time in the middle west.

MASCOT MARCHES ON WITH "MARINES"

AND THESE SHOWMEN ARE SET TO GO OVER THE TOP WITH MASCOT!

Two Weeks

CRITERION THEATRE Los Angeles	**ORPHEUM THEATRE** San Francisco
MAYFAIR THEATRE New York	**ALHAMBRA THEATRE** Cleveland
PUBLIX VICTORY Salt Lake City	**SPARKS CIRCUIT** Florida
RKO THEATRE Boston	**WARNERS CAPITOL** Newark
STATE THEATRE Detroit	**HARRIS ALVIN** Pittsburgh
FAY'S THEATRE Philadelphia	**MISSOURI THEATRE** St. Louis
STRAND THEATRE Cincinnati	**GRISWOLD THEATRE** Troy, N. Y.

MOTION PICTURE DAILY

"Marines" and Holiday Bill Boston Smash

Boston, Jan. 10.—In one of those New Year's eve shifts the RKO Boston ran up a huge $25,000, over par by $15,000. "The Marines Are Coming" with seven acts of vaudeville were bolstered New Year's night with "Romance in Manhattan."

The same situation prevailed at Keith's Memorial where "The Little Minister" ran for the week with "Romance in Manhattan" New Year's eve. Standing room was sold. The $15,500 take was $3,500 over par.

"Forsaking All Others" was the best straight film draw of the week, topping the usual take by $6,000 for a gross of $16,000 at Loew's State.

Total first run business was $76,500. Average is $64,000.

Estimated takings for the week ending Jan. 4:

"THE MARINES ARE COMING" (Mascot)
RKO BOSTON—(3,246), 25c-50c, 7 days. Seven acts of RKO vaudeville. "Romance in Manhattan" (Radio) on New Year's Eve. **Gross:** $25,000. (Average, $10,000)

"BORDERTOWN" (Warners)
"BACHELOR OF ARTS" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $4,500. (Average, $3,600.

"LITTLE MINISTER" (Radio)
MEMORIAL—(2,907), 25c-65c, Manhattan" and **Gross:** $15,500.

$25,000! OVER PAR BY $15,000 AT RKO THEATRE BOSTON



WILLIAM HAINES IN "THE MARINES ARE COMING"

MASCOT PICTURES CORPORATION
NAT LEVINE, *President*
1776 BROADWAY, NEW YORK
Cable Address: "LEVPIC"

MASCOT FEATURE

Short Forcing Outlook Stirs Up Australia

(*Continued from page* 1)

position, executives here have told their home offices to discontinue sending shorts, as it's impossible to place them, but in some cases, apparently, that attitude has cut no ice.

* * *

Two representatives of producers, distributors and exhibitors, and three outside the industry (one of whom will be Cresswell O'Reilly, the Federal censor) will comprise the advisory committee which will assist the minister to determine whether a picture submitted for quota reaches the necessary standard of merit under the discussed proposal.

Encouraged by the fact that they succeeded in blocking the quota in Victoria, British interests then turned their attention to N. S. W., but to no avail. The N. S. W. quota is fundamentally the same as that on which the Victorian Government did an inglorious *volte face* a few weeks ago. After announcing the quota would go through, the Victorian Cabinet, under hot pressure from British producers, threw it out when it went before the House.

* * *

Trouble has been simmering for some time between exhibitors and the Australian Performing Right Ass'n over the latter's proposal to calculate its receipts on turnover instead of seating capacity. A. P. R. A's. plan is to charge one penny a pound on gross receipts. The circuits estimate this would mean an added impost of £5,000 a year to them individually.

The parties in dispute prevented a threatening press propaganda campaign by deciding to go before arbitration, but since then they made a second decision to settle their differences between themselves if possible, and thus save expensive litigation. What surprises the industry is that A. P. R. A. dare seek increased charges when the Royal Commission as recently as three years ago described their fees, even at the existing rate, as excessive.

MELBOURNE, Dec. 12. — Centenary celebration here proved the greatest competition the amusement industry has had in years. Whereas theatre men were looking to the huge influx of visitors to boost them, receipts nose dived by reason of the plethora of outside attractions offered to the public for free admission.

Melbourne theatre men will have every reason to remember the last three months of 1934 as about the worst in their history. Not only did the centenary and visit of royalty hit them severely, but the last days of November and early days of December were accompanied by the severest storms ever experienced in the state.

Negri for "Good Earth"

BERLIN, Jan. 20.—Pola Negri, appearing in a picture here for Cine Alliance Co., states she plans to return to America shortly for a role in M-G-M's "The Good Earth."

Purely Personal

MILTON KRONACHER has forsaken his first hotel alma mater, which was the Hotel Ambassador at—mind you—Fallsburg, N. Y., and has switched allegiance to the Monticello Inn, Monticello, N. Y. In the same neck of the Catskills.

•

MOSS HART'S friends are a beautiful shade of green, indicating jealousy. The reason is his jaunt around the world, which is officially under way. COLE PORTER, the "You're the Top" man, makes up the twosome.

•

PAUL BURGER, after occupying the offices of JOSEPH SCHENCK, AL LICHTMAN and ARTHUR W. KELLY for the past eight months, is now ensconced in an office all his own on the 15th floor of 729.

•

ED FINNEY of Monogram may have missed a few makers of women's clothes and accessories on "Women Must Dress," but the list doesn't indicate it.

•

HERB FECKE, demon ad man of *Motion Picture Herald,* is now trying either to live up to or live down the nickname of "CAMEO KIRBY, JR." It's all a matter of how you look at it.

•

MILTON WEISS of the M-G-M publicity department has wagered three bottles of rye that "David Copperfield" will go six weeks at the Capitol.

•

SAM KRELLBERG has perfected the difficult trick of reading three trade papers at once. He needs a lot of room to do it in, however.

•

HAROLD FRANKLIN says he's taking things easy for a change. He says reports of him joining M-G-M are "interesting."

•

HUBERT VOIGHT is rejoining Warners. He may be a "planter" working out of the home office.

•

EDWARD G. ROBINSON is back on the coast to begin work on "Money Man," his next for First National.

•

VIVIAN VANCE starts an engagement at the St. Moritz tonight in the Continental Grill.

•

BERT WHEELER flew back to Hollywood Saturday, but expects to return in about two weeks.

•

BEN LYON and BEBE DANIELS spotted at "Page Miss Glory" Friday night.

•

JOEL SWENSON is a prospect for some high pressure hair tonic salesman.

•

IRVING HOFFMAN likes the way the word "itinerary" rolls off his tongue.

•

ERIC LINDEN is busy these days getting ready for a Broadway show.

•

MRS. HARRY CAREY is enroute to the coast after a visit here.

•

FRANK HARRIS, HAROLD LLOYD'S sales representative, is in Europe.

•

A. H. SCHWARTZ is Lake Placiding these days.

ALEXANDER KORDA, who knows something about Hollywood, has ideas of his own about last year's best pictures. His rating: "Our Daily Bread," "The Thin Man," "Crime Without Passion" and "The Barretts."

•

JOSEPH SCHENCK has switched from El Morocco to the Central Park Casino, bringing his rhumba with him. BEBE DANIELS is his latest favorite partner at this tricky dance, while BEN LYON acts as a one man cheering section for the duo.

•

PROFESSOR HUGO BURGHAUSER and his wife, MARGUERITA WALLMAN, of Vienna are making a survey of ballet dancing in this country. They leave within a few days for the M-G-M studios.

•

AL COHN, well-known scenarist now in the government service as collector of the port at Los Angeles, is visiting New York and Washington. Official business.

•

ARTHUR FIELDS and MARTIN SOBELMAN, who handle "dubbing" abroad, sailed Saturday on the *Ile de France* for Paris headquarters.

•

SOPHIE RUBIN, secretary to BOB WEITMAN, manager of the Paramount, lost her father Saturday morning.

•

HAL SLOANE has completed another nifty Disney press sheet. This one is on "The Tortoise and the Hare."

•

A. C. BLUMENTHAL seen squiring CAROLE LOMBARD around town these nights to the openings and night clubs.

•

HOWARD S. CULLMAN, Roxy receiver, will talk to the Cheese Club at the weekly luncheon today.

•

GILBERT ROSENTHAL will manage the Surf when the new Coney Island theatre opens on Feb. 1.

•

KING CHARNEY of Agfa's coast office took the air route back to Hollywood yesterday.

•

PETE HARRISON plans that trip to the coast every year. He likes Hollywood that much.

•

LUISE RAINER left for the coast Saturday to report at the M-G-M studios.

•

AD and BEN SCHULBERG entertained at cocktails at the Ambassador Saturday.

•

MAURICE GOODMAN is now a Kentucky colonel, one of the first to be appointed this year.

•

JOHN VAN DRUTEN'S play, "The Distaff Side," has been obtained by M-G-M.

•

W. R. BURNETT'S "Doctor Socrates" has been acquired by Paramount.

•

C. C. PETTIJOHN is scheduled to be back here today from his Chicago run.

•

ADOLF PAUL'S "Lola Montez" has been bought from Fox by M-G-M.

•

SYLVIA SIDNEY is back on the coast.

New British Regulations In Prospect

(*Continued from page* 1)

that the legislation sought would "include terms and conditions on which foreign firms might come into this country and trade."

It is believed the exhibitor association will ask Parliament to approve a standard contract providing protection against alleged arbitrary credit rules which will go beyond the more stringent block booking safeguards contemplated in the impending revision of the Quota Act.

While nothing so far is official, *Cinema* quotes a C.E.A. council member as definitely confirming the association's intention of asking for controlling legislation.

Funds to Save War Film Now in Sight

(*Continued from page* 1)

will be necessary to spend all the money at once.

The project has been given the tacit approval of the Budget Bureau, although no item for this activity is included in the budget submitted to Congress by President Roosevelt. It is believed regular funds will be adequate.

The work contemplated will eliminate duplications and provide an orderly library, partly sound and partly silent, which will not deteriorate for a number of years.

Receiver for Big 4 To Be Picked Today

(*Continued from page* 1)

Agfa Raw Film Corp. on a $24,000 judgment against Big 4.

Attempts to enforce the judgment disclosed that the bulk of Big 4's property was assigned to Freuler, according to Alfred Krellberg, counsel for Agfa, who obtained orders to set aside the assignments to Freuler and the return of assets to Big 4. In addition to the receivership order, Agfa also obtained an injunction last week prohibiting Freuler from disposing of the property assigned to him.

Expect Hearing on Alien Actors Bill

(*Continued from page* 1)

understood to have taken the attitude that there have been so many changes in the group's makeup that an investigation should be held for the benefit of those who were not present last year. In addition, it is said, a number of requests for a hearing have been received from outside sources.

Near Film Charity Quota

The motion picture and theatrical committee of the Federation for the Support of Jewish Philanthropic Societies of N. Y. has virtually reached its $100,000 quota, Albert Warner, chairman, reported Saturday, in a letter to contributors advising that the Federation has succeeded in making up a $2,000,000 deficit.



SERVICE

alone keeps New York Alive

■ Trucks . . . freights . . . steamships . . . automobiles — their service alone keeps New York alive . . .

■ They bring food from the farms . . . food from the meat-packers . . . food from the millers . . . the canners . . . the bottlers . . .

■ And service alone keeps the theatres supplied with seat-selling trailers for every motion picture played . . .

■ Trailers for big pictures . . . trailers for program pictures . . . trailers for majors . . . independents and foreigns . . .

■ And National Screen Service gives your theatres this service PLUS novelty . . . variety . . . and the punch that makes for selling quality . . .

■ For fifteen years —

■ NATIONAL SCREEN SERVICE ■

— — the Industry's standby for seat-selling trailers!

Protection Flareup In K. C. Expected

(Continued from page 1)

advise filing a complaint with the clearance and zoning board.

That the situation will be forced to a showdown in the near future is generally believed.

Independents are disturbed over the fact they are being set back in clearance more than at any time in the last three years, and that subsequents charging 25 cents or more, which are Fox Midwest houses, are getting longer protection than provided in the last schedule published by the local board. That schedule was later amended following a general hearing here at which George Schaefer of Paramount and Edward A. Golden of Monogram, representing the Campi clearance committee, attempted to convince independents of the desirability of bargaining for protection. The revisions, however, were not revealed because they still have to be approved by Campi.

In the absence of any approved clearance schedule, distributors say they are selling "the best way they can," and are believed generally to be following the plan drafted by the local board before the last revisions.

Complaints chiefly are from independents who delayed buying until recently. But it is said that even though contracts have been effected, major distributors will extend protection over a house if it adopts premiums or cuts prices.

Report Campi Drops Seitz Buying Charge

(Continued from page 1)

E. C. Grainger and Joseph Seider, has voted to dismiss the overbuying complaint of Earl Seitz, operator of the State, Sandusky, against Warners.

When Seitz first brought his complaint to the local grievance board it was dismissed, but when the protest was submitted the second time the board certified it to Campi. The New York body is understood to have sustained the first decision of the local board in dismissing the action.

Efforts to reach John C. Flinn at Code Authority were unavailing since the office was closed Saturday. The decision may be handed out today with a number of others rendered by Campi at the Thursday and Friday sessions.

Asserts McNabb Is Running Bank Night

KANSAS CITY, Jan. 20.—When A. B. McNabb filed an overbuying complaint against Glen Klock, Neodesha, Kan., he stated inability to obtain product had compelled him to keep his house, the Gem, closed.

Now comes Klock and swears that not only has McNabb been operating his theatre, but has been running bank nights and putting on free shows in conjunction with local merchants. Klock so charges in complaints.

Rule on Cincy Cases

CINCINNATI, Jan. 20.—The grievance board has ordered the Grandview, Columbus, to stop advertising prior to first run. Complainant was the RKO Palace, same city.

A complaint of the Royal, at Carrolton, Ky., against the Richaland, same city, based on reduced admissions, was dismissed.

Ohio Sales Tax to Reach 10c Vending

COLUMBUS, Jan. 20.—Vending machines in theatres will have to pay the new sales tax, exhibitors have been inferred by the Independent Theatre Owners of Ohio. License forms must be obtained. The tax does not apply to sales under nine cents.

The I. T. O. has advised members to pass the new sales tax on to the public. In many cases, it has been found, theatre men have cut the odd figures prevailing under the recent admission tax so that scales which were formerly 17c-22c-33c are now 15c-20c-25c-30c. Members are being advised to restore enough of the odd figures to take care of the sales tax which goes into effect Jan. 27.

Twice a Colonel

Boise, Idaho, Jan. 20.—Shirley Temple is now a double colonel—Kentucky and Idaho brand. Governor Laffoon of Kentucky gave her the first appointment recently, and now Governor Ross of this state has honored her.

Drop Miami Buying Case

ATLANTA, Jan. 20. — Charges of overbuying against Sparkes Enterprises, Inc., Miami, by John Cunningham, operator in Miami, were dismissed by agreement at a code board hearing. Cunningham secured additional product in the agreement, made off the record.

Looking 'Em Over

"My Heart Is Calling"

(Gaumont British)

LONDON, Jan. 8.—Another transcription of a Continental (Cine-Alliance) production in which the gaiety and originality of the material does definitely survive the use of English speech and the dangers of remaking. It has strong appeal on musical and spectacular values and should please the critical public by reason of real ingeunity in situation. The laughs are plenty and a lot of them are earned by new methods.

The selling names are Marta Eggerth, Jan Kiepura and Sonnie Hale. The first will be remembered in "Unfinished Symphony." Kiepura is a widely publicized tenor, whose last picture was "My Song for You." Hale is a very hard-working comedian and a good one, despite his all-British methods. There is also good comedy work from Hugh Wakefield as an eccentric opera director, and Ernest Thesiger as his secretary.

The story goes that Mario Delmonte, tenor of an opera company en route third class from South America to Monte Carlo, finds a girl stowaway in his cabin. To pay for her passage, he climbs the rigging and gives a concert to the first class passengers gathered on the deck. In Monte Carlo, an expected opera engagement falls through. Rosee, the impresario, goes with Delmonte to the Casino to find the opera director, and the tenor gives an impromptu concert in the gaming rooms, holding off the attendants with a pair of property pistols. They are taken off to prison.

The ex-stowaway, Carla, slaps a policeman's face in order to be arrested and join them, but they have been released and she is kept in prison. Rosee gets the idea of presenting "Tosca" in the Casino Gardens in opposition to the regular company in the opera house. Mario sings marvelously and the audience deserts the theatre for the opposition show. Carla is released and joins Mario in the moment of triumph, when the Rosee company is offered a contract on its own terms.

The three big scenes of the mast-head concert, the performance in the Casino, and the out-door opera, take the picture out of the rut. The love story of the tenor and the stowaway is daintily told. There is a good theme song and ballads aplenty to balance the operatic numbers. Definitely entertainment.

Running time, 90 minutes. "G." ALLAN

"Lawless Frontier"

(Monogram)

This is a worthy member of the Lone Star series. It has good portrayals by the cast, an interesting story and enough action to satisfy.

R. N. Bradbury's direction keeps things moving at a fast pace and the photography of Archie Stout is particularly good on the outdoor shots. John Wayne heads a competent cast composed of Sheila Terry, Jack Rockwell, George Hayes, Buffalo Bill, Jr., Yakima Canutt.

The yarn has Wayne, on discovering his family murdered by Rockwell, setting out to find the killer. Instead he rescues Sheila Terry from a river, and discovers that she is fleeing from the man he is seeking. After much hard riding around the countryside and despite the blunders of a cocksure sheriff, Wayne gets his man. The windup finds Wayne the new officer of the law, with Miss Terry his wife.

Action loving fans and particularly children should go for this one in a big way. Reviewed without production code seal. Running time, 59 minutes. "G."

Short Subjects

"Old Faithful Speaks"

(Audio-1st Division)

The opening release in a series called "Thrilling Jouneys," produced by Audio Prod. This is a black-and-white subject pointing up the natural wonders of Yellowstone National Park, first described by a narrator and later telling their own story in natural sound. The kick is the hourly rumble, then the explosion of Old Faithful, the renowned geyser, which sounds off its own yarn in terms of thunder and awe. This shot closes the picture with a smash and a crash rarely achieved before in a one reeler. No code seal. Running time, 8 mins. "G."

"In a Monastery Garden"

(Audio-1st Division)

San Juan Capistrano is the garden spot to which Robert C. Bruce turned for the photographic accompaniment of this "Musical Moods" release featuring the well known song from which the subject gets its title. The peace of a contemplative life, as reflected in the calm of the monastery, is well depicted and the entire job effectively handled. A superior short. Production Code Seal No. 0249. Running time, 8 mins. "G."

"Feminine Rhythm"

(Paramount)

Ina Ray Hutton and her all-feminine orchestra featured. A jazz number, including torch songs, and Miss Hutton in a sort of fashion show composed of a varied assortment of evening gowns. Satisfactory entertainment, but undistinguished. Production Code Seal No. 0281. Running time, 10 mins. "G."

Randel to Be Dinner Guest at M. P. Club

Exhibitor and distributor friends of Henry Randel, Brooklyn exchange manager for Paramount, will tender him a testimonial dinner tomorrow night at the M. P. Club. About 25 will attend.

The dinner will be given Randel because of his nerve in calling a turn on dice used at the Monte Carlo Night on Jan. 12 during the I. T. O. A. Movie Ball at the Astor.

The Paramount sales executive last week retired as president of the New York Film Board of Trade. He was succeeded by Moe Streimer, who will leave for Miami Friday for a few weeks' vacation.

Two Clearances Are Set

ALBANY, Jan. 20.—Two clearance cases have just been disposed of by the clearance and zoning board. In the case of Tobin & Quinlin, Ideal Theatre, Chateaugay, against the Schine Malone, the Malone was awarded 14 days' clearance.

The Strand and Rialto Theatres, Amsterdam, were awarded 14 days' clearance over Smalley's, Johnstown.

Quits Atlanta Board

ATLANTA, Jan. 20.—Roy M. LeCraw, impartial member of the grievance board, has resigned, and E. A. Bancker, local broker, who has been alternate impartial member, is acting in the vacancy, pending a new appointment. It is understood that Bancker will be named to the vacancy.



R. A. (BOB) McNEIL

Operates
30 theatres,
spends upward
of $300,000
annually for film.
He reads

MOTION PICTURE DAILY

The Industry Buying Power Reads
MOTION PICTURE DAILY

Rains Start Coast Slump; Cantor Leads

Los Angeles, Jan. 20.—Heavy rains were responsible for a drop in all first run takes last week, with "Kid Millions" the only attraction to top normal. The Cantor opus reached $3,900, up by $400, at the United Artists.

"Bordertown" switched with "Little Minister" at the RKO and Warners' Hollywood on Friday night. At the former house the take for seven days ending Jan. 16 was strong at $9,700, but at the latter the $9,500 gross was weak.

"Wicked Woman" and "Helldorado" took a par $3,250 at the 4-Star, and "The Captain Hates the Sea" was normal at $3,200 in the Pantages.

Total first run business was $76,120. Average is $88,450.

Estimated takings for the week ending Jan. 16:

"PAINTED VEIL" (M-G-M)
CHINESE—(2,500), 30c-65c, 7 days. **Gross:** $9,500. (Average, $12,500)
"CRIME WITHOUT PASSION" (Para.)
FILMARTE—(800), 40c-55c, 7 days. **Gross:** $2,970.
"WICKED WOMAN" (M-G-M)
"HELLDORADO" (Fox)
4-STAR—(900), 30c-55c, 7 days. **Gross:** $3,250. (Average, $3,250)
"PAINTED VEIL" (M-G-M)
LOEW'S STATE—(2,415), 30c-55c, 7 days. **Gross:** $12,500. (Average, $14,000)
"HERE IS MY HEART" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Pinkie Tomlin, Louise Beavers, Rube Wolf and his orchestra, F. and M. revue. **Gross:** $14,000. (Average, $18,000)
"LITTLE MINISTER" (Radio)
(Closed Jan. 11)
"BORDERTOWN" (Warners)
(Opened Jan. 12)
RKO—(2,700), 25c-65c, 7 days. **Gross:** $9,700. (Average, $8,000)
"KID MILLIONS" (U. A.)
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $3,900. (Average, $3,500)
"LITTLE MINISTER" (Radio)
(Closed Jan. 11)
"BORDERTOWN" (Warners)
(Opened Jan. 12)
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days. **Gross:** $9,500. (Average, $14,000)
"BABBITT" (Warners)
"WEST OF THE PECOS" (Radio)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. Stage: Six acts of vaudeville, Oscar Baum and orchestra. **Gross:** $7,600. (Average, $12,000)
"THE CAPTAIN HATES THE SEA" (Col.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,200)

Wall Street

Most on Big Board Advance

	High	Low	Close	Net Change
Consolidated Film.	7⅜	6⅞	7	— ⅛
Consolidated Film pfd.	21½	20⅞	21¼	+ ½
Eastman, pfd. (6)	144	143¼	143¾	+ ½
Fox	11⅜	11¼	11⅜	+ ¼
Loew's, Inc. (1a).	33¼	32¾	33	+ ¼
M-G-M, pfd. (1.89)	28¼	28¼	28¼	.....
Paramount, cts...	3¼	3½	3¾	+ ¼
Pathe	1¼	1⅛	1¼	+ ⅛
Pathe "A"	15	15	15	— ⅛
RKO	2⅛	2⅛	2⅛	— ⅛
Warner	4	4	4	.....

Keith Bonds Decline ¾ Point

	High	Low	Close	Net Change
Keith B. F. 6s '46	69	68½	68½	— ¾
Loew's 6s '41 ww deb rights.....	105⅝	105⅝	105⅝	+ ⅜
Paramount Publix 5½s, '50.....	63½	63¼	63½	.....
Pathe 7s '37 ww..	101	101	101	— ½
Warner 6s '39 wd	56½	56½	56½	.....

(a) *Plus cash extras.*

(Quotations at close of Jan. 19)

Hollywood Personals

Hollywood, Jan. 20.—Robert Taylor gets his first big role with the lead in "Times Square Lady" at M-G-M. . . . M-G-M is looking for a small boy for the lead in "Taffy." . . . Someone has predicted that "Becky Sharp" will be "A Mamoulian Dollar Baby."

M-G-M has bought the song, "The Object of My Affections," for Pinkie Tomlin.

Madge Bellamy gets a role in "Recipe for Murder" at Fox. . . . V. Verlinsky of Amkino has invited Katharine Hepburn to the Russian Cinema Festival to be held the week of Feb. 10.

Bill Robinson will hoof in "Four Stars for Love" at Radio.

The Ken Maynards sightseeing in Mexico.

Ramon Novarro starting plans for his first independent production, "Against the Current," which he also authored. Negotiations are under way for space at General Service Studio.

"Bill" Denver Smash; Pulls $10,000 Take

Denver, Jan. 20.—"Broadway Bill" had audiences at the Orpheum cheering during the week, and the word of mouth advertising kept patronage building so fast that the take reached $10,000. This is over par by $4,000.

"Kid Millions" ran up a fine $3,000 at the Paramount after playing a strong week at the Denver.

Total first run business was $25,100. Average is $20,500.

Estimated takings for the week ending Jan. 17:

"THE SECRET BRIDE" (Warners)
ALADDIN—(1,500), 25c-35c-50c, 5 days **Gross:** $1,400.
"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)
ALADDIN—(1,500), 25c-35c-50c, 2 days. **Gross:** $700. (Average for week, $2,500)
"THE PRESIDENT VANISHES" (Para.)
DENHAM—(1,500), 25c-35c-50c, 3 days. **Gross:** $1,200.
"LIMEHOUSE BLUES" (Para.)
DENHAM—(1,500), 25c-35c-50c, 4 days. **Gross:** $2,800. (Average for week, $4,000)
"SWEET ADELINE" (Warners)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)
"BROADWAY BILL" (Col.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $6,000)
"KID MILLIONS" (U. A.)
PARAMOUNT—(2,000), 25c-40c, 7 days, following a $7,500 week at the Denver. **Gross:** $3,000. (Average, $2,000)

Ask Indiana Contest Ban

Indianapolis, Jan. 20. — Bills to prohibit marathon dances and similar endurance contests have been introduced in the Indiana Legislature. The bills are in both the Senate and House and are said to have the support of ministerial groups.

Mrs Meredith Nicholson, Jr., daughter-in-law of the Indiana author and ambassador and member of the House, was one of the authors.

Plan Massapequa House

The Hillet Realty Corp., of which Reuben Hillman is president, is completing plans for the construction of a theatre at Massapequa, Long Island. It is expected the house will be open by spring.

Charter Vanpark Corp.

Albany, Jan. 20.—Vanpark Amusement Corp. has been chartered by Stanley Seader, Daniel Davenport and Philip Bush.

"Minister" Is Detroit Lead With $21,200

Detroit, Jan. 20.—"Little Minister" grabbed a big slice of the business here last week by running over $3,000 a day for seven days. The $21,200 gross at the Fox was over normal by $6,200.

As a result, only one other first run hit par. This was the Michigan with "Bachelor Girl" and a vaudeville program. The take was $20,800, up by $800.

Total first run business was $63,100. Average is $65,000.

Estimated takings for the week ending Jan. 11:

"BRIGHT EYES" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,300. (Average, $5,000.)
"LITTLE MINISTER" (Radio)
FOX—(5,000), 15c-55c, 7 days. Vaudeville. **Gross:** $21,200. (Average, $15,000.)
"COLLEGE RHYTHM" (Para.)
"BEHOLD MY WIFE" (Para.)
(Second Runs)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $4,600. (Average, $10,000.)
"BACHELOR GIRL" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Vaudeville. **Gross:** $20,800. (Average $20,000.)
"WICKED WOMAN" (M-G-M)
"BAND PLAYS ON" (M-G-M)
STATE—(3,000), 15c-40c, 7 days. **Gross:** $4,500. (Average, $5,000.)
"MIGHTY BARNUM" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $9,700. (Average, $10,000.)

Warnerites to Dance

Paterson, Jan. 20. — Warner workers in the district under the supervision of Charles L. Dooley will hold a dinner-dance Tuesday night at the Swiss Chalet, Rochelle Park. The district comprises Paterson, Ridgewood, Passaic and Hackensack. Membership in the club is limited to employes of Warner theatres. The committee in charge includes Arthur Maloney, manager of the Paterson Regent; J. E. Helwig, manager of the Paterson Rivoli, and George Kelley, manager of the Hackensack Oritani.

Miller to Be Honored

Philadelphia, Jan. 20.—First function of Variety Club will be a dinner Jan. 25 in the Bellevue Stratford to Dave Miller, recently appointed film buyer in this territory for Warners.

A former exchange manager for Universal in Buffalo, Miller was "Barker" in that city's club.

"Gambling" Is Lone Chicago Hit, $19,000

Chicago, Jan. 20.—Holdovers kept Loop takes down last week, with only one of the first-week attractions going into important money. This was "Gambling," which reached $19,000, over average by $4,000, at the Oriental.

"Broadway Bill" was strong as a holdover at the Chicago, where it reached $31,000, under the first week normal by $3,600.

Total first run business was $112,500. Average is $129,600.

Estimated takings:

Week Ending Jan. 14:
"THE MIGHTY BARNUM" (U.A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 9 days. **Gross:** $11,000. (Average. $17,000)

Week Ending Jan. 17:
"BROADWAY BILL" (Col.)
CHICAGO—(4,000), 25c-50c-68c, 2nd week, 7 days. Stage: Jimmie Savo, Lee Sims & Ilomay Bailey, Six Danwills. **Gross:** $31,000. (Average, $34,600)
"GAMBLING" (Fox)
ORIENTAL — (3,940), 25c-40c, 7 days. Stage: Count Berni-Vici in "Spices of 1935." **Gross:** $19,000. (Average, $15,000)
"THE LITTLE MINISTER" (Radio)
PALACE—(2,509). 25c-35c-50c, 2nd week, 7 days. Stage: "Words & Music." **Gross:** $17,000. (Average, $22,000)
"MUSIC IN THE AIR" (Fox)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

Week Ending Jan. 18:
"THE PRESIDENT VANISHES" (Para.)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $10,000)
"FORSAKING ALL OTHERS" (M-G-M)
ROOSEVELT — (1,591), 25c-35c-50c, 3rd week, 7 days. **Gross:** $10,000. (Average, $11,000)

Week Ending Jan. 19:
"WOMAN IN THE DARK" (Radio)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Hunter & Percival, 4 Mullen Sisters, Louise Miller, Larry Blake. **Gross:** $13,000. (Average, $15,000)

"My Heart" Pulls $3,000 in Lincoln

Lincoln, Jan. 20.—"Here Is My Heart" was the big noise of the week. It topped par by $800 with a $3,000 gross at the Lincoln.

"Kid Millions" got off to a slow start at the Stuart and was $100 under average at the end of the week.

Total first run business was $10,400. Average is $9,100.

Estimated takings:

Week Ending Jan. 16:
"KID MILLIONS" (U.A.)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,000. (Average, $3,100)
"HERE IS MY HEART" (Para.)
LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $3,000. (Average, $2,200)

Week Ending Jan. 17:
"ONE HOUR LATE" (Para.)
"FIREBIRD" (Radio)
ORPHEUM—(1,200), 10c-15c-25c, 7 days. Stage show, first half. **Gross:** $2,800. (Average, $2,300)

Week Ending Jan. 18:
"EVERGREEN" (Gaumont British)
VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,600. (Average, $1,500)

M-G-M Pacts to Writers

Hollywood, Jan. 20.—Robert Liebman and John McGowan, writers, have been given term contracts by M-G-M.

The Leading Daily Newspaper of the Motion Picture Industry

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Alert, Intelligent and Faithful Service to the Industry in All Branches

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RKO Contends M. & S. Lease Terms Are Met

Dispute Over Hollywood And Apollo Up Today

Contending that it is complying with all provisions of its lease agreement with Meyer & Schneider, under which it operates the Hollywood and Apollo, RKO yesterday replied to charges brought by M. & S. which will go before a board of arbitrators today and which is sustained, are seen as imperiling the product agreement of last September by which Loew's made available to RKO all of the Fox product and half of Columbia and Universal.

The agreement was regarded as solving a critical film supply problem with which RKO was confronted at the time, having succeeded in buying

(*Continued on page 6*)

Film Taxes Still Disturbing Mexico

By JAMES LOCKHART

MEXICO CITY, Jan. 21.—Although local distributors have discounted reports they plan to withdraw from Mexico because of the lack of relief from the high duties on discs, films, etc., it has been learned here by MOTION PICTURE DAILY that several offices of American producers have

(*Continued on page 7*)

Appeal on FWC Case Is Again Set Back

LOS ANGELES, Jan. 21.—Hearing of the Marshall Square Theatre Co.'s request to the U. S. Circuit Court of Appeals for permission to sue Fox West Coast for alleged anti-trust law violation, postponed on Jan. 14, was again put off this morning by mutual consent. The hearing is now set for Jan. 28.

The Marshall Square Theatre Co.'s move is holding up reorganization of Fox West Coast.

See Above $55,000 With "Copperfield"

After a weak Friday opening, "David Copperfield" spurted on Saturday and Sunday for a three-day take

(*Continued on page 7*)

On time film delivery assured by members of National Film Carriers, Inc.—Adv.

Cartoon Feature

Hollywood, Jan. 21.—Walt Disney, quietly and with nary a fuss, is busy producing the first cartoon feature. It is "Snow White," the fairy tale.

Appeal Ruling On Para. Fees To Be Studied

The U. S. Circuit Court of Appeals reserved decision yesterday on the application of Root, Clark, Buckner & Ballantine for leave to appeal from the ruling of Federal Judge Henry W. Goddard fixing final bankruptcy fees of the Paramount Publix trustees at $32,500 each. The trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the latter since resigned, had asked $100,000 each.

The petition for leave to appeal was opposed yesterday only by Samuel Zirn, counsel for a small group of Paramount bondholders, who argued that the provisions of the old bankruptcy law which fixes allowances on

(*Continued on page 6*)

Summon Vanderlip, Zukor to Hearing

Subpoenas calling for their appearance at tomorrow's hearing on the Paramount Publix reorganization plan have been obtained for Frank A. Vanderlip and other members of the Paramount bondholders' protective committee; Adolph Zukor, Austin Keough and Walter B. Cokell; Charles D. Hilles and Eugene W. Leake, Paramount trustees, and Max D. Howell and S. Sloan Colt of the Paramount bank creditors' committee.

The subpoenas were obtained by Samuel Zirn, counsel for a small group of Paramount bondholders, who last week subpoenaed Percy H. Johnston, chairman of the board of Chem-

(*Continued on page 6*)

Rosenzweig Resigns First Division Post

Charles Rosenzweig, general sales manager of First Division, yesterday resigned because of ill health. He leaves for Florida within a few days for a vacation.

Harry H. Thomas, president of the company, told MOTION PICTURE DAILY last night he would assume the sales post himself "for the time being."

SIROVICH DRAWING PATENT POOL BILL

Supreme Court to Decide Upon NRA

WASHINGTON, Jan. 21.—Paving the way for the first real test of the constitutionality of the Industrial Recovery Act, the U. S. Supreme Court today consented to review a decision of the Alabama Federal Court holding invalid both the Recovery Act and the code for the lumber industry.

Although the court two weeks ago annulled one provision of the act, the lumber case is considered as the first real test of the law and will determine the propriety of the government's

(*Continued on page 3*)

Kutinsky to Play Duals, Giveaways

Morris Kutinsky plans to adopt a new policy at the Community, Queens Village, L. I., as an aftermath to a decision handed down against him by Campi last week. The case in which Kutinsky was complainant charged Century circuit with overbuying at the Queens, same town. Code Authority, in the decision, stated that Century had not overbought but must decide within 21 days after a film plays Broadway whether or not it will date

(*Continued on page 3*)

Referee Will Study Hamm Theatre Pact

Special Master John E. Joyce took under advisement the proposal for ending the receivership of Minnesota Amusement Corp., Paramount subsidiary operating 70 theatres in Minnesota, North and South Dakota and Wisconsin, following a hearing yesterday.

Under the proposed plan, William Hamm, Jr., would become operator of

(*Continued on page 6*)

Reciprocal Trade With Canada Aimed

WASHINGTON, Jan. 21.—Plans to negotiate a reciprocal trade agreement with Canada were announced today by the State Department.

Figures compiled for the department show that exports of films to

(*Continued on page 7*)

Would Call for Filing All of Details in Washington

WASHINGTON, Jan. 21.—Legislation requiring the filing of all patent pool and license agreements with the Commissioner of Patents will be introduced in the House within the next day or two by Congressman Sirovich of New York.

Possibly included in the measure will be a provision giving the commissioner the authority to approve or disapprove such agreements from the standpoint of public interest and making it an offense to file an agreement which does not include all the terms.

Discussing the resolution he introduced last week for investigation of patent pools, Sirovich today revealed that he was curious as to the operations of Erpi, the situation with respect to radio receiving set licenses and the aircraft pool, among others.

Some 20 or 30 industries would come under scrutiny in such an investigation. However, inasmuch as his

(*Continued on page 3*)

Campi Handles 56 Cases in 4 Weeks

Within the last four weeks Code Authority has disposed of 56 appeals from local board decisions. Of this number, 22 were devided last Thursday and Friday.

Because of the two-day hearings slated for Wednesday and Thursday on the Los Angeles and other schedules pending, no appeal committees will sit this week.

Booth Cost Hearing Is Postponed Again

Compliance Director Sol A. Rosenblatt yesterday postponed for the last time the public hearing in Washington on the basic operators' scale for metropolitan New York exhibitors. The new date is Feb. 1. Attending a meeting of the fact-finding committee at Campi headquarters, Rosenblatt ordered all data tabulated by statisticians

(*Continued on page 3*)

Missouri Sales Tax Increase Introduced

JEFFERSON CITY, Mo., Jan. 21.—A bill to increase the state sales tax to two per cent has been introduced in

(*Continued on page 3*)

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Joseph T. Steed Dead

BIRMINGHAM, Jan. 21.—Joseph T. Steed, 58, pioneer in the Birmingham district and resident here more than 35 years, is dead following a brief illness.

Steed developed and operated practically all of the suburban theatres in the district, later taking over the Temple and operating it a number of years.

Several years ago he obtained a lease on the Pantages and remodeled it.

Three Pass in Boston

BOSTON, Jan. 21.—Death came in threes at the film district Saturday. Frank Zampino, well known sound man for Pathe, passed away suddenly. The father of Henry Smith, booker for RKO, died. Harry Martin, booker for Universal, mourned the death of his mother.

Royal Pictures Formed

Royal Pictures, Inc., has been formed with David Kupperberg as president. The new company plans to produce six western features for release this year.

Trop Joins Toeplitz

Jack D. Trop yesterday was appointed New York representative of Toeplitz Prod., Ltd. His headquarters are in the Paramount Bldg.

Hays on His Way East

HOLLYWOOD, Jan. 21.—Will Hays is on his way east.

"Time" Hits a New Formula

Opportunity came yesterday to witness what the current excitement, labeled "The March of Time," is all about.

Drawn from the formula which lurks behind the sensational national broadcast of the same name, what was shown yesterday was an experimental reel made about four months ago and designed to point the way, technique-wise, for "The March of Time" to follow.

How it works, using the *Morro Castle* disaster as a typical instance: Opening shot is a reenactment of the Federal inquiry which followed the tragedy. Then, by the flashback method, the story pieces itself together. You get shots of the ship, in gala atmosphere, slipping its berth in New York; its arrival in Havana and its departure; the cocktail hour aboard vessel, the outbreak of fire and its subsequent pandemonium, the piling up of the liner on the beach at Asbury Park.

Then the Saar and why, until a few days ago, it was a powder box threatening to touch off peace in Europe. Long shots of the disputed territory, showing its wealth in ore and industry, dramatic flashes of Hitler of Germany and Laval of France, of the Treaty of Versailles, marching troops—briefly and succinctly and in a few minutes the highlights of the why and wherefore of the issue, reduced to simple and understandable images and words.

"The March of Time" proposes to get behind the news and to interpret it, to tell how as well as when. To do this, it will use actual newsreel clips and reenactment of dramatic highlights which concentrate camera and tongue where the highlights linger.

The formula is new. That is, it is new in pictures. *Time,* the magazine, has been proceeding along these lines since starting on its successful publishing career. And so, the idea is actually a transposition of printed word to eye and ear entertainment. It is refreshing and full of promise.

KANN

Children's Film Ban Up in Massachusetts

BOSTON, Jan. 21.—A bill prohibiting those under 14 from seeing films except such as are "suitable for children" has been placed before the Massachusetts legislature by Representative Thomas A. Dorgan of Dorchester.

Under the terms of the measure determination as to what films are fit for child patronage shall rest with "an unpaid board to consist of a representative of each religious denomination appointed by the Governor, to serve in the department of public safety." Anyone "showing or producing" a film without official approval "shall have his license revoked," according to the bill.

Dorgan is the same person who failed in an attempt last year to force through unfavorable film legislation.

The belief in film circles here is that the bill would apparently take enforcement beyond the exhibition field. The danger is said to lie in the variable meaning of the word "produce." It is held conceivable that the religious body set up under the measure to pass on films could find legal right to revoke the licenses of distributors.

To Syndicate 2 Cartoons

The "Looney Tunes" and "Merrie Melodies" series of animated cartoons have been syndicated by Leon Schlesinger, their producer, to Bell Syndicate, for use as newspaper comic strips, the first of which will make its appearance on March 15.

Monogram Sets Dividend

The executive committee of Monogram Pictures Corp. have declared a quarterly dividend of one and one-half per cent, payable Feb. 1. This is the fourth dividend paid by Monogram since May 1 last year.

No Film Deals Here, Cochran Says Again

In face of persistent press releases by Nat Dorfman, press agent for Arch Selwyn, that Charles B. Cochran will be associated with Selwyn in forming a new company to produce films in Great Britain and America, Cochran yesterday again denied the story to MOTION PICTURE DAILY.

Cochran stated he came over for the purpose of being on hand for Elisabeth Bergner's debut in "Escape Me Never" at the Shubert. The star has appeared in the picture, which was made in England.

"I did not come to America on any film deals. The only picture I am interested in at the present time is 'Saint Joan,' which I will make in England. Negotiations are under way with a producer abroad and I expect to complete them on my return to England," Cochran said. He sails Friday on the *Berengaria.*

The English producer emphasized the fact that after this film is completed he will stick to the theatre, contending he is not a film man.

Although the press release stated Selwyn leaves today for the coast by plane with Cochran, the latter denied this. He said on his return to England he will stage "Anything Goes," the rights for which he closed some time ago.

Install New Registers

General Register Corp. has installed new registers in six more spots: Plaza, San Diego; Apollo and Paramount, Los Angeles; Waverly, Baltimore; Moosup, Moosup, Conn., and Paramount, Connellsville, Pa.

Schless to Get Poland

Robert Schless, Continental European head for Warner exchanges, will have under his supervision the new Poland office the company expects to open within the next few weeks.

Rosenthal Gets New Quigley Award

HARTFORD, CONN., Jan. 21.—The Quigley Award for December was received by Morris Rosenthal, manager of the Loew-Poli Majestic, Bridgeport, at the hands of Gov. Wilbur Cross today in the state executive's office in the capitol. State and city officials mingled with Connecticut theatre men at the ceremony.

In turning the award over to Rosenthal the governor said he felt "proud that this prize has come home to our state." Cross made the presentation in behalf of *Motion Picture Herald.*

Among those present were Harry F. Shaw, division manager of the Loew-Poli New England theatres, and the managers of all the circuit's houses.

Shaw was toastmaster at a luncheon at the Hotel Bond following the presentation. He said it was "an outstanding distinction and a great achievement to win a Quigley Award."

Others who spoke at the luncheon were John Murphy, managing editor of the *Hartford Times;* John Sadorsky, business manager of the *Hartford Courant;* Earl Wright, publicity director of the Loew-Poli circuit.

Jack A. Simons, manager of the Poli and Don Ross, manager of Poli's Palace here made arrangements for the ceremony.

Others who participated in the affair were Matt Saunders, Ted Holt and Ed Dolan of Bridgeport; George Freeman, Springfield; Joe Almstead and Harry Watts, Worcester; Ed Fitzpatrick, Waterbury; P. Alonzo and Louis Falk, Meriden; Ben Cohen, Frank Hanson, Howard Burkhardt and Abe Madas, New Haven, and Earl Braniff, Julian Tuthill, Robert Russell and Al Cadif.

Mollie Rosenthal, the winner's wife, was the special guest of honor.

Ehrlich Holds Post In Union 30 Years

KANSAS CITY, Jan. 21.—Julius Ehrlich, elected treasurer of Theatrical Stage Employees, I. A. T. S. E., Local 31, has the distinction of holding the office 30 years, during all that time being returned without opposition.

Other officers elected for the ensuing year: J. R. Sanderson, president; Cyril Donovan, vice-president; Joseph Caldwell, financial secretary; A. T. Brainard, recording secretary; Felix D. Snow, business representative; C. J. Klawson, sergeant-at-arms; Charles Newby, guide; L. P. Hyre, reading clerk; Ed Maier, member executive board.

It's "Runaway Queen"

The correct title of "The Runaway Bride," as reviewed in this publication on Jan. 17th, is "The Runaway Queen." United Artists is releasing.

Pick Next for Seitz

HOLLYWOOD, Jan. 21. — George Seitz's first directorial effort under his new M-G-M contract will be "Times Square Lady."

Decker to Big Feature

LOUISVILLE, Jan. 21.—Frank Decker has been added to the sales staff of Big Features Rights Corp.

Sirovich to Offer Patent Pool Measure

(*Continued from page* 1)

resolution was referred to the rules committee rather than the patents committee of which he is chairman, and the improbability of the former taking any action on investigations not sponsored or approved by the Administration, he will introduce his bill, which will bring the matter before his committee.

Sirovich also asserted his intention of taking up the question of block booking, probably through legislation affecting the copyright law. So far, he explained, he has been too busy to give this much consideration, but has not abandoned his efforts to modernize the copyright acts, in which he has failed in past Congresses.

Kutinsky to Play Duals, Giveaways

(*Continued from page* 1)

films under its selective contracts. The Campi overbuying stand was a reversal of the findings of a lower board and an appeal committee.

Kutinsky, in a few days, will start playing dual bills at 10 and 20 cents at all times. In addition, he plans to institute a giveaway policy several nights a week. Heretofore, Kutinsky has been playing single attractions.

When the New York grievance board decided the local product dispute, it held that Century must submit two lists of pictures over 250. An appeal was heard and it is understood that the committee decided Kutinsky was entitled to greater relief than the local board had awarded him. Campi discussed the case for five hours last week before reaching the decision.

Kutinsky is planning to seek a rehearing of the case, and if this is denied will go directly to the NRA in Washington.

Missouri Sales Tax Increase Introduced

(*Continued from page* 1)

the Missouri legislature by Representative E. E. Montgomery of Kansas City.

A similar increase, from the present levy of one-half of one per cent, is also being urged by St. Louis municipal officials. Under their proposal half the revenue collected would be allocated back to the counties. St. Louis has made several attempts to increase its revenue by city taxes, including a levy on theatres, all of which have been defeated.

Seitz Appeal Dismissed

Campi officials yesterday verified reports from Cleveland that the overbuying complaint of Earl Seitz of the State, Sandusky, O., against Warners, had been dismissed. This is the complaint originally heard by the Cleveland grievance board which dismissed it. When Seitz brought a second complaint, the local board certified it to Code Authority. An appeal committee of E. C. Grainger and Joseph Seider recommended dismissal, which Campi sustained.

Purely Personal

AD and BEN SCHULBERG's cocktail party at the Ambassador on Saturday was pleasant, diverting and studded with well known personalities. For instance, there were present INA CLAIRE, who did right well by the hors d'ouevres; CARL VAN VECHTEN, FANIA MARINOFF, ADRIENNE AMES, BRUCE CABOT, MANUEL KOMROFF, MADAME FRANCES (MRS. NATE SPINGOLD), and MR. S.; GEORGE O'NEIL, whose play, "Mother Lode," many think should have had a longer run on Broadway; DR. and MRS. EMANUEL STERN, LOU BERMAN, HELEN GWINN, the charming SONIA SCHULBERG and many more. ZOE AKINS, aside from indulging in serious conversation with KOMROFF, did some poetry reciting by the time early evening arrived.

•

LILLIAN BOND, MITZI MAYFAIR, the CHAPPIE HYAMS, LUCINDA REICHENBACH, MITCHELL MAY, BETTINA HALL, AD and BEN SCHULBERG, ADRIENNE AMES, BRUCE CABOT, LOUIS SHURR and A. C. BLUMENTHAL were just a few of those who did part of their evening's light fantastic at the Mayfair Saturday night.

•

WILLIAM BARRETT, president of AmerAnglo, is on the high seas on his way to close English, French and Spanish deals on Topical's "Dealers in Death," world rights to which have been acquired by his company. He's on the *Washington*.

•

JEAN HENDERSON, Jacksonville (Fla.) *Times-Union* film critic, vacationing here, sat across table from AL WILKIE at Sardi's the other noon and will have a look backstage at the Music Hall tomorrow, courtesy of RUTGERS NEILSON.

•

ELISABETH BERGNER and her play, "Escape Me Never," furnished last night's theatre thrill. Under Theatre Guild auspices, it opened at the Shubert with a generous sprinkling of well known film names among those present.

•

ADRIENNE AMES, in town for a vacation after finishing work in Radio's "Gigollette," went to work for the Press Photographers' annual ball yesterday and quit after selling a ducat to MAYOR LA GUARDIA.

•

R. J. KILPATRICK, U. A. cashier, is the proud father of another child. This time it is a six and a half pound girl. ENID MARION and MRS. KILPATRICK are doing nicely at the Englewood Hospital.

•

JANET GAYNOR arrives in town today. She will visit relatives and view a performance of "The Farmer Takes A Wife," a tentative film vehicle for her.

•

LOU MILLER, discovered in an RKO Bldg. elevator with his golf clubs, explained that he was headed for an indoor course—and not Florida.

•

D. A. DORAN, JR., is en route to Hollywood on a search for a player to essay the lead in "Julie" which he will produce as a stage play here shortly.

•

ELIZABETH WILSON, Hollywood editor of *Screenland*, is here to talk it over with DELIGHT EVANS.

PHIL REISMAN, BEN and HARRY GOETZ, FELIX FEIST, ARTHUR and DAVE LOEW, FRED QUIMBY, E. M. SAUNDERS, LOUIS K. SIDNEY, JOE VOGEL, OSCAR DOOB, TOM GERETY, HENRY RANDEL, LOUIS COHEN, CHARLES ROSENZWEIG, HAL HODE, BERT ADLER, JACK SHAPIRO, MORTON VAN PRAAG, GEORGE DEMBOW, MORT SPRING, LOUIS PHILLIPS, HENRY SEIGEL and ARTHUR HIRSCH among those at the M. P. Club for lunch yesterday.

•

ED FINNEY is now a captain. He is captain of the Motion Picture Industry's Spelling Team that meets the team representing the legitimate theatre at the Astor Sunday night. The Catholic Actors' Guild is sponsoring the bee and BRANDON TYNAN, EVA CONDON, NANCY DILLON, WALTER CONNOLLY, LOUIS B. FRAASS and ADELAIDE L. MCNAMARA will be there to help out.

•

VINTON FREEDLEY, producer of the enormously successful "Anything Goes," left for Hollywood yesterday. A trifle later, he will meet COLE PORTER, tunesmith extraordinary, for a parley on how Paramount, which owns the rights to the stage musical, will treat the script.

•

JACK FORD, who as engineer of the Burlington "Zephyr" co-starred with the new stream-lined train in Radio's "The Silver Streak," was about the RKO home office yesterday.

•

RICHARD A. ROWLAND, JACK COHEN and NATE SPINGOLD had their noonday meal at the Tavern yesterday, but not together.

•

HERMAN RIFKIN of Boston and A. C. BROMBERG of Atlanta. Monogram franchise holders, are in town for a few days.

•

BERT PERKINS has returned from a month in Canada, where he put over a number of Warner-First National campaigns.

•

HOWARD S. CULLMAN yesterday gave the Cheese Club some inside dope on the Roxy Theatre situation and the film industry in general.

•

BRUCE CABOT, in from Hollywood for a look-see, hand-shook his way around Radio home offices yesterday.

•

SAM E. MORRIS has recovered from a slight attack of ptomaine poisoning, caused by a hamburger.

•

CLAUDE EZELL and WILLIAM UNDERWOOD left for Dallas yesterday and plan to return in March.

•

LEO J. BRADY did the pouring at Sunday afternoon tea in honor of BILL CRONIN of the Comerford office.

•

SOL A. ROSENBLATT used a one-way ticket to Washington yesterday.

•

SI SEADLER gets back to work today after a vacation in Havana.

•

Quip of the day: Joe Stein of the Copyright Protection Bureau says, after reading the correspondence in Motion Picture Herald on Hecht and MacArthur and "Crime Without Passion," that exhibitors no doubt prefer more "By Heck" in their product than they do "By Hecht."

Supreme Court to Decide Upon NRA

(*Continued from page* 1)

effort to control hours of labor and wages.

Upon the opinion of the court in this case will depend to considerable extent the form to be taken by the new recovery legislation. Continuation for another year or two of the act practically as now written, to permit of further "experimentation," was urged last week by S. Clay Williams, chairman of the National Industrial Recovery Board. Other plans suggested to the President, however, call for the stripping from the act of all except the labor provisions and, from the case, of most of the fair trade practice clauses. Whether the act can be continued in its present form or will require amendment will hinge upon the Supreme Court's ruling.

Gets Campi Ruling, But Can't Get Film

CLEVELAND, Jan. 21.—How to benefit by a favorable decision of Code Authority is one of the problems of Meyer Fischer and William Weiss, lessees and operators of the Mall.

Campi recently upheld a decision of the clearance and zoning board by taking the Mall out of the zone of the Strand, Standard and Carter theatres, all operated by the Community Circuit. The Community circuit, it is claimed, during the interim between the announcement of the local board decision and the decision of Campi, bought product with protection over the Mall.

Now that Campi has upheld the local decision, the Mall claims it is still unable to get product, due to contracts entered into between the distributors and Community circuit.

This creates an awkward situation. If distributors take product away from Community circuit as per the Code Authority decision, they may be open to a breach of contract suit by Community circuit. If they continue to fulfill their Community contracts, they may be open to charges by the Mall.

Fischer would like to adjust the matter amicably. However, failure to do so may, he says, result in a suit in Federal court to enforce the decision of Campi.

Booth Cost Hearing Is Postponed Again

(*Continued from page* 1)

of Loew's, RKO, Empire Operators' Union, the I. A. T. S. E., the I. T. O. A. and the T. O. C. C. to be forwarded to Washington in time for the hearing.

The delay of the Washington open session marks the fourth postponement by Rosenblatt because of the lack of unanimity by members of the fact-finding committee on certain points of the schedule which will be attacked at the Capital session.

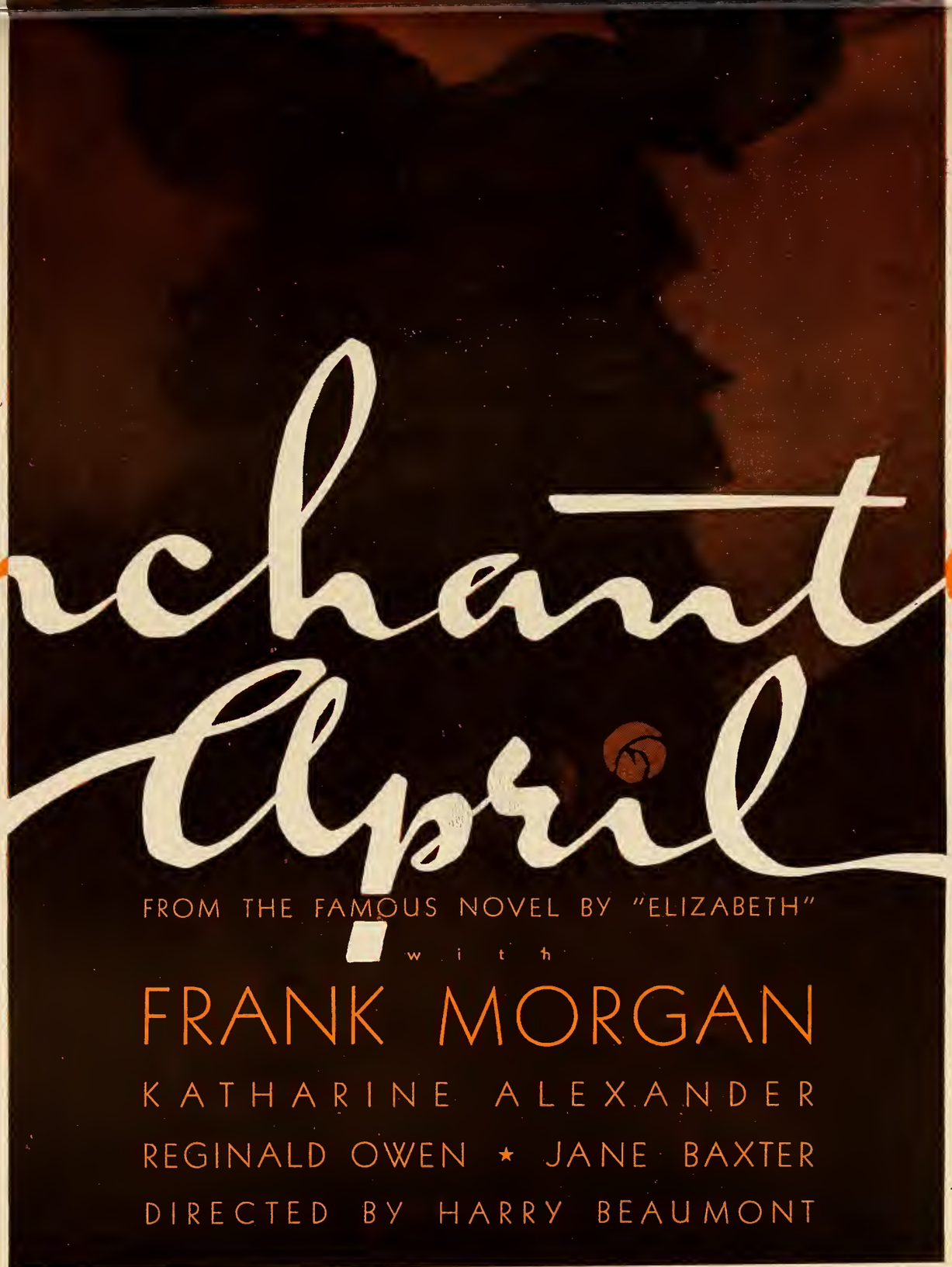
Attending yesterday's meeting, in addition to Rosenblatt, were George E. Browne, president, and Louis Krouse, vice-president of the I. A. T. S. E.; Harry Brandt, Milton C. Weisman, Charles L. O'Reilly, Leslie E. Thompson as chairman, C. C. Moskowitz, Joseph Tepperson, Hyman Rachmil, Thomas Murray, William Englander of RKO and M. M. Rosen of Loew's.

ANN

HARDING



Enchanted April



There is always Springtime in a woman's heart . . . . an Enchanted April in which she dreams . . . .

FROM THE FAMOUS NOVEL BY "ELIZABETH"

with

FRANK MORGAN

KATHARINE ALEXANDER

REGINALD OWEN ★ JANE BAXTER

DIRECTED BY HARRY BEAUMONT

Harding at her glorious best in the story of a woman who dared and her one perfect month of happiness.

RKO RADIO PICTURE

RKO Contends M. & S. Lease Terms Are Met

(*Continued from page* 1)

only Radio, half of Paramount and half of Warners.

An RKO spokesman yesterday characterized the M. & S. charges merely as "a landlord and tenant's disagreement." He stated that the lease on the Hollywood provides that the house shall play neighborhood subsequent run, whereas M. & S. contend it should be first or second neighborhood run. He said the Apollo is playing neighborhood first run, as specified in the lease, but admitted that Fox, Columbia and Universal first runs were excepted. Under the product agreement of last September, the product released to RKO by Loew's was not to be made available to RKO houses in competition with Loew houses. The Hollywood and Apollo are regarded as competition for Loew's Delancey and Avenue B.

M. & S. receives a percentage of net profits as well as a flat rental for the two houses leased to RKO. It is seeking to compel RKO to play the same first run pictures at the Hollywood and Apollo which it alleges are played in other RKO houses, which means the Fox, Columbia and Universal supply. RKO maintains that many of its houses in the metropolitan sector do not play that product and that the provisions of its M. & S. lease are not being violated in this respect.

The dispute goes before a board of three arbitrators at the N. Y. County Lawyers Ass'n. today.

O'Hara, Maloy Aide, Indicted in Chicago

CHICAGO, Jan. 21.—Ralph O'Hara, organizer for Tom Maloy's operators' union, has been indicted by a Federal grand jury on a charge of perjury. His bond has been set at $15,000 and a capias for his arrest issued by Federal Judge John P. Barnes.

The grand jury is reported to have evidence that O'Hara accepted more than $100,000 from exhibitors here for Maloy in return for reducing the number of men in booths. Mentioned in the indictment as having made payments are Joseph Stern of Essaness Theatres; James Coston, Warner theatres, Barney Balaban, Aaron Jones, Edward Silverman and others.

O'Hara denied receiving any money.

O'Hara's indictment results from renewal of the government probe into the income tax returns of Maloy some three weeks ago. It is known that local exhibitors have been appearing almost daily to give testimony. The payments are alleged to have been made in 1932.

W. B. Ping-Pongers Win

The Paramount Table Tennis Club (which has no connection with the film company) lost to the Warner Club ping-pong team by nine games to two in a contest at the Warner home office. Sol Shernow, Irving Ribbee and Herb Pornhagen were the winning team, the losers being Emily Fuller, Anne Sigman and Dorothy Philippi.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Murder on a Honeymoon"

(*Radio*)

HOLLYWOOD, Jan. 21.—Edna May Oliver and James Gleason are teamed advantageously again in a mystery comedy well fortified with laughs and suspense. There are good cast portrayals and smooth direction and the Catalina locale provides a different background to counterbalance the plot.

The usual mystery plot formula has everyone under suspicion for the murder of a racketeer with an unusual angle featuring crime committed aboard an airplane en route from the mainland to Catalina.

Miss Oliver is an amateur sleuth who smells a mouse even before the crime takes place. Officer Gleason follows her tips after arresting everybody in the film, finally taking credit for Miss Oliver's detective work in running down the murderer. The plot is climaxed with three murders amid riotous athletics by Miss Oliver, who finally finds a solution to the crime in a fish pond and landscape sketch.

George Meeker, Lola Lane, Dorothy Libaire and Chick Chandler give good portrayals, with a colored actor named Sleepaneat providing the comedy highspot in a small role.

Lloyd Corrigan reveals himself as a director with a fine timing for comedy suspense. Seton I. Miller and Robert Benchley penned the entertaining screen play from the Stuart Palmer novel. Nick Musuraca and Vernon Walker are well teamed on photography and effects.

For both neighborhood and deluxe trade this is good entertainment.

No code seal. Running time, 77 minutes. "G."

Looking 'Em Over

"Baboona"

(*Fox*)

Years of experience with animals in jungles and on open veldts stood Mr. and Mrs. Martin Johnson in good stead when they started out to make this animal picture, which opened last night at the Rialto. It enabled them to get an element of novelty, and to mix thrills with touches of pathos and humor. The novelty consists of the aeroplane shots.

With planes equipped to land on water or land, they succeeded in combining scenery and adventure in a way that furnishes fine entertainment. The appeal is as fundamental as that of a circus both for adults and children, and the editing has been done with such skill by Truman Talley that scenes build up dramatically.

Some of the shots have never been seen before on the screen. Planes sweep down over thousands of running zebras and buffalo; lions creep up on the planes where the Johnsons are ensconced with cameras and guns; baboons and monkeys do some remarkable tricks; black natives argue in their strange dialects. The ground shots have been shrewdly combined with the aerial.

The photography throughout is exceptional, another product of the Johnsons' long experience in the humid heat and brilliant light of Africa.

Production Code Seal No. 0272. Running time, 72 minutes. "G."

"Rocky Mountain Mystery"

(*Paramount*)

Here is a mystery yarn the setting of which is a mine perched on a mountainside out west. This justifies the title of the story adapted from a Zane Grey novel. A lot of double dealing, shooting and killing goes on and the result is only mild entertainment enhanced by the character portrayal of Charles ("Chic") Sales.

Charles Barton's direction is good, and, although he appears to have tried hard, the solution of the crimes is obvious once the film starts untolding. Archie Stout's photography is pleasing.

The cast includes Randolph Scott, Mrs. Leslie Carter, Kathleen Burke, Ann Sheridan, Florence Roberts, George Marion, Charles Wilson and Willie Fung.

The yarn has Scott arriving at the mine to replace his brother-in-law as head engineer. He discovers that the foreman has been murdered and his relative accused, so he joins up with Sales and goes to work

(*Continued on page* 7)

Appeal Ruling On Para. Fees To Be Studied

(*Continued from page* 1)

a percentage of the moneys handled by the trustees for a bankrupt estate, should prevail. Under these provisions the trustees' fees would aggregate only the $32,500 allotted each by Judge Goddard. Counsel for the trustees argued that under the provisions of the new Section 77-B the court is authorized to fixe fees in a "reasonable" amount. They contend that the fee allowed does not represent a "reasonable" remuneration for the services rendered.

Referee Will Study Hamm Theatre Pact

(*Continued from page* 1)

Minnesota Amusement, being given a contract which terminates June 27, and would receive $700 per week and 15 per cent of the consolidated net earnings of the circuit from Dec. 31 to the expiration of the contract for himself, a secretary of the company and a general manager, whom he is authorized to select. J. J. Friedl, the present general manager, is expected to be continued in the post.

Hamm, who was actively identified with the circuit's management when it was operated by Finkelstein & Rubin, agrees to a five-year extension of a $500,000 mortgage against Minnesota which is held by the Hamm Brewing Co., and will complete various other lease and settlement agreements with creditors. He has been serving as receiver for Minnesota.

Summon Vanderlip, Zukor to Hearing

(*Continued from page* 1)

ical Bank & Trust Co., and a member of the new Paramount Publix board. Zirn will endeavor to serve subpoenas for tomorrow's hearing before Federal Judge Alfred C. Coxe on a total of 14 persons identified with the Paramount reorganization, he said. The subpoenas will call upon those served to produce records and documents in court pertaining to Paramount affairs.

Up to yesterday, Zirn had been unable to serve Charles E. Richardson, former Paramount trustee, whose home is in Philadelphia, and Ralph Kohn, former Paramount treasurer, who is convalescing in California.

Two Maine Theatres, Night Club Combine

PORTLAND, Jan. 21.—The newly completed project of Abraham Goodside, which kills two birds with one stone by having a single dance hall connect his two theatres, goes further.

Any one who attends the Strand or the Empire may also enjoy night club life at no extra cost, for not only did the Maine theatre operator open his addition with a floor show, but he expects to continue such attractions from time to time.

Film Taxes Still Disturbing Mexico

(*Continued from page 1*)

advised exhibitors they will be unable to serve them after Feb. 18 unless the matter is settled.

Representatives of exhibitors are scheduled to meet here this week in an endeavor to solve the problem which threatens to make the country pictureless, as the output of local producers is insufficient to supply the country's needs and the product obtainable from Europe is insufficient.

It has also been learned along film row that Ex-President Abelardo Rodriguez ordered reductions on some duties and taxes and the elimination of others just before the expiration of his term on Nov. 13. The present administration, however, has not acted upon these reductions as yet. It is thought, however, that the whole situation will be cleared up soon.

Reciprocal Trade With Canada Aimed

(*Continued from page 1*)

Canada, one of the more important items, have declined heavily since 1929, dropping from 19,536,149 linear feet valued at $793,983 in that year to 12,273,149 feet, valued at $448,075, last year.

It was stated that the committee for reciprocity information would receive written statements from those interested up to March 11 and will hold a public hearing on the proposed Canadian agreement on March 18.

Wall Street

Universal Up ½ on Big Board

	High	Low	Close	Net Change
Consolidated Film	7	6¾	6¾	— ¼
Consolidated Film pfd. (½ v)	21⅜	21	21¼	.....
Eastman (4a)	114⅝	114	114½	+ ½
Fox "A"	11¼	11⅛	11⅛	— ¼
Loew's (1a)	33⅜	32¾	32⅞	— ⅛
Pathe	1¼	1⅛	1⅛	— ⅛
Pathe "A"	15⅛	15	15⅛	+ ⅛
RKO	2⅛	2⅛	2⅛	.....
Universal	37	37	37	+ ½
Warner	4	3⅞	3⅞	— ⅛
Warner pfd.	20¼	20¼	20¼	— ⅝

Technicolor Down ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety Control	¼	¼	¼	.....
Technicolor	11⅝	11⅝	11⅝	— ⅛
Trans Lux	3	3	3	.....

Paramount F. L. Bonds Up ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	83¼	83½	83½	.....
General Theatre Equip. 6s '40 ctf.	83⅜	83⅜	83⅜	— ⅛
Loew's 6s '41 ww deb. rights	105½	104¾	104¾	— ⅞
Paramount Broadway 5½s '51	42⅞	42⅜	42⅜	— ½
Paramount F. L. 6s '47	64	63	64	+ ½
Paramount Publix 5½s '50	64	64	64	+ ⅛
Warner Bros. 6s '39 wd.	57	56	56⅝	.....

(a) Plus cash extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 21)

Name Receiver Today

Appointment of a receiver for Big 4 Film property assigned to John R. Freuler, scheduled for yesterday, was deferred until today by Justice Steuer of state supreme court here.

Looking 'Em Over

(*Continued from page 6*)

clearing things up. After Miss Burke and Wilson also have been killed and all the clues seem to point to Marion, Scott pins the crime on him and winds up with Miss Sheridan, who supplies the romantic interest in a pleasant fashion.

For small towns and neighborhoods and particularly where Scott and Sales are liked this should do good business. Production Code Seal No. 476. Running time, 68 minutes. "G."

"Women Must Dress"

(Monogram)

Verbosity tends to retard the first three reels. The action picks up after passing this point, however, and moves to the climax in a thoroughly entertaining fashion.

Reginald Barker's direction is okay once he disentangles himself from the complicated beginning of Frank Farnsworth's story. The photography by Milton Krasner is good.

Minna Gombell, Gavin Gordon, Suzanne Kaaren, Hardie Albright, Lenita Lane and Zeffie Tilbury comprise a competent cast. Albright, Miss Gombell and Gordon handle their roles with understanding and sincerity. The seven Monogram-Agfa contest winners are also spotted in bit parts.

The yarn is centered around Miss Gombell, who, when she loses her husband to another woman because she paid more attention to her home than to herself, realizes the full meaning of the expression "women must dress," and decides to live up to it with a vengeance. She takes a job as a partner-designer in a fashionable modiste shop and her husband, Gordon, sails for South America. Albright, a struggling young doctor, in the meantime had been practically engaged to Miss Kaaren, Miss Gombell's daughter. The mother wrecks this romance to save her child from a fate similar to hers, but is finally forced to admit the two youngsters are meant for each other. Gordon, returning for his daughter's wedding, realizes he loves his wife, and their reunion is a happy one.

The last half is filmed against a lavish background of dress salons and latest fashions. This should have particular appeal to women, and exhibitors should profit by exploiting this angle. Reviewed without production code seal. Running time, 77 minutes. "G."

"Charlie Chan in Paris," last night's preview at the Astor, was reviewed by wire from Hollywood on Dec. 27.

"Bordertown," opening at the Strand tomorrow morning, was reviewed by wire from Hollywood on Jan. 15.

Fox in Settlement Of Rockett Contract

HOLLYWOOD, Jan. 21.—Fox was revealed today to have reached a settlement on Al Rockett's contract, which had 14 months to go. While the company refused to state the terms of the settlement, Rockett gave $75,000 as the figure.

The producer is leaving for a four-month rest in the Orient. Upon his return he plans to re-enter the independent field.

Sonora Appeal Denied

WASHINGTON, Jan. 21.—Review of a ruling of the Second Circuit Court of Appeals calling upon the directors of the Acoustic Products Co., now the Sonora Products Co., which is in receivership, to account for profits made in the stock of the DeForest Radio Co., was denied today by the U. S. Supreme Court.

Unit Lands in India

LONDON, Jan. 21.—Word has been received here that the party of camera men under Mr. and Mrs. G. Barkas have arrived in India to film Rudyard Kipling's "Soldiers Three." The scenario is said to have been approved by the author. The cast has not been revealed as yet, however.

Coast Independents Make Trust Charges

LOS ANGELES, Jan. 21.—An appeal against block booking and alleged monopoly in this territory was mailed to President Roosevelt today by local independent theatre owners. Copies of the letter have been sent to two California senators, 20 California congressmen, Senator Borah, Attorney-General Cummings, Senator Nye and U. S. Congressmen Culkin and Celler.

The letter states that for many years a monopoly has existed in the industry, forcing independent exhibitors to sign contracts wholly favorable to the distributor if they wish to keep their theatres open. It is charged compulsory block booking and the forcing of shorts, newsreels and percentage pictures prevent the exhibitor from making a profit and virtually make the producer-distributor a partner in his business without investment and without sharing any of his losses.

Percentages, it is alleged, make it possible for distributors to swap information on receipts. The charge is made that information obtained in this way can be used by the producer-distributor operating theatres to force independent competitors out of business by imposing higher percentages.

Monopoly, it is contended, promotes lower wages, throws many out of work and causes the exhibitor losses.

Short Subjects

"Barcarolle"

(Audio-1st Division)

On the sound track: the familiar "Barcarolle" from Offenbach's opera, "The Tales of Hoffman." On the screen: impressionistic views of Venice in color as caught through the camera piloted by Robert C. Bruce. The orchestral treatment ties in with the setting of the sun and the advent of twilight while the scenes accompanying the "Barcarolle" are early evening sequences in the approximate mood of the words of the song, "O Belle Nuit." Exquisitely handled. Production Code Seal No. 0432. Running time, 8 mins. "G."

"Irish Melody"

(Audio-1st Division)

In which the melodies of typical Irish songs play it out against gorgeous Technicolor scenes photographed by Robert C. Bruce on Erin's soil. Tunes like "The Minstrel Boy," "St. Patrick's Day," "The Low-Backed Car" and "Killarney" combine into a nostalgic tone poem shot through with beautiful vistas and charming pastorals of the Celtic countryside. The result is a "Musical Moods" emphatically worthwhile. Production Code Seal No. 0434. Running time, 7 mins. "G."

"Baby, Be Good"

(Fleischer-Paramount)

A rather cute Betty Boop cartoon, this one. Betty's offspring goes on a childish rampage, raises havoc, is chased by a lion and saved by mater after the junior ruffian doubles back and repairs all of the damage done. Production Code Seal No. 0271. Running time, 8 mins. "G."

See Above $55,000 With "Copperfield"

(*Continued from page 1*)

of $30,000 at the Capitol. Indications are that the first week's tally will be between $55,000 and $60,000. Second week of "Man Who Reclaimed His Head" at the Rialto dipped to $7,000. "Baboona" opened there last night.

Gross for "Night Is Young" at the Capitol last week was $19,800.

"The White Cockatoo," at the Astor, garnered $9,800 and was succeeded last night by "Charlie Chan in Paris," which is expected to bring in about $15,000 to the till. The Mayfair with "The Silver Streak" was good for $11,300.

Means Again Named By Kansas City ITO

KANSAS CITY, Jan. 21.—Jay Means today was unanimously elected president of the I. T. O. for the third term. The new vice-president is Emanuel Rolsky. Other officers are E. S. Young, second vice-president; Charles Potter, treasurer; Ed Hartmann, secretary. The officers comprise the board of directors.

French Honor Sheehan

HOLLYWOOD, Jan. 21. — Winfield Sheehan yesterday was named to the French Legion of Honor. The ceremony took place aboard the *Jeanne D'Arc*, French cruiser anchored off San Pedro.

"Helldorado" Boston's Top; Gets $15,000

BOSTON, Jan. 21.—"Helldorado" was the surprise of the week here. It grabbed $15,000, over par by $4,000, at the RKO Boston. Seven acts of vaudeville helped.

This was well over "Broadway Bill" and "The County Chairman," which have been creating sensations elsewhere. "Bill" was over normal by only $2,000 on a $12,000 gross at Loew's State and "Chairman" was under par by $1,000 on a $21,000 gross at the Metropolitan.

Total first run business was $65,500. Average is $66,500.

Estimated takings for the week ending Jan. 18:

"ENTER MADAME" (Para.)
"FATHER BROWN, DETECTIVE" (Para.)
FENWAY — (1,382), 30c-50c, 8 days. **Gross:** $4,700. (Average, $5,000)

"EVERGREEN" (Gaumont British)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $7,000. (Average, $12,000)

"BROADWAY BILL" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $12,000. (Average, $10,000)

"THE COUNTY CHAIRMAN" (Fox)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Benny Davis and his "Stardust Revue." **Gross:** $21,000. (Average, $22,000)

"ENTER MADAME" (Para.)
"FATHER BROWN, DETECTIVE" (Para.)
PARAMOUNT—(1,793), 25c-50c, 8 days. **Gross:** $5,800. (Average, $6,500)

"HELLDORADO" (Fox)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Seven acts RKO vaudeville. **Gross:** $15,000. (Average, $11,000)

Vaudefilm Houses Top in Providence

PROVIDENCE, Jan. 21.—Big grosses for the week, in the matter of percentages, went to the two theatres with vaudefilm policies, RKO Albee and Fay's. The former house took in $9,700 with "I've Been Around" and assorted vaudeville. Fay's hit $9,200 with the radio crooner, Will Osborne, and "Murder in the Clouds."

The Majestic and Strand were barely over par with their offerings and Loew's went under the average mark by $500 with "Broadway Bill," which hit $11,500.

Total business in first run houses was $45,600. Average business is $40,500.

Estimated takings for the week ending Jan. 17:

"THE PRESIDENT VANISHES" (Para.)
"ENTER MADAME" (Para.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

"MURDER IN THE CLOUDS" (Warners)
FAYS—(1,600), 15c-40c, 7 days. Stage: Will Osborne. **Gross:** $9,200. (Average, $7,000)

"THE COUNTY CHAIRMAN" (Warners)
"MAN WHO RECLAIMED HIS HEAD" (Univ.)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,100. (Average, $7,000)

"BROADWAY BILL" (Col.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $11,500. (Average, $12,000)

"I'VE BEEN AROUND" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Pappy, Zeke and Ezra. **Gross:** $9,700. (Average, $7,000)

"TOMBSTONE TERROR" (Cameo)
"LAW OF THE WILD" (Mascot)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,300. (Average, $1,000)

Variety Club Chatter

Cincinnati

CINCINNATI, Jan. 21.—COL. ARTHUR FRUDENFELD, chairman of the side show committee, has announced Jan. 25 as the definite date for the inaugural dinner in honor of the new officers.

New barkers enrolled into local membership include: LARRY BENTON, pitcher Cincinnati Reds; PHIL DAVIS and JOE BRATTAIN, both orchestra leaders at WLW, and DAN MYERS, manager of the Alms Hotel.

MAURICE WHITE is circulating around the club after several days in bed with an aggravated case of grippe.

JOE KOLLING, property master, has taken up the sale of Screeno.

Detroit

DETROIT, Jan. 21.—President EDGAR E. KIRCHNER has appointed the following committees for the second annual ball at the Book-Cadillac Feb. 23: Entertainment—RAY CONLIN, D. M. IDZAL, W. G. PATTERSON, DAVE DIAMOND, PAUL E. FIELDS and WILLIAM BAKER; Publicity—W. G. BISHOP, H. M. RICHY, WILLIAM CARLSON and J. D. LENAHAN; Tickets and reservations—E. S. KINNEY, J. O. BROOKS, PHIL KAPLAN and WILLIAM LONDON.

FRANK J. DOWNEY has returned from a vacation in Florida.

M. HARLAN STARR is "baching" it, while Mrs. STARR is wintering in Florida.

JACK SAXE, chairman of the house committee, has inaugurated a series of "open house" nights on Saturdays with keno as the main attraction and also a series of poker nights on Mondays, which are stag for members only.

FRANK A. WETSMAN was host to a number of barkers at a venison steak dinner. Among those present being H. M. RICHEY, RAY MOON, SAM SEPLOWIN, LOU WISPER and CAB. BUERMELE.

Dan Cupid has wounded another local barker. HARRY KOMER has announced his engagement to MISS LILLIAN ULANOFF, private secretary to Col. SAMUEL GOLDBERG, vice-president of the Colonial department store.

Washington

WASHINGTON, Jan. 21.—Tent No. 11 established another precedent last week when it held its first Ladies' Night Smoker, with HARRY E. LOHMEYER and LEONARD B. SCHLOSS, kings for a day.

Ladies were invited to join an auxiliary organization to Variety Club for which two bits are the annual dues. But what the ladies did not know was that there wasn't any club at all—just a gag to aid the Welfare Fund.

For the ladies who had the audacity to ignore the kings' commands and appear in evening gowns, there were large house aprons which the malefactors were required to wear the entire evening.

Cards and other games, with prizes, were the sources of amusement other than scintillating conversation.

Variety Party Feb. 3

COLUMBUS, O., Jan. 21.—The annual Variety Club banquet will be held Feb. 3 at the Deshler Wallick. Olson and Johnson, who were the feature of last year's affair, again will headline the current festivities.

An elaborate program is being prepared. Attendance is limited to 400.

Theatre Grosses Freeze As Winter Hits Seattle

SEATTLE, Jan. 21.—Cold weather and heavy snow hit grosses hard last week, with "It's a Gift" making the best comparative showing at the Paramount. The $5,800 take was $200 under par, however.

Total first run business was $13,180. Average is $37,000.

Estimated takings for the week ending Jan. 19:

"THE MIGHTY BARNUM" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,200. (Average, $4,000)

"THE WHITE PARADE" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,500. (Average, $7,000)

"JEALOUSY" (Col.)
"AGAINST THE LAW" (Col.)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,400. (Average, $4,000)

"THE LITTLE MINISTER" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (2nd week of extended run from Music Hall.) **Gross:** $3,350. (Average, $4,000)

"SWEET ADELINE" (Warners)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,800. (Average, $6,500)

"BORDERTOWN" (Warners)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Senator Murphy. **Gross:** $5,100. (Average, $5,500)

"IT'S A GIFT" (Para.)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Scotty Weston. **Gross:** $5,800. (Average, $6,000)

"Chairman" Pulls $20,000, Buffalo

BUFFALO, Jan. 21.—"The County Chairman" at $20,000 was the week's big news, although "Broadway Bill's" $9,500 in its second week was quite a feat, too. Cold, foggy weather was replaced by high winds and ice that made motoring dangerous.

Total take was $50,300. Normal is $42,800.

Estimated takings for the week ending Jan. 18:

"THE COUNTY CHAIRMAN" (Fox)
BUFFALO—(3,850), 30c-55c, 7 days. Stage: Carl Freed and his Harmonica Harlequins; Ray & Sunshine; Charles Carlile & Lewis & Van. **Gross:** $20,000. (Average, $14,300)

"HELL IN THE HEAVENS" (Fox)
"I SELL ANYTHING" (Warners)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,100. (Average, $6,000)

"SWEET ADELINE" (F.N.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $8,000)

"THE MIGHTY BARNUM" (U.A.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $7,300. (Average, $8,000)

"BROADWAY BILL" (Col.)
LAFAYETTE—(3,300), 25c, 9 days, 2d week. **Gross:** $9,500. (Average, $6,500)

"Chairman" Is Philadelphia Top, $18,000

PHILADELPHIA, Jan. 21.—Business fluctuated last week, with the total way down.

Best figure of the week was $18,000 at the Fox for seven days of "The County Chairman." The Earle, with $13,000 for "The Band Plays On" and Ted Lewis on the stage, was the only other house to hold above the average mark, though the Earle show was probably more expensive than recent offerings and the outlook for much profit is dubious.

Because of the delay in "Clive of India," the Aldine forced three more days on "The Mighty Barnum," running out three and a half weeks.

Total first run business was $98,600. Average is $107,600.

Estimated takings for the week ending Jan. 17:

"THE MIGHTY BARNUM" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 3 days, 4th week. **Gross:** $1,500. (Average, 6 days, $7,000)

"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)
(Second Run)
ARCADIA—(600), 25c-35c-40c, 4 days. **Gross:** $900. (Average, 6 days, $2,400)

"FORSAKING ALL OTHERS" (M-G-M)
BOYD—(2,000), 35c-40c-55c, 10 days, 2nd week. **Gross:** $17,000. (Average, 6 days, $12,000)

"BAND PLAYS ON" (M-G-M)
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Ted Lewis Revue. **Gross:** $13,000. (Average, $12,000)

"COUNTY CHAIRMAN" (Fox)
FOX—(3,000), 40c-55c-65c, 7 days. Stage: Viola Philo, John Gurney, Maria Gasta, Fox Glee Club, Alice Miller. **Gross:** $18,000. (Average, 6 days, $12,000)

"CHURCH MOUSE" (Warners)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,500. (Average, $3,500)

"BEHOLD MY WIFE" (Para.)
(Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $2,800. (Average, $4,000)

"THE RIGHT TO LIVE" (Warners)
ROXY-MASTBAUM—(4,800), 55c-75c-85c-$1.10, 6 days. Roxy show on stage. **Gross:** $29,000. (Average, $33,000)

"BORDERTOWN" (Warners)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)

"WICKED WOMAN" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 4 days. **Gross:** $2,900. (Average, 6 days, $6,000)

"Bill" and Cantor Smash Omaha Hits

OMAHA, Jan. 21.—"Broadway Bill" and "Kid Millions" were sensational here last week. The former grossed $8,200 at the Brandeis, going over the average mark by $4,400.

The Cantor musical doubled par at the World by getting $8,000. In spite of the heavy competition the dual bill at the Orpheum, "Behold My Wife" and "Music in the Air," was strong at $8,500.

Total first run business was $24,700. Average is $16,000.

Estimated takings:

Week Ending Jan. 16:

"KID MILLIONS" (U.A.)
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $8,000. (Average, $4,000)

"BROADWAY BILL" (Col.)
BRANDEIS—(1,200), 25c-35c-40c. **Gross:** $8,200. (Average, $3,800)

Week Ending Jan. 17:

"BEHOLD MY WIFE" (Para.)
"MUSIC IN THE AIR" (Fox)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 19 NEW YORK, WEDNESDAY, JANUARY 23, 1935 TEN CENTS

14,552 Houses Operating In U. S.; A Gain of 816

Increase Is Steady in Last 2 Years—Viewed As a Plus Sign

Up by 816 over the previous year, 14,552 theatres were in operation throughout the United States at the dawn of 1935.

The statistics, drawn from individual reports of Film Board of Trade secretaries and made public yesterday, were construed as indicating by fact and figure that conditions were definitely winging their way toward more prosperous climes.

The national breakdown of data checked over in all exchange centers reveals theatres operating as of Jan. 1 of this year had a seating capacity of 9,719,537. The 14,552 houses which make up this total compare with 13,736 operating as of Jan. 1 of last year and with 13,416 operating as of Jan. 1, 1933.

The source material pointed out that theatres in total throughout the country were 18,263 with a combined seating capacity of 11,132,595. This

(Continued on page 12)

How many? Where? How? The industry's theatre picture, statistically speaking, appears on page 12 today.

Hearing of Opponents of Para. Plan Postponed to Next Monday

Hearing of opposition to the Paramount Publix plan of reorganization, scheduled for today before Federal Judge Alfred C. Coxe, was postponed until Monday by agreement of counsel yesterday.

Inability of reorganization groups to effect an agreement with Nathan Burkan, counsel for the merchandise creditors' committee, at meetings held yesterday is believed to have been responsible for the adjournment. Burkan has stated that he would appear in opposition to the plan unless some agreement were reached of his committee's views on the makeup of the new Paramount board.

Whether Judge Coxe would consent to the examination today of 20 witnesses subpoenaed for the scheduled hearing by Samuel Zirn and Archibald Palmer, opposition attorneys, could not be learned late last night. Indications were that these examinations might be permitted to proceed independently of the hearing on opposition to the plan.

FWC Suit End Paves Way for Reorganizing

Compromise Reached in Anti-Trust Cases

Los Angeles, Jan. 22.—Paving the way for immediate reorganization of Fox West Coast, Marshall Square Theatres and Harry L. Hartman, the former operating the Orpheum, San Francisco, and the latter the Orpheum, San Diego, this afternoon amicably settled a joint suit against F.W.C. Jules Goldstone, attorney for Marshall Square and Hartman, and F. W. C. counsel consummated negotiations this afternoon, with Mike Marco signing the papers for Marshall Square, Hartman for the San Diego house, and Charles Skouras for F.W.C.

The monopoly charges by the two

(Continued on page 12)

Chicago Clearance Appeals Rush Seen

Chicago, Jan. 22.—Absence of a zoning schedule here promises to send plenty of appeals to Campi. The local board heard four cases last week and two of these were announced for appeal.

Specifically, Charles Dyas of the Lyric, Earville, Ill., complained against protection held by the State, operated by F. W. Anderson, Sandwich, Ill. Dyas lost and will appeal.

Guy Loudermilk, Fairy, Napanee.

(Continued on page 9)

Censorship Board Is Sought in Delaware

Dover, Del., Jan. 22.—A bill to create a board of review, consisting of three members, one from each county, to be named by the Governor, was introduced in the House of the state legislature here today.

The body would have authority to censor all films shown in the state and reject those considered improper. Theatres would have the right under the measure to appeal to the Superior Court. On each reel scanned there would be levied a fee of $2, which would go to the board's expenses.

Redecorated Strand To Be Opened Today

A new interior will greet the eye when the Warner Strand, damaged by fire several weeks ago, reopens

(Continued on page 2)

RKO Reported Against Move To Avoid Suit

An offer to settle for $225,000 the breach of lease charges involving the Hollywood and Apollo is reported to have been rejected by RKO in advance of hearing of the Meyer & Schneider complaint which got under way yesterday before a trio of arbitrators in the N. Y. County Lawyers' Ass'n building.

After an all day hearing during which considerable documentary evidence was introduced by Max D.

(Continued on page 9)

Epidemic of Bank Nights Hits Frisco

San Francisco, Jan. 22.—It looks as though there will be an epidemic of bank nights here. The situation seems to be out of the control of the grievance board.

The subject became acute some weeks ago when the grievance board tried to settle complaints among the outlying neighborhood houses. Then the smaller circuits began to go in for the practice. Nasser Brothers, operating six houses, filed a complaint

(Continued on page 9)

Quigley Grand Award Goes To Hendricks of Memphis

Bill Hendricks, manager of the Warner, Memphis, yesterday came through as winner of the Quigley Grand Award for his campaign on "Six Day Bike Rider." Morris Rosenthal, manager of the Loew-Majestic, Bridgeport, Conn., following closely on Hendricks' heels, lost out for first place, but walked off with the Second Grand Award for his campaign on "The Mighty Barnum."

Scoring the next highest totals were Walter Golden, manager of the Riverside, Jacksonville, for his campaign on "Nana," and Sig Solomon, manager

(Continued on page 8)

Federal Attorneys To Oppose Huffman

Washington, Jan. 22.—First instance of the Federal government stepping in to assist Code Authority in defending the code happened today when Compliance Director Sol A. Rosenblatt secured the assignment of Whitten White, assistant U. S. attorney general, to argue before the U. S. Circuit Court of Appeals in

(Continued on page 9)

Report Roach Plans Production in East

Reports are current Hal Roach will produce a number of feature comedies in the east, supplementing coast production.

Henry Ginsberg, general manager, who arrived from the coast yesterday afternoon, could not be reached for a statement. Joe Rivkin, New York representative, also out of the office.

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Max Evidon Is Made Des Moines Manager

DES MOINES, Jan. 22. — Melvin Evidon has been named manager of the Columbia office here. He replaces Joe Levy, who recently resigned. Evidon has been a salesman for Columbia for four and a half years. Prior to that he was with Paramount. His appointment is in line with the policy of Abe Montague, Columbia sales manager, to make promotions from the ranks.

Max Roth, district manager, is here to install Evidon.

Redecorated Strand To Be Opened Today

(*Continued from page* 1)

this morning after extensive doctoring. The attraction will be "Bordertown," in which Paul Muni is starred. Bernard S. Deutsch, head of the Board of Aldermen, will officiate at the ceremony.

The theatre has been revamped, redecorated and reequipped. New seats have been installed and the ventilating system has been improved, while the stage has been equipped with a new curtain.

Albany Bill Calls For Import License

ALBANY, Jan. 22.—A bill was introduced today by Assemblyman Jacob J. Schwartzwald, Democrat, of Brooklyn, providing for state licenses for films imported from foreign countries placing unreasonable restrictions on the exhibition of American pictures.

Insiders' Outlook

By RED KANN

OUT of the field of fancy and conjecture and very much into the category of cold, hard statistics comes the annual theatre survey of the Film Boards of Trade to prove rather conclusively that, if things aren't better, flocks of theatre operators are wrong. Pieced together from every exchange center in this broad and embracing land is the word that, as of January 1, 1935, there were open for whatever business they could catch 816 more theatres to a total of 14,552 than were active a year ago to the dot. . . .

▼

We ask you to pause and to contemplate what this means. New Vikings in exhibition there may be among that very important 816. You might turn to such a conclusion by way of answering the why and the wherefore. But it does seem stretching it a bit to conclude that those 816 additionally functioning houses are manned solely by interests not in the theatre business at the dawn of 1934. We, for one, do not subscribe to such an answer. Rather, we believe that houses, darkened by the depression, have decided to light up again because the men who owned them and so shuttered them have concluded the time has come to try their fortune in the theatre field once again. . . .

▼

If you will travel back with us another twelvemonth, the observation that things must be up and beginning to go, at least, becomes more striking. As 1933 blossomed in, theatres with box-offices open for business ran to 13,416. By the beginning of 1934, there were 320 more brave operators ready for a fling they refused to essay a year earlier. By the advent of this current year, it was a jump of 816 additionally, or an increase in film accounts of 1,136 in the two-year span. Of course, you can't tell if these additional theatres have been returning a profit, but the chances based on what the Film Boards' statistical fabric reveals, are that the going (1) hasn't been so bad and (2) the hope for the future is somewhat rosier. . . .

▼

Approach it from another angle which a cursory analysis of the figures suggests. The nation's theatres are 18,263. That's 108 less than the adding machine tallied at the outset of 1934. Yet, more houses are functioning today. We ask you. What are they functioning for, if not for a profit or in anticipation there will be a profit in the reasonable future? Of the 18,263 spotted around the American map, 3,711 are dark. Sounds like a lot and is a lot, but note the padlocked total for 1934 which was 4,635. Indicating inescapably that sunshine is beginning to break through is the two-year comparison for, even at 3,711 now dark, it was considerably gloomier in 1933 when 5,895 were in the non-operating division. . . .

▼

Suggesting that producers who went on a theatre spree to their ultimate sorrow a few years back are remaining true to their spots is the dope on affiliated circuits. In 1934, that type of holdings, bulked, ended at 1,954 houses seating 2,586,643. With 1935, the total had clambered to 2,073 houses and a combined capacity of 2,718,701. Not much of an increase, to be sure, but sufficient to indicate a drift toward danger and a lack of any whole-hearted producer intention to reduce participation in exhibition. That makes it time to hoist the storm signals and so up the halyard they go. Now. . . .

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Even more striking on the other hand and because of numerical preponderance, is the changing tide in unaffiliated circuits. Their total is on the rise, the Film Board survey reporting 3,070 houses in this classification in 1935 as against 2,846 in 1934. Of significance, too, is the shrinkage in independent theatres, although it may be that expansion, precipitated by cheaper buys, has moved more independents into the unaffiliated circuit division, thereby causing the shift in the statistical balance. . . .

▼

The figures, for what they are however, show 13,796 for 1933; 13,571 for 1934 and 13,120—451 off—for 1935. Do we hear Allied tearing the ozone with those faintly nostalgic cries of monopoly? If that should be in the offing, it is well to point out that, while the independent division shriveled in point of numbers of theatres, it gained in numbers of seats, so indicating the boys have been busy stepping into richer clover. . . .

▼ ▼

John Hertz is angling hard to re-enter the Paramount picture and fails to look with particular glee upon a mere directorship; it's the presidency he is after. So whirl the latest stories around the company headquartering at the crossroads of the world. A new and hitherto unmentioned factor, the same insiders insist, is Frank Altschul of Lazard Freres, an extremely important banking institution. The general idea seems to swing about a shift in the scenery which would allow each group to nominate and elect members of their choosing for the new directorate. . . .

▼

Tying in with eddies and currents is the report Hertz wants Adolph Zukor's post for various and sundry reasons, some of them backfiring to the days when the Chicago man was a factor of moment in Paramount's affairs. The large committees—bonds, stocks and banks—called a truce yesterday until Monday to discuss a compromise which would retain Zukor as president, but possibly embrace three or four of the board nominees of the other groups. These committees are said to be uncompromising in their support of Paramount's founder. Many, therefore, will cheer. . . .

Olympia Stock Buy Now Up to Referee

A proposal to expedite reorganization of Olympia Theatres, large Paramount New England subsidiary, by purchasing for $50,000 the remainder of the circuit's stock not held by Paramount and allowing a claim of $1,824,562 filed by an Olympia stockholders' committee against Paramount, was filed yesterday with Special Master John E. Joyce.

A hearing on the proposal was set for Jan. 28. In their petition for approval of the plan, counsel for the Paramount trustees state that a plan of reorganization for Olympia is under way which makes no provision for stockholders of the company, as both Olympia and its affiliate, Olympia Operating Co., are insolvent, they state. The petition adds that the trustees have been advised by the Olympia stockholders' committee, of which Frank L. Converse is chairman, that any plan which does not provide for the stockholders will be opposed by the committee.

The petition sets forth that while the Paramount trustees believe the stockholders' claims to an equity in reorganized Olympia could ultimately be defeated, it would involve litigation costing approximately $50,000 and might result in a delay of one year in the reorganization of the circuit. To avoid the delay, the trustees propose the purchase for $50,000 of the outstanding stock not owned by Paramount and the allowance of the $1,824,562 claim, based on a default by Paramount of a stock purchase agreement made in 1925 under which control of Olympia was acquired. Paramount defaulted the agreement in January, 1933, with $1,636,881, exclusive of interest and guaranteed dividends, still owing. Prior to that, Paramount had met stock purchase payments aggregating $5,803,488.

Indiana Bill Calls For 10% Ticket Tax

INDIANAPOLIS, Jan. 22.—A bill to place a 10 per cent tax on all admissions was introduced in the Indiana House today by Representative Robert L. Stanton of East Chicago.

Snow Hits Seattle; Stalls Film Outfit

SEATTLE, Jan. 22.—The heaviest snowfall in several winters has struck this city, and theatres are suffering keenly. Grosses this week are expected to hit a new low, with the weather bureau's prediction of continued snowfall and increasingly cold weather.

The premiere of "Sequoia" at the Fifth Avenue has been maintaining a fairly strong average. Opening night ceremonies, however, were somewhat marred by a wintry storm which kept many invited guests at home in spite of the personal appearances of Jean Parker, Russell Hardie and John W. Considine, Jr., the producer and a former Seattleite.

20th Century's "Call of the Wild" company, which includes Clark Gable, Loretta Young and Jack Oakie, is stalled in Bellingham because roads into Mount Baker are impassable.

Director William Wellman is unable to work as a result of a cold. The city of Dawson, built at Mount Baker for outdoor scenes, is completely under snow. At a cost reported to be $15,000 daily, the 80-odd performers, technicians, directors, etc., are waiting for better weather—and shivering!

Columbia Is Trying New York Previews

Columbia is going in for eastern unannounced previews in addition to those held on the coast for all pictures. On Monday night, home office executives slipped "Carnival" in unadvertised at a local Loew house and when the audience didn't respond to two scenes, which were intended to be funny, they were ordered eliminated.

Different types of houses are chosen for each picture, Columbia trying to pick the locality where it is believed the picture will most likely be received according to its classification.

Para. Starts Third Spanish Film Here

Having completed two Spanish features at the Astoria studios, Paramount started production on "The Day That You Loved Me," with Carlos Gardel as the first of two planned for the 1935-36 season.

At the Joinville studios, the first of eight French pictures is now in work. Ike Blumenthal, in charge of production, has hired an outside producer to make the octet. The second goes into work in a few weeks.

De Grandcourt Off To Join G. B. Staff

Charles de Grandcourt, long in charge of production of trailers for National Screen, sails on the *Berengaria* Friday to join Gaumont British in London, where he will serve as an advisor on American story values and slants.

Radio Leases More Space

HOLLYWOOD, Jan. 22.—Radio has leased the old Tec-Art studios for Merian C. Cooper's production, "She." It is planned to use the studios for other productions following completion of the Cooper vehicle because of a lack of space and an increased production schedule at the Gower St. plant.

Purely Personal

CAROLE LOMBARD canceled engagements yesterday to ward off a touch of flu. She plans to quit the town tomorrow, her condition permitting, and may stop off in Florida and Havana on her way back to the coast.

•

JULES LEVY, lucky and in Miami, postcards: "Feel great, very busy and can only find time to read MOTION PICTURE DAILY. This place is too good for the exhibitors." In other words, typical salesmanager stuff.

•

MORT BLUMENSTOCK, advertising and publicity head for Warner Theatres, left yesterday for Pittsburgh, Cleveland and Chicago to set campaigns on "Devil Dogs of the Air." He will be away a week.

•

WILLIAM WYLER, who has just finished directing "The Good Fairy" at Universal, is headed for New York by rail. He will attend the premiere of the film at the Music Hall next month.

Quip of the Day

Quip of the day: Joe 'Frisco, in Dave's Blue Room, listening to an actor in the stage show at the Capitol tell how he was knocking 'em dead and dismissing the matter with:

"If your n-n-n-name is D-D-D-David C-C-C-Copperfield, then you're a h-h-h-helluva d-d-d-draw!"

CHARLIE MCCARTHY and ARCH REEVE sharing a table at Sardi's at the noon hour yesterday. GEORGE GERHARD fraternizing with the praise agents at another.

•

GENE RAYMOND arrived in town yesterday from the coast. He can't make up his mind whether or not he'll stay at the Lombardy, do a picture or go south.

•

DOUGLAS SHEARER left for the Lion's studio after visiting the folks in Montreal. From the Canadian city he went to Chicago and from there flew to Hollywood.

•

ALEXANDER WOOLLCOTT has been signed by Paramount to play a role in "Miracle in 49th St.," which is to be started soon at the Eastern Service Studio.

•

SAM RINZLER leaves for Miami next week and will he be glad to get rid of the exhibition worries for a few weeks?

•

HENRY RANDEL was tendered a testimonial dinner at the M. P. Club last evening by the Monday Nighters.

•

ROBERT VIGNOLA and his cousin, BEN PIAZZA, trained in from the coast on the same Pullman.

•

JOSEPH SCHENCK says he'll stay in New York another month before heading Horace Greeley's way.

•

POLLY MORAN finishes work today in a Vitaphone short called "Pretty Polly."

•

FRED PELTON of M-G-M studios is back on the lot after a short visit here.

•

HARRY D. BUCKLEY is confined to his home because of illness.

JOHNNIE GRIFFIN, operator of the Orpheum, Chinook, Montana, is in town for the first time in his life. He is a colonel, judge and captain, and says he hasn't had any competition in his town for the past 22 years. He is an Allied director.

•

SIDNEY SKOLSKY has stretched a few inches from pride. After trying for months, he has finally landed his column in a Hollywood paper, starting this week.

•

ED KUYKENDALL returned from Washington yesterday, a day ahead of schedule. That Campi meeting today is responsible for cutting short a tour of the capital.

•

HARRY COHN has canceled his contemplated New York trip, but the Columbia directors' meeting Friday will go on just the same, as scheduled.

•

JOHN HAY (JOCK) WHITNEY was due in from the coast yesterday. He'll fly right back, however, to be on hand at Santa Anita over the week-end.

•

HENRY A. LINET is continuing the practice of law on his own since the firm of Sutton and Linet dissolved recently.

•

ED SCHNITZER, Columbia New York sales manager, leaves today for the sunny Miami climes. He'll bask for three weeks.

•

A. H. SCHWARTZ will leave for Miami next week.

Wall Street

Columbia Up One on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	36½	35½	36¼	+1
Consolidated Film	6¾	6½	6½	— ½
Consolidated Film pfd. (½v)	21¼	20⅝	20⅝	— ⅝
Eastman (4a)	113½	113½	113½	—1
Eastman pfd. (6)	144	144	144	+ ¼
Fox "A"	11¼	11	11	— ⅛
Loew's Inc. (1a)	32¾	32¼	32½	— ¾
Paramount cts.	3⅝	3⅝	3⅝	— ⅛
Pathe	1¼	1⅛	1⅛	.....
Pathe "A"	15¾	15⅛	15⅛	.....
RKO	2⅛	2	2	— ⅛
Warner	3⅞	3⅞	3⅞	.....
Warner pfd.	20⅞	20⅜	20½	+ ¼

Curb Issues Remain Unchanged

	High	Low	Close	Net Change
Technicolor	11⅝	11⅝	11⅝	.....
Trans-Lux (.20b)	3	3	3	.....

Keith Bonds Advance Half Point

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	8½	8½	8½	.....
Keith B. F. 6s '46	69	69	69	+ ½
Loew's 6s '41 ww deb. rights	104¾	104½	104½	— ¼
Paramount F. L. 6s '47	64½	64⅜	64½	+ ½
Paramount Publix 5½s '50	65	63⅞	64½	+ ½
Pathe 7s '37 ww	101½	101½	101½	+ ½
Warner 6s '39 wd.	56½	55⅞	56	— ⅝

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 22)

Doniger on His Own

Harry Doniger will reopen the Grant Lee at Palisades, N. J., Feb. 1. He has resigned his position as manager of the Hecht Theatres in Passaic, a post which he had held for the past 10 years.



HOW TO PUT A PICTURE OVER



1. **Be** sure that you have booked a good picture. (*Note: This can best be done by getting a Metro-Goldwyn-Mayer contract).*

2. **See** that the picture has good name attractions. (*Note: This can best be done by signing with M-G-M and getting practically all the stars).*

3. **See** that the picture has been nationally exploited so that you get the benefit locally as well. (*Note: In the case of "David Copperfield" 40 national magazine full-page ads for a total of 34,048,736 circulation).*

4. **See** that tie-ups have been made. (M-G-M *rarely has less than 50 tie-ups on a picture).*

5. **That** serials have been placed. (*1,000 serializations on "Copperfield" running in as many newspapers).*

6. **That** good posters and press matter are available—also exploiteers. (*More* M-G-M *angles).*

7. **If** you have been ill this will be the result—

Get set for "SEQUOIA"



I feel fine now, Doc, thanks for your cure.

THE GREAT STARS OF "HERE COMES THE NAVY" SPREAD THEIR WINGS.



Devil Dogs of

Starring

JAMES CAGNEY

MARGARET LINDSAY • FRANK McHUG

THE FIRST Cosmopolitan PRODUCTION FOR WARNER BROS.

in a laugh-packed thriller that brings to your screen the production value of $750,000,000 worth of Marine Corps equipment loaned especially for this show.



. . . AND ARTHUR BRISBANE SPREADS THE NEWS ALL OVER HIS FAMOUS COLUMN!

On the front pages of 24 great newspapers from coast to coast America's ace editor tells 40,000,000 Americans—"Don't Fail To See

the Air"

PAT O'BRIEN

Directed by Lloyd Bacon

Today

A Parole Board Surprise.
Naughty, Naughty Convicts.
Hiram Johnson Plain Talk.
Warner Bros. in Air Picture.

By Arthur Brisbane

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SAN SIMEON, Cal., Jan. 17.—

Warner Brothers have produced a moving picture, "Devil Dogs of the Air," that should be seen by every intelligent American, and by every member of Congress.

In this picture you will see, not actors imitating airmen, but real fliers, officers and men of the United States Marine Flying Corps. You see actual operations on our airplane carriers, discharging planes as needed, trained officers of the United States Navy issuing brief orders. You see the laying of smoke screens for the protection of surface ships, torpedo boats and landing parties, every detail of the training and marvelous efficiency of American airmen.

Young American men and women, seeing the actual flying, extraordinary courage and skill of American war pilots, will be fired with the ambition to fly and help conquer man's newly acquired realm, the ocean of the air. And, from our marvelously efficient and courageous little "sample" national air fleet, you will learn that, weak as we are in the air, *weakest among important nations*, the fliers that America develops could subject any hostile air fleet to exceedingly unpleasant experiences.

Congressmen and Governors of States, seeing this picture, will take pride in the marvelous efficiency of the American flier and will be humiliated by the knowledge that among the world's important nations we stand last in airplane defense.

One or five hundred of the bravest, most skillful fighting airmen that ever lived could not protect six thousand miles of coast line and the nation's great cities against an attacking fleet of four or five thousand invading planes.

There is the usual American "love story" in Warner Brothers' picture. Actor James Cagney looks extraordinarily brave and broad shouldered. Although infinitely "tougher" men of the United States Marines do the actual flying. A dear little girl runs out on the air field in high heels and an apron to reward with one kiss or more the hero, who hasn't really done anything. The real picture is in the flying of real American air fighters. Don't fail to see it.

Warner Brothers deserve thanks for producing a picture that will stimulate patriotism, and make the nation think of air defense.

Quigley Grand Award Won by Bill Hendricks

(*Continued from page* 1)

of the Regent, Newark, N. J., on "Judge Priest."

With 28 industry executives as judges, the final balloting took place at the N. Y. Athletic Club and climaxed a year's race among the 4,000 members of the Managers' Round Table Club of *Motion Picture Herald* for the top spots among the nation's up and going showmen.

All winners of the monthly plaques in the 1934 Quigley Awards competition were eligible for the annual prizes. For the past year, the competition has been conducted by A-Mike Vogel, chairman of the Round Table department, through the columns of his weekly *Herald* feature.

Voting ballots were furnished the judges as they arrived together with itemized, numbered lists containing the names of the monthly winners. The campaigns were laid out on a long table where they underwent careful scrutiny and study. The luncheon which followed and which was presided over by Terry Ramsaye, editor of *Motion Picture Herald*, was delayed until the final vote had been cast.

Ramsaye traced the scope of the awards plan and, in part, said:

"This august gathering reminds me much of the time that John Flinn opened a sales convention by looking over a large and costly gathering with the remark: 'Good morning, overhead.'

Ramsaye Lauds Participants

"A lot of the industry's overhead is around this table and it is a tribute to the direct motion picture dollar significance of the efforts of the showmen in the works of their craft which is brought to focus in the contest which today decides the annual Quigley Award for picture exploitation. You may properly be reminded that among the 4,000 members of the Managers' Round Table Club there are not less than 3,000 active men and, if you will consider a moment how many of your pictures play on a percentage basis, you will agree in my calculation that those campaigns out on that table in the next room represent the flower of the effort that has in the last year brought the motion picture industry not less than 65 to 70 per cent of its gross revenue. That's money, and they've done a job."

He next introduced Martin Quigley, publisher of the *Herald*, who expounded his thoughts on trade journalism.

"The activity represented here," he said, "is a definite part of the process by which we find motion picture journalism integrated with the industry, showing that we are a working part of it, not something superimposed upon it. Functions performed and evidenced here are indication enough that we can and do serve in the furtherance of the constructive works of the business, that the journalism of the motion picture as represented by this work of the Managers' Round Table is a part of it. We are appreciative, too, of the large contribution that is continuously being made by the executives around this table, another tribute to the fact that the Round Table of the *Herald* is a part of the motion picture industry."

Vogel was the third and last speaker. He stressed the point that the awards plan had fastened the attention of circuit operators on the merits of the manpower in their employes and pointed out that five promotions among the monthly winners had resulted last year as a result of managerial participation in the competition.

The judges were drawn from representative companies and men in the industry and included:

Neil F. Agnew, Paramount; Harry Arthur, Fanchon and Marco; Leon J. Bamberger, RKO; Paul Burger, United Artists; Mort Blumenstock, Warner Theatres; Felix F. Feist, M-G-M; Oscar A. Doob, Loew's, Inc.; S. Charles Einfeld, Warners; Ed Finney, Monogram; Robert M. Gillham, Paramount; Eddie Golden, Monogram; Paul Gulick, Universal; Hal Horne, United Artists; Irving Lesser, Roxy Theatre; Carl Lesserman, Warners; Frank J. A. McCarthy, Universal; S. Barret McCormick, RKO; Arthur Mayer, Rialto Theatre; Dan Michalove, Fox; Russell Moon, Fox; George J. Schaefer, Paramount; Moe Silver, Warner Theatres; P. K. Thomajan, First Division, and Joe R. Vogel, Loew's, Inc.

Early contenders in the final race had included Charles Curran, Strand, New York; Gene Curtis and Ken Finlay, Palace, Montreal; Ken Grimes, Warner, Morgantown, W. Va.; Ed M. Hart, Oxford, Plainfield, N. J.; R. E. Knight, Fairmont, Fairmont, W. Va.; Nevin McCord, Granada, Boise, Ida.; Bob Suits, Colonial, Reading, Pa.; Howard Sweet, State, East Lansing, Mich., and James M. Totman, Warner, Erie, Pa.

While Hendricks emerged as winner of the Quigley Grand Award, other theatremen on that circuit figured importantly in monthly awards throughout the year. In January, June, July and November and December, Warner managers came out on top. Loew managers landed in the winning column in October and December with Rosenthal of Bridgeport finishing in second place for the grand award.

The Butterfield circuit was represented in February, Publix in March, and the Walter Reade circuit in August. Famous Players Canadian theatre men clicked in May. Independents were represented by the Riverside, Jacksonville, named in April. Both circuit and independent managers shared the many first and honorable mentions given in 1934.

Various types of theatres were included among the winners, de luxe first run houses sharing honors with subsequent run operations. Towns as small as East Lansing, Mich., were included, as were large cities such as New York.

The Quigley Awards, now in their second year, were inaugurated by *Motion Picture Herald* through the Managers' Round Table Club, to bring recognition to the efforts of the theatre manager responsible for the advertising and exploitation campaigns on individual pictures.

For this purpose, in 1934, silver plaques were awarded, one each month, for the campaigns which, in the opinion of the judges were the most meritorious of all those submitted. First and honorable mention certificates to those finishing next were also given.

To decide the competitions, three different judges acted each month, these representing the distribution, advertising and exhibition branches, respectively. Many of those who served on the 1934 monthly committees participated in yesterday's judging.

Awards Presented by Notables

During the past year, presentation of the monthly awards have been made to the winners in many instances by the governors of states represented. Presidential Secretary Stephen Early acted in this capacity as did Senator Gaffney of Pennsylvania, Postmaster General James J. Farley, Mayor Camillien Houde, of Montreal, Mayor William N. McNair of Pittsburgh, Mayor John T. Alsop of Jacksonville, Joe E. Brown, Warner star.

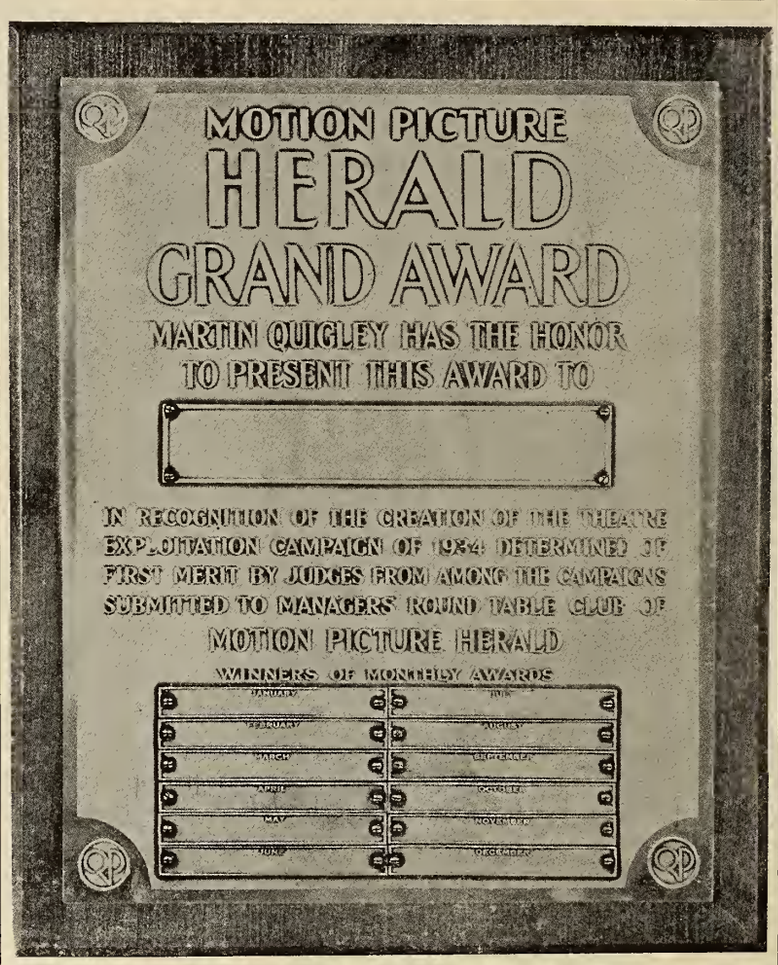
The state heads represented were William A. Comstock of Michigan, C. Ben Ross of Idaho, David Sholtz of Florida, Herbert H. Lehman of New York and A. Harry Moore of New Jersey.

The 1934 Quigley Grand Award is 11 inches wide by 14 inches dep. Lettering and details of design are finished in strong relief and included are the names of the monthly winners etched on special plates.

The Second Grand Award is a desk piece, similar in design and execution to the monthly awards and larger in size. Preparations for the presentations of both awards are now under way.

For 1935, it has been decided to award two plaques, silver and bronze, monthly and sheepskin certificates for first and honorable mentions. The two yearly prizes are to be continued.

It Goes to Hendricks



This is the Quigley Grand Award which yesterday went to Bill Hendricks, manager of the Warner, Memphis, for his campaign on "Six Day Bike Rider." The competition was conducted by A-Mike Vogel, chairman of the Managers' Round Table Club of Motion Picture Herald, through the columns of that department.

The plaque is in silver, is 11 inches wide by 14 inches deep. Lettering and details of design are finished in strong relief and to be included are the names of Hendricks as No. 1 man as well as the winners of the monthly Quigley Award.

Allied to Get Out Weekly Publication

Plans to issue a national weekly publication for Allied members were formulated yesterday at a meeting of the New Jersey unit, the purpose being to disseminate to the public information regarding product, the code and admission prices. The first issue will be out in about five weeks with a circulation estimated roughly at between 200,000 to 300,000.

Other topics discussed at the session, presided over by Sidney Samuelson, head of the unit, were bank nights, release dates, substitutions, non-theatrical competition from high schools, sound servicing, print shortages, the code and supply buying.

Allied to Meet Feb. 13

National directors of Allied will meet in Washington for a three-day convention starting Feb. 13. It was originally planned to hold the meeting tomorrow and Friday.

At the session officers for the new year will be elected.

Epidemic of Bank Nights Hits Frisco

(Continued from page 1)

against Levin Theatres, also with six spots. The grievance board rendered a desist order, but Levin paid no attention to it. In the meantime the bank nights continued to spread in the neighborhoods.

Nasser decided to drop any attempt to secure a stop film order and installed bank nights on the circuit.

Now Robert A. McNeil, who manages 14 houses for Golden State, says he's going to adopt them. About six months ago McNeil dropped all forms of prizes and giveaways with the understanding that others would do likewise.

On top of all this some of the major downtown first runs say they will begin bank nights unless the practice is stopped elsewhere.

Allied for Wilentz To Aid Charnow Case

Allied of New Jersey is planning to retain David T. Wilentz, attorney general of N. J. and prosecuting attorney in the Hauptmann trial, to represent Julius Charnow of the Leonia, Leonia, in an action contemplated against Campi for constant delays in handing down a decision on Charnow's complaint against Loew's and Skouras for clearance relief.

Charnow last Friday visited Campi while the members were in session and demanded a hearing before it decided on a recommendation of an appeal committee. After raising a rumpus, Charnow insisted that the board decide according to the minutes, declaring "that certain circuit representatives have already advised Campi how to vote."

At a meeting of the New Jersey unit yesterday the executive committee and Sidney Samuelson, president, were directed to take prompt action for retaining counsel and appropriate the necessary funds.

When Samuelson was asked about Wilentz, he said:

"We will get him, if, and when, he is available."

Connery Will Probe Code Labor Angles

WASHINGTON, Jan. 22.—Activities of the National Recovery Administration and the code authorities with respect to labor provisions of codes will be investigated by the House Labor Committee of which he is chairman, it was made known today by Congressman William P. Connery, Jr., of Massachusetts.

Connery's investigation will be made in connection with a bill he has prepared, calling for equal representation of labor on all code authorities.

Only when labor is given a voice on the code authorities will any equitable administration and proper enforcement of labor provisions of codes be possible, the congressman asserted.

While the measure, if enacted, would provide for labor representation on the film code authority, Connery said his investigation would cover the major manufacturing industries only.

Executives Picking the Winner



Casting their ballots for the Quigley Grand Award. Busy scene at the New York Athletic Club yesterday, those in the camera's range, circle-wise from left to right, including: George J. Shaefer of Paramount; Frank J. A. McCarthy, Universal; Paul Gulick, Universal (standing); Oscar A. Doob, Loew's, Inc.; S. Charles Einfeld, Warners; P. K. Thomajan, First Division; Mort Blumenstock, Warner Theatres; Moe Silver, Warner Theatres; Leon J. Bamberger, RKO; Robert Gillham, Paramount; Eddie Golden, Monogram; S. Barret McCormick; Dan Michalove, Fox. Conversation-wise at the window are Neil F. Agnew, Paramount, and Carl Lesserman, Warners.

Chicago Clearance Appeals Rush Seen

(Continued from page 1)

Ind., asked elimination of protection held by South Bend, Ind., on the ground that the two cities were so far apart there could be no competition. Loudermilk's petition was denied and he will appeal.

Aside, and entirely apart from the foregoing cases, under-surface rumblings have it that distributors' salesmen are swelling their sales quota by playing both ends against the middle. The procedure, according to gossip, comes in the form of veiled assurances to an exhibitor that despite the fact that his competitor has bought certain protection the second theatre still has a chance to beat him by filing a case with the local board. In the event that the decision goes against him he has the further opportunity of filing appeal with Campi.

The extent to which these practices are being employed cannot be definitely ascertained. They are pronounced, enough, however, to cause sub-rosa conversation in local film and exhibitor groups.

Thompson's Absence Delays Grievances

Failure of former Senator George Thompson to appear yesterday for the meeting of the New York grievance board necessitated a postponement of three cases for a week.

Of late, several members have been unable to attend meetings and it has been extremely difficult to get a board together. Harry H. Thomas, president of First Division, yesterday resigned from the board because he cannot attend the meetings.

Federal Attorneys To Oppose Huffman

(Continued from page 1)

Oklahoma City the government's stand in the Huffman giveaway hearing, which gets under way Jan. 24.

Rosenblatt has also arranged to have Byron Rogers, assistant attorney general in Denver, to go to Oklahoma and join White in the argument.

The original hearing was held in Denver and switched to Oklahoma City. Harry Huffman, who controls a circuit of theatres, asked for an injunction against Campi which handed down a cease and desist order after he had refused to stop giving away automobiles.

Kennedy on the Coast

HOLLYWOOD, Jan. 22.—Joseph P. Kennedy, chairman of the Securities and Exchange Commission, is here. He had talks with Will H. Hays and Robert Montgomery. All kinds of rumors are afloat as a result. Some of the actors insist he is here by order of President Roosevelt to attempt a settlement of the Screen Actors' Guild complaints, but this causes smiles in some quarters.

M-G-M Picks Kern's First

HOLLYWOOD, Jan. 22.—A tune called "Reckless," which will serve as the theme song of the film of that name now in work at M-G-M, will represent Jerome Kern's first contribution under the long term contract he recently signed with the company.

Zanuck Signs O'Sullivan

HOLLYWOOD, Jan. 22.—Darryl Zanuck has signed Maureen O'Sullivan for a role in "Cardinal Richelieu."

RKO Reported Against Move To Avoid Suit

(Continued from page 1)

Steuer, counsel for Meyer & Schneider, an adjournment was taken until tomorrow. It is planned then to continue the hearings throughout Friday and Saturday in an effort to complete the taking of testimony some time next week. Under the terms of the RKO leases on the Hollywood and Apollo, the arbitrators, George W. Retz, Judge Robert McC. Marsh and Maurice Deiches, are required to render a decision within 10 days after the close of hearings.

Leases Presented in Evidence

M. & S. is seeking to compel RKO to play the same pictures at the Hollywood and Apollo that are played in other RKO houses, contending that the lease provides for such a policy. Steuer yesterday introduced the leases for the two houses in evidence, claiming that the Apollo's lease made it a neighborhood first run designated to play day and date with either the Academy of Music or the Jefferson, and the Hollywood's lease made it a neighborhood subsequent run to play either second or first run.

Charles Steiner, vice-president of Clinton Apollo, Inc., holding company for the Apollo, produced film bookings from Sept., 1934, to date, for the Apollo, Hollywood, Academy of Music, and Jefferson to show that the day and date playing provisions alleged to be specified in the lease were complied with only infrequently. He also produced bookings to show that none of the product which played Loew's Avenue B or Delancey played the Apollo or Hollywood. This product, Steiner testified, was played in RKO houses in other situations.

Prevented Product Playing: Steuer

Steuer attempted to show that the product agreement between Loew's and RKO, entered into last September, prevented the playing of Fox, Columbia and Universal product at the Apollo and Hollywood. Under the agreement, Loew's released to RKO the Fox product, half of Columbia and half of Universal for situations not in competition with Loew's houses. The agreement eased a critical film supply problem for RKO. Steiner testified that the Apollo and Hollywood were competition for Loew's Delancey and Avenue B.

Felix Jenkins, Fox attorney, was subpoenaed by Steuer to produce documentary evidence in an endeavor to show differences between Fox contracts with Loew's and those with RKO. Morris Ruffman, Warner attorney, was subpoenaed to produce contracts intended to show differences between Warner contracts with Loew's and those with RKO.

RKO's leases on the Hollywood and Apollo are for 10 years from last Sept. 1 and call for a percentage of profits in addition to flat rental. Bruce Bromley of Cravath, de Gersdorff, Swaine & Wood, and I. E. Lambert, RKO theatre attorney, are representing RKO.

PARAM

ORCHIDS to you, CLAUDETTE COLBERT



Orchids to you, CLAUDETTE COLBERT, for your magnificent acting in Paramount's swell picture "THE GILDED LILY."



A GOLD MEDAL to you, FRED MacMURRAY



A gold medal to you, Fred MacMurray, for the best first performance ever given by a newcomer to the screen in "The Gilded Lily."



"THE GI

OUNT'S



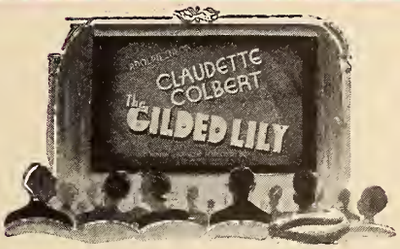
The "ACADEMY AWARD" to you, WESLEY RUGGLES



The "Academy Award" to you, WESLEY RUGGLES, for your splendid direction of this outstanding entertainment.



TOP BUSINESS to that BOX OFFICE



Top business to that Box Office that plays PARAMOUNT'S "THE GILDED LILY"

DED LILY"

14,552 Houses Open in U. S.; Gain of 816

(Continued from page 1)

is a drop of 108 as compared with statistics released a year ago which bulked theatres into an 18,371 total and a capacity of 11,028,950 and a drop of 1,048 when compared with the Film Board report of Jan. 1, 1933, which placed the nation's houses at 19,311 and their capacity at 11,161,193.

Theatres running sound increased, the 1935 report shows. There were 16,325 in that classification at the advent of this year and 1,938 silent. This compares with 15,652 sound houses and 2,719 silent last year and 15,231 sound and 4,080 silent the year before.

Darkened houses are reported currently at 3,711, which is 924 less than the 4,635 shuttered a year ago and 1,148 less than the 5,895 dark the year before that.

Affiliated circuits, the report shows, gained, their total at the dawn of this year being placed at 2,073 houses seating 2,718,701 as compared with 1,954 seating 2,586,643 last year but dropped when compared with the year before when their total was 2,266 seating 2,937,644.

Unaffiliated circuits also are reported in the ascendancy. The 1935 figures give their total at 3,070 with a combined capacity of 2,539,416 seats as against 2,846 theatres seating 2,493,382 last year. However, the current level dips under the 1933 figures which totaled 3,189 houses seating 2,561,726.

Independently operated houses, on the other hand, show steady shrinkage. Whereas the Film Board recapitulation places their total at 13,796 seating 5,585,830 for 1933 and 13,571 houses seating 5,948,925 for 1934, the current totals dip to 13,120 houses with seats bulking 5,874,478. The indication is, on the other hand, that more big houses have been returned to independents in that total seats in 1935 showed a substantial gain over 1933, although scattered over fewer theatres in number.

3,711 Theatres Shuttered

(Film Board Statistics as of Jan. 1, 1935)

	Closed Theatres Number	Capacity	Sound	Silent
Albany	146	54,324	66	80
Atlanta	78	32,694	65	13
Boston	384	177,748	177	207
Buffalo	134	45,099	43	91
Charlotte	55	17,912	40	15
Chicago	214	93,204	94	120
Cincinnati	279	84,761	106	173
Cleveland	110	47,572	55	55
Dallas	255	75,075	65	190
Denver	52	18,881	38	14
Des Moines	38	12,104	25	13
Detroit	42	22,898	41	1
Indianapolis	179	45,702	52	127
Kansas City	203	73,848	112	91
Los Angeles	133	61,399	49	84
Memphis	18	4,915	18	..
Milwaukee	138	42,698	62	76
Minneapolis	105	39,024	80	25
New Haven	17	15,270	17	..
New Orleans	122	35,905	33	89
New York	127	96,409	100	27
Oklahoma City	37	17,161	17	20
Omaha	79	22,176	57	22
Philadelphia	47	37,036	47	..
Pittsburgh	145	47,193	50	95
Portland	13	3,826	13	..
St. Louis	109	44,494	95	14
Salt Lake City	221	58,043	72	149
San Francisco	77	41,079	68	9
Seattle	15	7,195	15	..
Washington	139	37,413	52	87
Total	3,711	1,413,058	1,824	1,887
Jan. 1, 1934	4,635	.....	1,979	2,656
Jan. 1. 1933	5,895	.....	2,170	3,725

Plan Dinner for Brennen

BOSTON, Jan. 22.—Joseph Brennen, who left Loew's after years of service, 12 of which were spent as manager of Loew's State, will be honored Jan. 30 with a testimonial dinner at the Copley Plaza. The occasion will be in honor of his appointment, effective Jan. 15, to head M. P. T. O. A. activities in this state as business manager for Allied Theatres of Massachusetts. George Kraska, operator of the Fine Arts, has charge of plans for the affair.

Will Go to England

HOLLYWOOD, Jan. 22.—Upon completion of her roles in "Private Worlds" for Walter Wanger, and in "Mississippi" for Paramount, Joan Bennett and her husband, Gene Markey, will leave for London to work together on the B. & D. production, "Come Out of the Kitchen."

"U" Holds O'Connell

HOLLYWOOD, Jan. 22.—Universal has written a new long-term contract for Hugh O'Connell calling for a tilt in salary. The actor is now working in "It Happened in New York."

Borthwick Starts Back

HOLLYWOOD, Jan. 22—George Borthwick, treasurer of the M. P. P. D. A., started back east tonight after two weeks here.

FWC Suit End Paves Way for Reorganizing

(Continued from page 1)

independents have held up approval of the F.W.C. plan, which was expected to go into effect Jan. 1. William T. Powers, F.W.C. attorney in New York, came on for the settlement, terms of which could not be learned today. It is understood the plaintiffs received several thousand dollars.

Spyros Skouras and E. L. Alperson leave New York Saturday for Los Angeles, stopping at Kansas City to pick up Elmer C. Rhoden, operating head of Fox Midwest. Rick Ricketson, head of the Fox Rocky Mountain group is expected to meet Skouras en route and join the party. According to present plans, all details of reorganization of F.W.C. and its subsidiaries will be discussed here next week. National Theatres is the new name for Wesco, holding company for F.W.C.

S. R. Kent, president of Fox, arrived from Hollywood yesterday. He is understood to have discussed the F.W.C. settlement negotiations with Charles Skouras while on the coast.

Harry C. Arthur of Fanchon & Marco, which controls Marshall Square Theatres in San Francisco, could not be reached last night.

With the way cleared for reorganization, the Skouras Brothers are expected to sign the 10-year joint operating contract with National Theatres sometime next week.

English Star Married

HOLLYWOOD, Jan. 22.—Patricia M. Crawshay, English film star, and John A. Findlay, London press representative for Fox, were honeymooning here today following their wedding at the Mission San Juan Capistrano.

18,263 Theatres Seating 11,132,595 in United States

(Film Board of Trade Statistics as of Jan. 1, 1935)

Territory	TOTAL THEATRES Number	Capacity	Sound	Silent	THEATRES IN OPERATION Number	Capacity	CIRCUIT THEATRES Affiliated Number	Capacity	Unaffiliated Number	Capacity	INDEPENDENT THEATRES Number	Capacity
Albany	453	270,012	373	80	307	215,688	32	50,938	130	103,816	291	115,258
Atlanta	666	361,257	653	13	588	328,563	143	126,676	128	73,343	395	161,238
Boston	1,092	788,533	885	207	708	610,785	149	217,731	151	154,050	782	416,752
Buffalo	462	334,732	371	91	328	289,633	36	61,791	138	134,555	288	138,386
Charlotte	416	195,771	401	15	361	177,859	56	47,368	36	17,043	324	131,360
Chicago	903	661,540	783	120	689	568,336	125	205,781	191	178,343	587	277,416
Cincinnati	1,021	477,329	848	173	742	392,568	55	66,311	114	80,570	852	330,448
Cleveland	546	376,218	491	55	436	328,646	33	58,955	126	114,815	387	202,448
Dallas	957	454,129	767	190	702	379,054	102	103,059	202	107,758	653	243,312
Denver	377	187,281	363	14	325	168,400	58	42,039	38	22,308	281	122,934
Des Moines	389	170,177	376	13	351	158,073	26	29,553	39	23,422	324	117,202
Detroit	496	364,506	495	1	454	341,608	95	118,544	46	39,039	355	206,923
Indianapolis	601	295,108	474	127	422	249,406	4	8,581	107	90,480	490	196,047
Kansas City	696	353,548	603	93	493	279,700	98	96,514	59	43,786	539	213,248
Los Angeles	579	445,453	495	84	446	384,054	143	174,428	83	70,243	353	200,782
Memphis	292	136,732	292	..	274	131,817	19	16,950	52	30,762	221	89,020
Milwaukee	528	289,232	436	92	390	246,534	55	67,616	23	25,842	450	195,774
Minneapolis	891	359,974	866	25	786	320,950	79	70,855	50	24,373	762	264,746
New Haven	177	172,053	177	..	160	156,783	53	85,219	24	17,732	100	69,102
New Orleans	485	220,960	382	103	363	185,055	3	7,299	104	83,056	378	130,605
New York	1,124	1,298,962	1,097	27	997	1,202,553	195	399,478	458	521,791	471	377,693
Oklahoma City	431	208,442	410	21	394	191,281	10	11,929	85	51,641	336	144,872
Omaha	468	180,598	446	22	389	158,422	24	31,390	40	23,062	404	126,146
Philadelphia	776	671,702	776	..	729	634,666	182	247,943	121	119,215	473	304,544
Pittsburgh	727	375,730	632	95	582	328,537	64	77,130	99	57,990	564	240,610
Portland	209	111,230	209	..	196	107,404	10	14,953	22	16,287	177	79,980
St. Louis	509	293,123	495	14	400	248,629	52	62,795	83	68,853	374	161,475
Salt Lake City	561	204,891	403	158	340	146,848	32	29,082	28	11,990	501	163,819
San Francisco	432	351,613	423	9	355	310,534	46	77,390	128	120,316	258	153,907
Seattle	288	151,675	288	..	273	144,480	19	25,817	61	43,343	208	82,515
Washington	711	370,084	615	96	572	332,671	65	84,576	104	69,592	542	215,916
TOTAL	18,263	11,132,595	16,325	1,938	14,552	9,719,537	2,073	2,718,701	3,070	2,539,416	13,120	5,874,478
Jan 1, 1934	18,371	11,028,950	15,652	2,719	....	....	1,954	2,586,643	2,846	2,493,386	13,571	5,948,925
Jan. 1, 1933	19,311	11,161,193	15,231	4,080	....	....	2,266	2,937,644	3,189	2,561,726	13,796	5,585,830

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 20 NEW YORK, THURSDAY, JANUARY 24, 1935 TEN CENTS

Litigation On FWC Plan Ends Soon

Withdrawal Part of Deal Reached on the Coast

Los Angeles, Jan. 23.—Request by Marshall Square Theatres to the U. S. Circuit Court of Appeals in San Francisco for permission to file an appeal from a ruling of the U. S. District Court here in connection with its anti-trust suit against Fox West Coast will be withdrawn on Jan. 28, Motion Picture Daily learns. When the case was called on the calendar last Monday, it was postponed until next Monday by mutual consent.

The withdrawal is in line with the amicable settlement reached yesterday by Mike Marco for Marshall Square,

(*Continued on page 4*)

Ticket Tax Income Runs at '33 Level

Washington, Jan. 23.—Theatre grosses are practically at the level of a year ago, it was indicated by figures made public today by the Internal Revenue Bureau which show admission tax collections in December as $1,666,059.98 compared with $1,665,660.65 in the same month in 1933.

Collections from this source for the first half of the fiscal year, however, showed an increase of more than a half million dollars over the preceding corresponding period, totaling $7,848,246 against $7,218,315.

Jersey Tax to Be Passed to Public

Trenton, Jan. 23.—The New Jersey sales tax proposed by Governor Harold G. Hoffman will be passed on to the consumer as a separate item. Theatres thus would separate the tax from their admission prices instead of

(*Continued on page 4*)

California Budget Seeks a Ticket Tax

State Capitol, Sacramento, Jan. 23.—The Governor's budget, now before the Legislature, includes an amusement tax of one cent on each 10-cent admission with the first 20 cents exempted. It is designed to raise $4,000,000 biennially.

Dependable film delivery by members of National Film Carriers, Inc.—Adv.

Report Roxy Will Return To Stage Shows at Center

Roxy may return to Broadway in charge of a program of stage spectacles at the Center if plans reliably understood to be making progress develop. Details are reported being whipped up by Roxy and W. G. Van Schmus, managing director of the Music Hall and direct representative of the Rockefellers in that enterprise.

Broadway yesterday also heard reports that "The Great Waltz," Max Gordon musical generally viewed as having been financed in part, at least, by the Rockefellers, will go into the Mastbaum, Philadelphia, when it completes its run here. This is the house Roxy is now operating under a deal with the Warners. The succeeding attraction will be "Midsummer Night's Dream," although no date has been mentioned for its Center debut. Fanchon & Marco hold the production rights.

To friends, Roxy is reported to

(*Continued on page 3*)

Los Angeles Zoning Moves Bogged Again

Efforts of Campi members to work out a clearance schedule for Los Angeles were vain yesterday as distributors again refused to accept admission prices as the basic principle. Sales heads contended yesterday that any plan based on prices would seriously affect the revenue of all companies in addition to creating print shortages.

With Nathan Yamins as chairman of the session, adjourned from last Friday, the gathering broke up after three and one half hours, getting no further on the subject than they were weeks ago. No meeting was held in the afternoon, but the members will reconvene today to discuss other topics than clearance plans.

Whitestone Ruling Approved by Campi

Campi has sustained the New York grievance board in the complaint of M-G-M against the Mona Theatre Corp., operating the Whitestone, L. I., finding that the Mona Theatre Corp. and Gladstone Amusement Corp. are the same and that the defendants illegally transferred the theatre to avoid exhibition contracts.

In another decision, Code Authority

(*Continued on page 4*)

Missouri Suit Hangs On Word 'Commodity'

Jefferson City, Jan. 23.—A legal definition of the word "commodities" may decide whether Attorney General Roy McKittrick will attempt to

(*Continued on page 3*)

Argument on Para. Setup Causes Delay

Progress in the reorganization of Paramount Publix has been momentarily halted by the insistence of minority creditor groups on representation on the new board of directors and their demand for a voice in the naming of high officers of the new company, reorganization factors admitted yesterday.

A multitude of interests holding Paramount bonds, stocks and miscellaneous claims, some of them having the support of three or four of the company's largest bank creditors, is reported to be involved in the behind-the-scenes maneuvers which are currently credited with bringing about the adjournment until Monday of the

(*Continued on page 3*)

Kent May Address MPTOA Convention

S. R. Kent, president of Fox, will be one of the principal speakers at the M.P.T.O.A. annual convention at the Roosevelt Hotel in New Orleans on Feb. 25-29. About 1,500 exhibitors and distributors are expected to attend, according to Ed Kuykendall.

Sales managers of various companies will discuss pictures from the distributing end, while Conrad Nagel

(*Continued on page 3*)

British Film Plan Hits Chemical Snag

London, Jan. 23.—The British Government bit off more than it could chew when it went into the film business to produce a picture of King

(*Continued on page 9*)

Erpi Dickers With Para. on New Servicing

Lower Rates for Parts Expected to Result

New sound equipment servicing contracts for Paramount theatres are being negotiated by Erpi which, if consummated, are expected to result in lowered rates for parts as well as servicing, it was learned yesterday.

The first meeting on the negotiations was held by Charles W. Bunn, Erpi sales manager, in New Orleans recently with a group of Paramount theatre operating partners representing approximately 350 houses. Among the Paramount operators attending the session were Barney Balaban of B. & K., Chicago; Karl Hoblitzelle, Dallas; E. V. Richards, New Orleans; A. H. Blank, Des Moines; R.

(*Continued on page 3*)

Snow Hands B'way Grosses Hard Blow

Theatre business along Broadway took a terrific sock in the solar plexus yesterday when the snowstorm, which started about 10 A. M., continued throughout the day and into the night without a letup. The day was cited by some managers as hitting some of the promising grosses, particularly at the Paramount and the Capitol where the two big films of the week were each expected to

(*Continued on page 3*)

No More Booth Cost Delays—Rosenblatt

Washington, Jan. 23.—There will be no further delay in the holding of a hearing on booth costs in greater New York, it was declared today by Compliance Director Sol A. Rosenblatt. Referring to the repeated delays which the administration has encountered in holding this hearing, he asserted that under no circumstances will it again be postponed. The hearing is scheduled for Feb. 1.

Producer Answer to Actors Authorized

Washington, Jan. 23.—Producer members of the Producer-Actor Committee will be given an opportunity to file a reply to the brief submitted to the NRA several weeks ago by

(*Continued on page 4*)

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Brooklyn Trans-Lux Will Open Saturday

The latest link in the Trans-Lux circuit, at 927 Flatbush Ave., Brooklyn, throws its doors open to the public on Saturday morning.

Tomorrow night an invited audience of persons prominent in public and social life will give the 550 seats their first workout. Among the speakers will be George A. Barnewall, president of the Flatbush Chamber of Commerce and vice-president of the Brooklyn Trust Co.; Percy N. Furber, chairman of the board of the Trans-Lux Movies Corp.; District Attorney William F. X. Geoghan and Mrs. Thomas A. McGoldrick.

Hays Arrives Today

CHICAGO, Jan. 23.—Will H. Hays, accompanied by his wife, passed through here today en route from Hollywood to New York.

KANSAS CITY, Jan. 23.—It was a busy trip from Los Angeles to Kansas City for Will H. Hays. He received many wires, remained secluded in his drawing room and left instructions with the train crew that he was not to be disturbed.

He wasn't.

Vidor Wins Gold Medal

The League of Nations Gold Medal, presented annually by the committee in charge of motion pictures, has been awarded King Vidor for "Our Daily Bread." The medal was formerly awarded the best scenario, but this year only finished productions were considered.

Purely Personal

SAM RIFKIN has rejoined the United Artists sales staff in New Jersey. He held that job several years ago and has been selling film in the Washington territory until recently. He replaces NAT BIER, who has been named assistant to MOE STREIMER, local U. A. sales manager.

L. F. BRITTON, Amity exchange manager of Boston, is in town for conferences with FRED BELLIN at the home office. He motored down just before the storm. If this weather keeps up he's going back by dog team.

•

HARRY ARTHUR, JACK PARTINGTON, IRVING LESSER, BILL SCULLY, HARRY H. THOMAS, HENRY GINSBERG and JOHNNIE GRIFFIN, strangers at the M. P. Club, put in an appearance yesterday.

•

MERRITT CRAWFORD will discuss the economic history of the early American film industry and its present-day alignment, at a meeting of the Film and Photo League Sunday night.

Quip of the Day

Tom Wiley said yesterday he had heard that "Ecstasy" was going into the Music Hall.

Jack D. Trop, who overheard Wiley, explained: "Not unless they changed the title to 'The Iron Duke,' which opens at the theatre today."

S. N. BEHRMAN, whose latest is "Rain from Heaven," is on his way to the coast, but is due back in about six weeks. By that time, the weather should be fairly decent.

•

SID RECHETNICK called the reopening of the Strand yesterday a double celebration for Warners. SID saw the first light of day on Jan. 23, and so did the remodeled Strand.

•

W. A. BACH, head of Audio Productions, is back from a week's trip to Toronto and Montreal. He says business there is good, but the weather is bad.

•

BEN SCHULBERG had a birthday the other day, but, like daisies, he won't tell. His wife, AD, is just over a slight lung congestion. Wasn't serious.

•

MARION TALLEY, once on the Metropolitan Opera roster, is coast-and-picture-bound. She won't talk about the contracting producer.

•

JOHNNIE GRIFFIN, veteran exhibitor of 30 years, leaves today for his Chinook, Mont., theatre after looking over the big town for several days.

•

HAROLD ARLEN leaves for Hollywood early in March to do the score for EDDIE CANTOR'S next GOLDWYN epic.

•

EDWARD SCHNITZER liked that snowstorm so much yesterday he changed his mind about heading for Miami shores.

•

J. J. UNGER left for the south yesterday on a tour of Paramount exchanges under his supervision.

•

GRETA GIBSON is Hollywood-bound. Cameras are calling.

BILL SCULLY can't get away for that Miami vacation until March. He explains the reason as follows: WILLIAM F. RODGERS is in Florida and when he returns next week JACK FLYNN of Detroit goes south and by the time he gets back it will be March. DAVE LEVY, M-G-M New Jersey exchange manager, is due back from Miami next Monday.

•

ED KUYKENDALL denied reports yesterday that New Orleans' four-inch snowfall, the first in 45 years, was the first of a series of plots on the part of other exhibitor organizations to ruin the M.P.T.O.A. convention.

•

HELEN BRODERICK has withdrawn from the cast of "As Thousands Cheer" in St. Louis and plans to rest before taking herself west to the RKO studio where a contract, signed months ago, is demanding attention.

•

JULIET LOWELL, compiler of the "Dumb Bell Letters" for Van Beuren, has returned from Washington where she poked about in government archives for source material—with excellent success, reports have it.

•

BEBE DANIELS, BEN LYON and 'SKEETS" GALLAGHER are busy rehearsing their show these days. W. S. BENTHAM is producing it and the title is "No Man's a Hero."

•

JOE RIVKIN is protecting that Hollywood tan from the fog these days with a large size umbrella. He always seems to be fortunate in having someone to help him carry it.

•

JED HARRIS, who was non-committal prior to his departure for Hollywood, is reported on the coast as set to direct two pictures for IRVING THALBERG and Metro.

•

WANDA PERRY, on a furlough from the Radio studios, was shaking home office hands in the RKO Building yesterday.

•

MRS. HYDE BENNETT, assistant to LEO M. DEVANEY, RKO Canadian manager, is in town from Toronto on a visit.

•

LOWELL CALVERT, RICHARD A. ROWLAND and RUTGERS NEILSON counted among yesterday's storm-bound diners at the Tavern.

•

DAVE APOLLON and his band start work today in a Vitaphone short at the Brooklyn plant. JOSEPH HENABERY is directing.

•

KIRK MCGEE, long with Roxy when the latter was generalissimo at Radio City, is managing the Earle, Atlantic City, on a part-time basis.

•

JUDITH ALLEN has just about decided to spend some time here and accept that role in "Petticoat Fever."

•

GUS SCHAEFER of the Paramount foreign department is expected from Paris in a few weeks.

•

JOSEPH SEIDELMAN has canceled his plans to go abroad for the present.

Fishman Reelected Head of Conn. MPTO

NEW HAVEN, Jan. 23.—Dr. J. B. Fishman has been reelected president of the Connecticut M.P.T.O. for a fourth term.

The complete new slate follows: 1st vice-president, Adolph G. Johnson, New Haven; 2nd vice-president, Leonard O'Neil, Hartford; treasurer, Edwin S. Raffile, New Haven; executive secretary, Edward G. Levy, New Haven. Levy begins his eighth year as exceutive secretary.

The new board of directors will be made up of William Brennan, Winsted; Bernhart E. Hoffman, New Haven; Irving Jacocks, Jr., Branford; Arthur H. Lockwood, Middletown; Ralph Pasho, Naugatuck; Joseph A. Davis, Southington; Louis J. Anger, Bridgeport, and William Vuono, Stamford.

The 10 proposals for changes and amendments to the code, as drawn up at a previous meeting, were approved and forwarded to Deputy Administrator William P. Farnsworth at Washington. Of these proposals, nine are identical with those drawn up by the M.P.T.O.A., and the tenth demands a change in the setup of Code Authority, with equal representation between first and subsequent run independent exhibitors on the one hand as against distributors plus affiliated theatres on the other.

To Preview "My Heart"

A special preview of the Gaumont British musical, "My Heart Is Calling," will be held at the Waldorf-Astoria tomorrow morning for the National Plant, Flower and Fruit Guild. A luncheon in the Empire Room will follow the showing.

The list of patrons and patronesses includes Mrs. Andrew Carnegie, Mrs. Henry Morgenthau, Mrs. Thomas A. Edison, Mr. and Mrs. James E. Duross, Mrs. Ogden Reid, Mrs. James Lee Laidlaw, Barron Collier and Paul Cravath.

Dinner for Alexander

PITTSBURGH, Jan. 23.—James H. Alexander, Monogram head here, will be given a testimonial dinner Jan. 26 in celebration of his 25th wedding anniversary.

The affair will take place in the Smithfield Grill in the Oliver Building here. Arrangements are being taken care of by Lillian Davis, Fred Herrington, Arthur Horrone and Robert Klingensmith.

Richardson Names Three

William Richardson, southern district manager of First Division, has appointed R. R. Garner of Atlanta, J. C. White of Charlotte and R. A. Kelly of New Orleans short subject sales managers in their respective territories.

Peter A. Fabacher Dead

NEW ORLEANS, Jan. 23.—Peter A. Fabacher, veteran showman, who retired several years ago, is dead. Fabacher is survived by his widow, Mary Heck, six children and several grandchildren.

Conklin Suffers Stroke

HOLLYWOOD, Jan. 23.—William Conklin, chairman of the adjustment committee of the actors' branch of the Academy, is recovering at home from a paralytic stroke.

Argument on Para. Setup Causes Delay

(Continued from page 1)

hearing on the reorganization plan which had been scheduled for yesterday. Between now and Monday Paramount reorganization factors, headed by Alfred A. Cook, as counsel for Paramount Publix, will endeavor to agree upon a conciliatory program which will permit hearings on the plan to continue. This failing, Cook is expected to bring counter charges involving alleged bad faith in opposing the plan against the minority groups when their opposition is brought into open court.

Identity Not Exactly Clear

The identity of the minority groups and their objective are not quite clear, due largely to the fact that none of them has appeared in open court with opposition to the plan of reorganization yet. The registered opposition of Samuel Zirn and Archibald Palmer, counsel for small groups of bond and stockholders, and the indicated opposition of the Munger debenture committee to provisions of the plan are not involved in the current situation. The behind-the-scenes opposition is not directed at the plan itself, but is said to center solely on the makeup of the new board and the company management for the future.

Taking a prominent part in the battle of individual interests is John Hertz, who served for a brief time prior to Paramount's bankruptcy as chairman of its finance committee. He is now associated with Lehman Bros. and his demands for a place on the Paramount board with some assurances of a high executive post in the company are said to have the support of the Continental Illinois and First National of Chicago, two large creditor banks, in addition to reputedly appreciable stock and bond holdings. Frank Altschul, banker, is also reported to be aligned with Hertz, whose spokesman is Edwin L. Weisl, downtown attorney.

Greve Also Seeks a Berth

Added to this faction is William L. Greve of Allied Owners, who also seeks a place on the new board. A link of interest lending support to the faction are downtown banks and creditor interests dedicated to the eradication of Kuhn, Loeb & Co. from the future Paramount scene. The same groups advocate the supplanting of Adolph Zukor as president of the new company. Some of them favor George Schaefer for this post, although other names have been mentioned.

Also identified with demands for representation on the new board and a voice in the naming of new executives is the merchandise creditors' committee, for which Nathan Burkan is counsel.

These groups have no community of interest other than their claims to representation on the new board and in the naming of new executives. Each appears to have its own candidates for posts in question. The conciliatory moves during the next few days, however, will have to embrace them all. Those for whom the conciliation attempts fail will probably appear in open opposition to the plan Monday.

Judge Alfred C. Coxe indicated yesterday he would not permit the examination on Monday of the 15 or more witnesses subpoenaed by Zirn and Palmer. The list included Zukor and virtually all principals in Paramount reorganization activities.

Report Roxy Will Return To Stage Shows at Center

(Continued from page 1)

have been talking lately about "important plans" for his return to the Broadway scene. The deal with the Rockefellers easily may be it.

Van Schmus told MOTION PICTURE DAILY last night that, so far as he knew, the rumors about Roxy were merely that. He also denied knowledge of "The Great Waltz" booking for the Mastbaum and the impending engagement of "Midsummer Night's Dream" at the Center.

PHILADELPHIA, Jan. 23.—Hope Williams, executive assistant to Roxy, said tonight reported plans for the latter's return to New York were news to her. She expressed her doubt over the reports circulating in New York and was more emphatic where stories booking "The Great Waltz" into the Mastbaum were concerned.

"I know that it is not the fact," she declared.

Wall Street

Most Gain on Big Board

	High	Low	Close	Net Change
Columbia vtc	36⅜	36½	36⅜	+ ⅜
Consolidated Film	6½	6½	6½	.....
Consolidated Film, pfd. (1½M)	21	20⅝	21	+ ⅜
Eastman (½v)	113½	113½	113½	.....
Fox Film "A"	11¼	11	11	.....
Loew's (1)	33	32⅜	32⅜	— ½
Loew's, pfd. (6½)	103	103	103	+ ½
Paramount	3⅝	3½	3½	— ⅛
Pathe	1¼	1⅛	1¼	+ ⅛
Pathe "A"	15⅞	15¼	15¼	+ ⅛
Warner	3⅞	3⅞	3⅞	.....
Warner, pfd.	22½	20⅞	21½	+1

Keith Bonds Up One

	High	Low	¼ Close	¼ Net Change
General Theatre, 6s, '40	8¾	8½	8½	.....
General Theatre, 6s, '40, ctf.	8⅜	8⅜	8⅜	.....
Keith B. F. 6s '46	70	69	70	+1
Loew's 6s, '41, ww deb rights	105	104¾	104¾	+ ¼
Paramount B'way 5½s, '51	43	42¾	42¾	+ ⅜
Paramount F. L., 6s, '47	64½	64½	64½	.....
Paramount Publix 5½s, '50	65	64¾	64¾	+1
Warner 6s, '39, wd.,	56¼	55⅝	55⅝	+ ⅜

(v) Defaulted in principal but not in interest. (M) Accumulated dividends.

(Quotations at close of Jan. 23)

Kent May Address MPTOA Convention

(Continued from page 1)

will talk on films from the production angle. Advertising chiefs of practically all companies have been invited to speak. Louis B. Mayer may be on hand, provided he can absent himself from the Culver City studio for the conclave.

All theatre problems will be discussed by leaders in various fields, including projection, lighting, engineering and lobby displays.

Saenger Moves Get Approval of Court

NEW ORLEANS, Jan. 23.—Moves to reorganize Saenger Theatre Co. and Saenger Realty Co. were adjudged fair today by Federal Judge Borah, who authorized the acceptance of bonds for deposit and the issuance of certificates.

It was pointed out, however, that the court's approval was not to be construed to mean that any plan of reorganization of either of the two companies had been proposed by any party or parties in the reorganization proceedings or that any had been approved by the court.

Para. to Rush "Guns"

HOLLYWOOD, Jan. 23.—Paramount is rushing an original story by E. E. Paramore, Jr., titled "Guns," into production. The yarn, written almost five months ago, is almost an exact replica of the recent prison break at San Quentin.

The picture will feature Sylvia Sidney and Fred MacMurray.

Para. Exercises Options

HOLLYWOOD, Jan. 23.—Paramount has lifted options on David Holt, child actor; Mitchell Leisen, director; Larry Crabbe, Ray Milland and Howard J. Green, writer.

New Orleans MPTOA Committee Is Named

NEW ORLEANS, Jan. 23.—Committee in charge of the film carnival for the M. P. T. O. A. convention was announced today. It consists of Harold J. Wilkes, Paramount, chairman; Lucas Connor, Warner, treasurer; C. J. Briant, M-G-M; Ernest Landaiche, Fox, decorations; Paul Tessier, Universal, Guy Brown, RKO, entertainment; William Schiell, independent, and Huston Duvall, Columbia, food and refreshments; F. F. Goodrow, First Division; Leo Seichsnaydre, Bromberg Attractions, and G. Richard Frank, United Artists, transportation.

Missouri Suit Hangs On Word 'Commodity'

(Continued from page 1)

bring an anti-trust action against major distributors under the Missouri laws.

McKittrick admits he has been studying the Federal indictments returned recently against Warners, Paramount and RKO, but says he is not certain as to whether films are commodities.

Call Off ITOA Session

With Harry Brandt sunning in Miami. the I. T. O. A. called off its regular meeting yesterday. The next session is slated for Jan. 30.

Erpi Dickers With Para. on New Servicing

(Continued from page 1)

B. Wilby of Wilby-Kincey, and William Jenkins of Lucas & Jenkins.

No definite results were reached at the initial meeting, but other conferences will be held in the near future, it was said. If the negotiations are successful the terms agreed upon are expected to serve as a basis for discussion of similar new contracts with other Paramount operating partners, probably covering a total of 900 or more Paramount theatres.

Bunn stated that the discussions involve all of the future relationships between Erpi and Paramount theatres, of which the servicing contracts are a part.

Snow Hands B'way Grosses Hard Blow

(Continued from page 1)

garner around $50,000 or more. Second week of "Lives of a Bengal Lancer" will probably wind up with $45,000. It is being held for a third stanza and may go a fourth.

"David Copperfield," which was headed for a $55,000-$60,000 week, will most likely hit under $50,000.

Deliveries Not Affected

No delays in deliveries of prints by the various film deliveries in the local territory were reported yesterday, MOTION PICTURE DAILY learned after checking up with exchanges.

Although the snow kept piling up yesterday, there was no tardiness in deliveries today. Exchange officials compared yesterday's storm to that of a year ago when no delays were experienced. Exchanges are well pleased with the local trucking service and most of the delivery companies have emergency trucks at intermediate points to take care of possible breakdowns.

Storm Closes Offices

The Fox, Universal, Radio and Hays offices closed early yesterday and allowed employes to leave because of the heavy snowstorm. Fox and Universal dismissed their entire forces at 4 o'clock while those working at Radio and the Hays office who had to use trains to reach their homes were permitted to leave at times convenient to themselves.

Cosmo-Sileo Snapped It

The photograph showing the judges studying entries for the Quigley Grand Award, which appeared in yesterday's MOTION PICTURE DAILY, was the work of the Cosmo-Sileo Co.

Leasim Duties Widened

Harry W. Leasim, head of Radio Pictures International, Ltd., in Paris, is now general sales manager of the company and will supervise all sales in Continental Europe.

Board to Meet in March

March 7-9 have been set as the dates for the annual conference of the National Board of Review. The sessions will be at the Pennsylvania.

Litigation On FWC Plan Ends Soon

(*Continued from page* 1)

operating the Orpheum, San Francisco; Harry L. Hartman of the Orpheum, San Diego, and Charles Skouras for F. W. C.

With disposition of the suit, the way is now cleared for reorganization of Wesco under the new name of National Theatres. The new plan was to have gone into effect Jan. 1, but Marshall Square's action has been holding it up. Spyros Skouras, E. L. Alperson, Elmer C. Rhoden and Rick Ricketson are due here next week, probably Wednesday, for conferences with Charles Skouras on the new setup of National and its various subsidiaries. Fox Midwest will be reorganized as Fox Midcontinent and Fox Rocky Mountain will be known as Associated Theatres when it is reorganized in three months.

Jules C. Goldstone, attorney for Marshall Square, and Hartman refused to divulge details of the settlement made in full today, saying only that it involved cash and concessions, which was construed to mean that both Orpheums would get better breaks on first run product in addition to the payment of attorney's and other fees.

Charles A. Buckley, F.W.C. counsel, while refusing to discuss the terms of the settlement, said the physical transfer of the chain's bankrupt assets to National Theatres would take place shortly.

Circuits' Managers In N. E. Are Moved

BOSTON, Jan. 23.—Changes in M. & P. Publix managerial assignments include the transfer of Walter Stuart from the Crown, New London, to the Community, North Attleboro, and the transfer of Barney Dobrans from the Community to the Crown.

Frank Beaupre, member of the house staff of the Strand, Holyoke, has been made assistant manager. Cliff Boyd has been made manager of the Paramount, North Adams.

M. & P. has closed the Park, Rockland, Me., and has reopened the Strand, Brockton.

Alton K. Freeman will soon leave the Scollay Square here for a new job on the coast. J. Lynch has succeeded John McConville as manager of the Paramount, Needham.

William D. Vuono is handling the Palace and Strand, Stamford, Conn. Mrs. Mary C. Vuono, who operates the two houses, has gone to Florida for the winter.

Ernest Doran, former manager of the Palmer and Strand, Palmer, Mass., has been named manager of the Palace and Middlesex, Middletown, Conn.

Joseph Donahue has taken the Rialto, Woonsocket, R. I., which was formerly controlled by Frederick Greene.

Frederick Coture of Rochester, N. H., has acquired the lease on the Orpheum at Dover, N. H. Michael White, who formerly ran the house, has retired.

Everett Christian has been transferred from the Strand, Portland, to the Pastime, Franklin, N. H. Both are Graphic houses.

Whitestone Ruling Approved by Campi

(*Continued from page* 1)

reversed the local grievance board which held that Walter Reade had overbought 68 pictures for the Majestic, Strand and Crescent, Perth Amboy, N. J. The complaint was filed by Aaron Shusterman of the Roky, same town, and was appealed.

Meyer Schine, operating the Colonia, Norwich, and Oneonta and Palace, Oneonta, N. Y., was the winner in his premature advertising complaint against William C. Smalley's Sidney, Sidney; Delhi, Delhi; and Cooperstown, Cooperstown, N. Y. Smalley appealed from a cease and desist order of the Albany grievance board.

Nine decisions by local boards ordering various forms of bank nights stopped were sustained by Campi. The cases involved the following:

Bank Night Decisions Sustained

Kentucky and Mary Anderson, Louisville, against Rialto, same city; Lisbon Opera House, Lisbon, O., against the Rex, same city; Fargo, Geneva, Ill., against Arcadia, St. Charles, Ill.; Mission, Ventura, Cal., against Oxnard, Oxnard, Cal.; Hipp, Sioux City, Iowa, against Rialto, same city; Capitol, Sioux City, Iowa, against the Rialto, same city; Palomar, Oceanside, Cal., against Pala, Escondido, Cal.; Wateska, Wateska, Ill., against the Little, same city; Majestic, Milford, Ill.; Lorraine, Hoopeston, and Little, Wateska, Ill.

A complaint of M-G-M in Cleveland against B. W. Bickert of the Palace, Ashland, O., for advertising a picture as "Pirate Treasure" when the plaintiff had "Treasure Island," deemed an unfair practice, was upheld by Campi.

Peter Vournakis was found guilty of reducing admissions at the Strand and Liberty, Watertown, N. Y., on complaint by Graham & Ludlow, Palace and Victoria, same town.

In three decisions on clearance and zoning, Code Authority sustained local boards. The Washington board reduced the 30-day clearance of first runs in Norfolk to 21 days on complaint of the Bayne, Virginia Beach, Va.; the same board cut a week from the 21-day clearance of Frank Durkee's McHenry and Pacey's Garden, Baltimore, on complaint of Herman Zimmerman, Echo, same city, who wanted the schedule reduced to 10 days; the New York board sliced two weeks off the 30-day protection for Walter Reade's Asbury Park houses when the Liberty, Freehold, N. J., objected.

Employes in Mexico Want to Get Houses

By JAMES LOCKHART

MEXICO CITY, Jan. 23.—Intimations by American distributors that they might withdraw from Mexico unless tax relief is given soon were met here yesterday by a mass meeting of organized film employes under the auspices of the Federation of Workers and Peasants at which a resolution was adopted in favor of government expropriation of all houses.

This would permit operation of the houses by cooperative groups of employes and would afford greater facilities for French, German and Russian producers to supply product if the Americans carry out their threat to withdraw after Feb. 18.

Advises Clocks

New Orleans, Jan. 23.—A. Labas, who daily runs a box on the front page of the *Item*, prints this advice to theatre managers: "All of you should have clocks to remind wives of going home in time to cook supper for their husbands, to warn salesmen when to report back to the office after a hard day's work, and to serve various other useful purposes."

Reliance Appeals in Buffalo Buying Case

BUFFALO, Jan. 23.—Reliance Theatres, Inc., has filed an appeal with Campi from the grievance board's dismissal of overbuying charges brought against the Schine Theatrical Co., Inc., and Fox, First Division, M-G-M, Paramount, RKO, United Artists, Universal and Warners. Nicholas J. Basil, operator of a string of second run independents, filed a dissenting opinion.

Reliance operates the Palace, Lockport, where the Hiart and Rialto are operated by Schine. The official determination found that frequent changes and double features require 11 pictures a week to supply Schine's two theatres.

Charges of unnecessary and too frequent changes of program were dismissed on the ground that "complainant's theatre changes its program as frequently as either of the theatres complained of."

Recommending that "both plaintiff and defendant should get together and satisfactorily operate all three theatres in Lockport without hurting each other," Basil, in his dissenting opinion, declared that "although technically not overbought, Schine is making too many changes and using an unnecessary number of pictures."

Producer Answer to Actors Authorized

(*Continued from page* 1)

the actor group, it was announced today by Compliance Director Sol A. Rosenblatt.

"After conferring with my advisers," Rosenblatt said, "I have decided to give the producer members of the committee a reasonable time to forward any comments they may care to make in regard to the demand for hearing."

No decision will be made as to the holding of a hearing until after the producers have filed their brief.

Rosenblatt's decision was reached after a conference with Edward J. Loeb, of Loeb, Walker and Loeb of Los Angeles, counsel for the producer members of the committee.

Woodward Quits G. B.

KANSAS CITY, Jan. 23.—Joseph F. Woodward has resigned from Gaumont British here to join Fox as salesman in northern Kansas. Charles Knickerbocker switches from that territory to western Missouri, succeeding O. O. Flake, resigned.

Leon Abraham, formerly Universal booker in Omaha, has joined Gaumont British as salesman and booker.

Jersey Tax to Be Passed to Public

(*Continued from page* 1)

being forced to include the tax, the first plan advocated.

Opposition of north Jersey retail merchants was responsible for the change. These merchants do not want the tax used competitively, but want the consumer to realize he is paying the tax on each sale or admission price. Since the tax bill could not be passed in the Legislature without support of these retail merchant groups, decision was reached to pass the tax on to the consumer.

The sales tax bill will be introduced Monday night. Both branches adjourned last Monday for the week before the tax bill was ready. Exhibitors are awaiting the bill in the forlorn hope theatres may be exempt. Pressure is being brought to bear on the Republican majority to exempt intangible services, such as theatre admissions, but the latest word is they will be included.

Missouri's 2% Tax Move Seen Gaining

JEFFERSON CITY, Mo., Jan. 23.—Theatres would be saddled with a tax of two per cent of the gross if a movement under way in the Missouri legislature is successful. This would be included in a hike in the general sales tax, which now is one-half of one per cent.

Strong sentiment for the increase has developed in administration circles in the wake of the President's social security program, laid before Congress last week.

Governor Park, who has recommended a boost to one per cent, said he was not opposed to a two per cent tax. It is estimated the latter measure would raise more than $20,000,000.

Aside from relief and other purposes, House leaders plan to tie the sales tax levy into the old-age pension legislation. Seven bills are pending on that subject.

Hartford Club Hits Censorship Demands

HARTFORD, Jan. 23.—The Hi-Yi club of the North End Federated Clubs here has gone on record as opposed to all suggestions for Federal censorship or municipal operation of pictures to insure decent film fare. A poll of the Hi-Yi members revealed that they did not believe the public would support censored films.

Ten best pictures selected by the club included "Imitation of Life," "We Live Again," "The Last Gentleman," "Anne of Green Gables," "Little Women," "Catherine the Great," "The Pursuit of Happiness," "No Greater Glory," "Broadway Bill" and "Barretts of Wimpole Street."

Gets Award in Fire Suit

LOS ANGELES, Jan. 23. — Superior Court Judge Leon Yankwich yesterday awarded A. M. Rodgers, Jr., assignee for RKO Feature Prod., Samuel Goldwyn and Larry Darmour a total of $83,013 damages for negative lost in the Consolidated fire five years ago. The court held the defendant negligent. The original suit asked for $1,475,000.

"Chairman" Is Frisco High; Gets $11,000

SAN FRANCISCO, Jan. 23.—"The County Chairman" was so strong in its first week at the St. Francis that a three-week run is looked for. The take was $11,000, over par by $3,000.

A dual, "Biography of a Bachelor Girl" and "Enter Madame," was the only other strong attraction, the $12,000 gross being over the line by $1,000. "The Mighty Barnum" took $5,000 in its fourth week at United Artists and "Broadway Bill" was good for $4,500 in its fourth week at the Orpheum.

Total first run business was $74,000. Average is $80,000.

Estimated takings:

Week Ending Jan. 15:

"LITTLE MINISTER" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. Stage, band. **Gross:** $11,000. (Average, $13,000)

Week Ending Jan. 16:

"LOTTERY LOVER" (Fox)

"I'LL FIX IT" (Col.)

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $11,000)

Week Ending Jan. 17:

"BROADWAY BILL" (Col.)

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 4th week. **Gross:** $4,500. (Average, $9,000)

"THE COUNTY CHAIRMAN" (Fox)

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $11,000. (Average, $8,000)

"THE MIGHTY BARNUM" (U. A.)

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 4th week. **Gross:** $5,500. (Average, $8,000)

Week Ending Jan. 18:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)

"ENTER MADAME" (Para.)

PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $12,000. (Average, $11,000)

"FORSAKING ALL OTHERS" (M-G-M)

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days, Stage, band. **Gross:** $20,000. (Average, $23,000.)

"Gentlemen," Show Top Oklahoma City

OKLAHOMA CITY, Jan. 23. — The Liberty is cleaning up with its four-day stage shows followed by three days of films only. The combination draw last week was "Gentlemen Are Born" on the screen and Henry Santrey on the stage. The take for the four days was $3,000, which is $500 more than a full week average. "The Crime Doctor" took $1,200 for the other three days.

"Kid Millions" grossed a par $4,000 at the Midwest. "The Mighty Barnum" was weak at $4,500 in the Warner.

Total first run business was $14,950. Average is $13,500.

Estimated takings for the week ending Jan. 19:

"THE MIGHTY BARNUM" (U. A.)

WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,500. (Average, $5,000.)

"KID MILLIONS" (U. A.)

MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000.)

"WHAT EVERY WOMAN KNOWS" (M-G-M)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,250. (Average, $2,000.)

"GENTLEMEN ARE BORN" (F. N.)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Henry Santrey on stage. **Gross:** $3,000. (Average week, $2,500.)

"CRIME DOCTOR" (Radio)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,200. (Average week, $2,500.)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Rumba"

(Paramount)

HOLLYWOOD, Jan. 23.—Capturing rumba rhythm, investing it with distinction and glamour while sustaining an effective romance, this registers as real box-office entertainment, particularly for the masses.

While following the pattern of "Bolero," the story spins easier motivations, grooving more readily with the locale of Cuba and New York.

George Raft, an ex-Manhattan underworld character, now a cabaret hoofer in Cuba, intrigues Carole Lombard, a society girl who slaps him down. When her parents decide Miss Lombard should marry a society sap she goes to Raft, who determines to return the treatment, using Margo, his dance partner, for conflict. Sensing Miss Lombard has not come for adventure, but for genuine love, Raft is bereft. In the face of a Manhattan gang menace, Raft accepts a stage engagement in New York, hoping to meet Miss Lombard. On his opening night, with the gang threatening to kill Raft and Margo fainting, Miss Lombard substitutes and dances with Raft.

The Raft-Lombard name draw as a team conveys lure aplenty with the latter's underplaying and ease decided assets and Raft's articulation smoother than heretofore. Margo has plenty.

Bill LeBaron's production is lavish and eye-filling with an earthy vibrance that impacts primary emotion. Ralph Rainger's music has oomph with stirring numbers in good taste.

Marion Gering's direction is splendid. The picture's reliable entertainment values presage good business in all spots.

Production Code Seal No. 508. Running time, 75 minutes. "G."

"The Ghost Walks"

(Invincible)

HOLLYWOOD, Jan. 23.—This one clicks as an entertaining melodrama and should make a favorable box-office showing on neighborhood bills.

Balanced with a good story, direction and cast performances, the film has a speedy tempo and will keep mystery and ghost yarn patrons guessing throughout.

The nucleus of the yarn centers around John Miljan trying to sell a play to producer Richard Carle. Miljan frames a trip in a lonely country home and through a pretended car breakdown forces Carle and his secretary, Johnny Arthur, to stay throughout the night, being conveniently aided by a terrific thunderstorm. After scaring the wits out of Carle and Arthur through the mysterious activities of a balmy woman (Eva Sothern), as well as Spencer Charters, June Collyer and Henry Kolker, Miljan confesses the producer has just witnessed the first act of his play with hired actors.

Things really happen from there on. People disappear, pictures move, mysterious hands creep into every scene. An insane professor is finally run down as the guilty party and, although nobody is hurt, Carle and Arthur think the play is still on.

Director Frank Strayer handled the suspense capably. The portrayals are good. Charles S. Belden's story is good screen material. This should please mystery patrons.

Previewed without code seal. Running time, 66 minutes. "G."

"Copperfield" Gets Praise from Bishop

LOS ANGELES, Jan. 23.—David O. Selznick has received a letter from Bishop John J. Cantwell of this diocese, commending M-G-M on the production of "David Copperfield."

"'David Copperfield'," the letter states, "is excellent and I congratulate you on so fine an achievement. From start to finish it is very enjoyable entertainment. Hearty good wishes for continued success."

Seek Club for Omaha

OMAHA, Jan. 23.—A movement for organization of a local Variety Club is under way here with H. J. Shumow, M-G-M branch manager, and William Miskell, manager of the Orpheum, doing the preliminary work. Actual organization is anticipated by Feb. 15.

British Film Plan Hits Chemical Snag

(Continued from page 1)

George's reign, it was learned here today.

The advance publicity, and there was lots of it, and promotion stated the film was to show the principal events of His Majesty's reign and was to be presented throughout the Empire for the King's silver jubilee.

Winston Churchill did the scenario and no expense was spared to collect action shots.

The picture was to have cost approximately $500,000 when completed, but it was announced here today that distribution of the film had been abandoned for "purely chemical reasons," so it is assumed the film may be lightstruck.

Short Subjects

"Mr. Widget"

(Educational)

The fans that Joe Cook may have collected because of his work on the radio will probably be disappointed in this short that features him. Some of his trick gadgets will undoubtedly amuse, but his inane chatter might have the opposite effect on audiences.

Cook is presented as a real estate salesman that has never made a sale. This gives him the liberty to wander around his own office and the town, wisecracking in his own fashion and using some of his trick devices. He thinks the boss' daughter loves him, and when he arrives at a rendezvous he finds her eloping with another man. No production code seal. Running time, 20 mins. "G."

"Italian Caprice"

(Audio-1st Division)

A noteworthy member of the "Musical Moods" series, featuring Tschaikowsky's famous "Italian Caprice," Technicolor photography at its peak to date and the sympathetic camera of Robert C. Bruce. The opening shots were made around Lake Como and are breath-taking in their placid splendor. Most of the subject records the Palio celebration at Sienna and the horse race staged annually there in the pageantry and glamour of the original, now several hundred years old. Nothing finer in shorts is around. Production Code Seal No. 0432. Running time, 8 mins. "G."

"Fingal's Cave"

(Audio-1st Division)

This ranks well up in the "Musical Moods" series. Drawing upon Mendelssohn-Bartholdy's popular melody for its music and the restless surf of Oregon for its picture accompaniment, this emerges as eight minutes of interesting and different entertainment. Worthy of a spot on any program and ahead of many shorts now in circulation. Production Code Seal No. 0298. "G."

"Casting for Luck"

(Educational)

This, the latest of the "Adventures of a News Cameraman" series, has fewer thrills than most of its predecessors, but it should nevertheless make a welcome addition to any program. It covers fishing in all its forms and variations, and particularly interesting are the deep sea shots. No code seal. Running time, 10 mins. "G."

"The Dog Show"

(Educational)

This Terry-Toon presents a vaudeville show with all the talented performers of dogdom doing their stuff. The result is fair entertainment. In several of the early shots, however, the comedy presented is above the average, but the rest of the reel falls short. No code seal. Running time, 4 mins. "G."

Korda Signs Flaherty

LONDON, Jan. 23.—Alexander Korda, head of London Films, has signed Robert Flaherty to direct a picture tentatively titled "Elephant Boy." Shooting will be in India and the company expects to leave here in two weeks.

WHAT IS THE M

WHAT IS IT? It is a twenty-minute picture, issued once a month. Each release contains five or more complete dramatic stories. For the first time you will see the hidden beginnings, play-by-play developments and breath-taking endings of world happenings you've read and wondered about.

HOW IS IT PRODUCED? From wherever things happen, reporters and camera men of THE MARCH OF TIME send hundreds of stories and thousands of feet of film. The best of these are woven together in radio MARCH OF TIME'S curt, concise manner. Re-enacting those scenes that are missing, it brings to the screen complete dramatic episodes.

IS IT A NEWSREEL? No.

THEN HOW DOES IT COMPARE WITH A NEWSREEL? THE MARCH OF TIME makes no attempt to cover the complete news of the day. In fact, the last minute, exciting flashes of the news reels prepare your audience for MARCH OF TIME'S searching dramatizations. For only events of universal interest that have a dramatic background worthy of development are used by the MARCH OF TIME. It no more competes with a newsreel than a magazine story does with a front-page headline. THE MARCH OF TIME is made to go on a programme with a newsreel.



THE MARCH

ARCH OF TIME?

PHIL M. DALY IN THE FILM DAILY—At last we have had the opportunity to view the much touted impending screen innovation . . . "The March of Time" . . . They have so dramatized the news as to create an entirely new form of screen entertainment.

It is really hard to define . . . in showing us showmen something new in showmanship. . . . It is simply True Life Stories embellished with the story form of the screen.

KANN IN MOTION PICTURE DAILY—Opportunity came yesterday to witness what the current excitement labeled "The March of Time," is all about. Drawn from the formula which lurks behind the sensational national broadcast of the same name. . . . "The March of Time" proposes to get behind the news and to interpret it, to tell how as well as when. The formula is new. That is, it is new in pictures. . . . It is refreshing and full of promise.

FLASH: The Interstate Circuit of Texas signs for THE MARCH OF TIME.

Distributed by **FIRST DIVISION**

HARRY H. THOMAS, Pres. — Rockefeller Center, New York



"ONE OF THE BEST MYSTERY UNFOLDMENTS TO HIT THE SCREEN IN MANY MOONS"

—VARIETY

Packed with interest, action and comedy.
—*National Exhibitor*

•

One of the best pictures out of the independent field for a long time. Will hit many an A house in which an independent has never been screened.
—*Hollywood Reporter*

•

Holds the interest throughout. A good hour's entertainment.
—*Motion Picture Daily*

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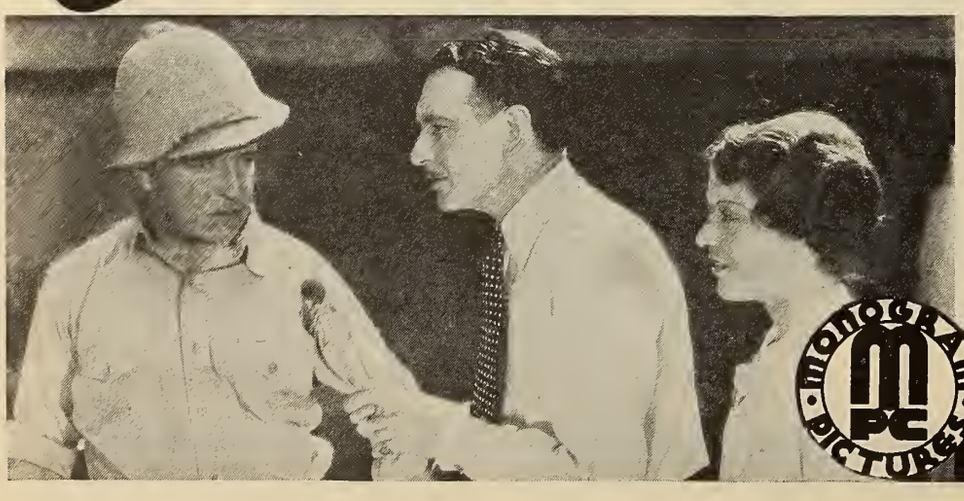
Sing Sing Nights

A MONOGRAM PRESENTATION
with

CONWAY TEARLE
HARDIE ALBRIGHT
BOOTS MALLORY

Directed by LEWIS D. COLLINS · A PAUL MALVERN Production · Suggested by the novel by Harry Stephen Keeler. Screen Play by Marion Orth

•



MONOGRAM PICTURES

A FAST-MOVING DRAMA THAT SHOULD FIND FAVOR ANYWHERE.
— *Billboard*

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 21 NEW YORK, FRIDAY, JANUARY 25, 1935 TEN CENTS

Flinn Queries Impartial Men On CodeWork

Answers to Be Compiled In Report to Campi

Questionnaires have been sent to all impartial members of local clearance and zoning and grievance boards by Code Authority for suggestions and recommendations on activities and procedure. The answers are to be included in a report being prepared by John C. Flinn, executive secretary, on the year's work. The resume is to be submitted to Campi for approval shortly.

In addition to the questionnaire sent to government representatives, Flinn has compiled a complete record of all cases before local agencies and the disposition of each complaint.

The queries to outside board members consisted of eight questions, as follows:

"1. Are the members of your local

(*Continued on page 4*)

Two New Film Bills Loom in California

STATE CAPITOL, SACRAMENTO, Jan. 24.—Two bills, one calling for a one-cent tax and the other for a three-cent levy on each foot of negative film exposed in California, are being prepared for introduction in the legislature. The tax would hold good on one titled production for the entire state, with copies exempt.

Another bill, providing for one man for each machine in a booth, is called a safety measure.

Sunday Work Aimed At in Albany Bills

ALBANY, Jan. 24.—Two bills aimed at Sunday theatre operation are before the Legislature. One, introduced by Assemblyman Irving D. Neustein, Brooklyn Democrat, provides that any law adopted by the legislative body of a city, town or village on Sunday shows shall be invalid unless it conforms with Section 161 of the Labor Law which provides 24 consecutive hours of rest in each seven days. A similar bill is before the Senate.

Sunday Bill May Be Dropped in Delaware

DOVER, Del., Jan. 24.—The Sunday opening bill being prepared for introduction in the House will be abandoned

(*Continued on page 4*)

L. A. Schedule Again Balked Before Campi

Distributors Adamant on Price Objections

Another attempt by Campi to work out a clearance schedule for Los Angeles yesterday met with failure as producers' representatives refused to accept a plan predicated on admission prices. The contention of distributors is that there never has been a schedule based on admissions and if one along those lines were adopted it would not work out.

Distributors hold that since pictures are their property they have the right to sell as they please and to whom they wish. Further, it is contended, they can sell protection to the highest bidder regardless of admissions charged. It is also held that if all

(*Continued on page 4*)

Court Picks Wild as Receiver for Big 4

An order appointing Morton Wild receiver of Big 4 film assets which had been assigned to John R. Freuler was signed yesterday by Justice Aaron Steuer of the N. Y. Supreme Court. Wild is vice-president of Simon Manges & Son, Inc., wholesale carpet concern.

The Big 4 receivership was obtained by Agfa Raw Film Corp., which held a judgment of $24,000 against the Freuler company.

"Chairman" Grosses $30,000 at the Roxy

Will Rogers in "The County Chairman" grossed $30,000 for the first week at the Roxy. This is $3,000

(*Continued on page 4*)

Radio Raises Gross

Chicago, Jan. 24.—Believe it or not, a radio broadcast was responsible for pouring shekels into a theatre box-office. The phenomenon happened when local NBC studio facilities proved inadequate for the employes, friends and families of employes to hear Jack Benny broadcast. So Benny's sponsor bought 1,000 tickets for Balaban & Katz's Chicago where the comedian and his troupe are appearing in person. Officials have verified the unusual event.

"U" Records Demanded in M. & S. Case

Instructions to produce all Universal sales records on RKO and Loew's deals for last season and this were issued yesterday by the arbitration board hearing breach of lease charges made against RKO by Meyer & Schneider, lessors of the Hollywood and Apollo. In addition, confidential data on the gross receipts of Loew's Delancey from 1929 to date were ordered produced.

M. & S. allege that lease provisions making the Apollo a neighborhood first run and the Hollywood a second or first run have been breached by RKO, particularly in regard to the

(*Continued on page 6*)

Skouras Income Tax Argued in St. Louis

ST. LOUIS, Jan. 24.—At a hearing before Referee in Bankruptcy Hope, the Government's long-contested additional income tax claim against Skouras Brothers Enterprises, Inc., was

(*Continued on page 4*)

Screen Credits Widening, Academy Figures Disclose

HOLLYWOOD, Jan. 24.—Major screen credits were distributed among a larger number of players last year than during the previous year, according to a compilation made by the Academy in studying nominations for the seventh annual awards. More than one-third of the players had two-thirds of the major credit roles during 1934. During the previous awards period 24 per cent of the players did approximately 61 per cent of the work.

The lists show 362 films produced in the Los Angeles area eligible for the 1935 achievement awards. They furnished more than 2,000 roles of

(*Continued on page 4*)

Government A.T.&T. Probe Seen Certain

$750,000 for Investigation Fund Is Sought

WASHINGTON, Jan. 24.—Investigation of Erpi was definitely indicated today with the introduction in the Senate by Senator Wheeler of Montana of a resolution providing $750,000 for use by the Federal Communications Commission in its inquiry into the A. T. & T.

The resolution carries provisions designed to broaden the inquiry so as to include a study of subsidiaries and alleged propaganda activities.

The introduction of the measure followed a discussion of Erpi at a hearing this morning before the Senate Interstate Commerce Committee on the confirmation of members of the communications commission, during the course of which questions were raised as to the interest of the A. T. & T. in the film field.

Explaining his measure for MOTION

(*Continued on page 6*)

Tieups Spreading, Hays Office Says

Increasing use of tieups with educational and other groups on quality pictures is being made through the Hays office. Reports, it is stated, indicate these are regarded by exhibitors as valuable in securing the patronage of special groups.

The latest tieup is a booklet on "Sequoia," tying in a national essay

(*Continued on page 4*)

Report Mannix Due For Producer's Job

HOLLYWOOD, Jan. 24.—Eddie Mannix, personal representative of Nicholas M. Schenck at the M-G-M studio, will become a producer on the lot shortly, according to reports.

As a result of his work in "David Copperfield," Freddie Bartholomew will be featured in another picture, the story for which is now being written by one of the staff writers.

Film Investment Up Sharply in England

By BRUCE ALLAN

LONDON, Jan. 12.—Statistics from a reliable financial source indicate that during 1934, 259 film companies

(*Continued on page 4*)

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Wehrenberg Fights Missouri Sale Tax

ST. LOUIS, Jan. 24.—Fred Wehrenberg, president of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois, has sent out an appeal to every exhibitor in Missouri to oppose the inclusion of theatre admissions in the two per cent sales tax bills to be presented to the General Assembly by Governor Guy B. Park.

Theatres have been absorbing the present half of one per cent sales tax, but Wehrenberg insists the two per cent levy would be too great a burden.

Each exhibitor is being asked to see members of the House and Senator from his district. Members of the General Assembly should be advised, Wehrenberg says, that in New York, Illinois and other states having sales taxes admissions are exempt.

Radio Group to Coast

M. H. Aylesworth, Ned Depinet and S. Barret McCormick leave this afternoon for Hollywood for their annual conferences on the season's pictures. A. H. McCausland may accompany them. Aylesworth and McCormick are scheduled to return in about 10 days. Depinet may stay longer.

"U" Theatres Pay $7.50

Universal Chain Theatres paid a liquidating dividend of $7.50 a share on the eight per cent preferred stock on Jan. 15. Stock certificates were presented at the corporation's office in Baltimore.

Insiders' Outlook

By RED KANN

THE tug o' war, which is another name for Paramount, early 1935 style, continues with backs breaking, sinews stretching, and not a few groans renting a very charged atmosphere. Centering in Wall and La Salle Streets, as well as in Times Square, the test of brawn with fight for place and grinding of personal axes billed well up in the featured cast, is a compliment extraordinary to the texture of the company's commercial backbone and the virility of its personnel's morale. Comfort may nestle in that. . . .

▼

There are more ideas around than breakneck speed can keep up with. The spoils are plentiful and rich and the candidates for juicy plums numerous. One group wants Zukor. Another does not. Ideas are afloat about the studio and how that ought to be handled, including the suggestion of Albert Cook, who represents the common stockholders, that the man for the post is J. Boyce Smith. If you remember Lillian Gish, you may remember Charles H. Duell. If you remember him, you might recall Inspiration Pictures and even Smith. For he was active in that company. Exactly what in his experience persuades Cook to believe his hatrack should be lodged in or near Manny Cohen's office is something this column is ignorant of, although willing to listen to Cook's enumeration of the Smith qualifications. . . .

▼

This should be an old, old story to you by this time. It represents familiar ground, well grooved by a well-worn heel. It has to do again and it will again and again, if needs be, with a bit of advice, no doubt resented and viewed as none of this outlet's business, to the men who would turn Paramount into a testing ground for new theories of operation and management. All of that has been tried before with varied and unsatisfactory results. While the novices and the inexperienced in years gone by were endeavoring to make the filmatic yardstick even itself off with measuring rods from other industries, their competitors kept on becoming more competitive. . . .

▼

Nothing germane to this business is exclusive. Smart business men recruited from other fields, of course, can learn the ins and outs. That, however, takes time. In the meantime, what? The other day the volatile, even explosive, complexion of this industry was stressed. Now we go specific and point out how this bears vitally on the Paramount situation. While the wrangling flourishes, the studio is expected to bang through with pictures that click. Cohen is supposed to maintain enthusiasm in the ranks by reflection of his own. Yet how he, or any one else in the same spot, can be expected to hold the line defies definition. A tragedy in the maelstrom is the hurt which confronts Paramount's attractions and the wholesale damage, born of pictures made in uncertainty, trailing its heels. . . .

▼ ▼

Once a year minimum for the past twenty-two years, Carl Laemmle has been poising an offer to sell out. Some of the bidders have been very hopeful, also very shy of the wherewithal; other flirtations have been the McCoy. Sam Katz and Dick Rowland, two good, old film names, had a notion a year or so ago, for instance. Laemmle's good luck in the guise of a couple of real box-office numbers and Katz's and Rowland's indifferent luck in the form of finances which did not jell, kicked that over. Today it is A. C. Blumenthal whose hat is in one corner of the ring and Myron and Dave Selznick's in the other. How will it go? The odds would appear to be twenty-two to one. And yet. . . .

▼

Lord Lee of Fareham, one time first lord of the British Admiralty and now high in the councils of Gaumont British, asks why Hollywood makes it more difficult to sell its wares in England by using terms unfamiliar to British eardrums.

"For instance, instead of giving a character the rank of lieutenant or 'leftenant' why not make him a captain? And call headgear a hat, not a bowler or a derby?"

A very good idea about which this typewriter pounder had an idea the studios on the coast had been doing things for several years now. . . .

▼

Continues My Lord Lee:

"We have been endeavoring to vulgarize and doll up the English dialect in our British films to make them more popular in the American market. I profoundly disbelieve in that theory. If once you take away the national tang and individuality from a picture you have made a profound mistake. You are not going to salt the savor of the English tongue by giving Ophelia a middle western accent."

It's all in the point of view. The public's reaction to the sharp and the clipped English accents will not help Gaumont British in this market. If Lord Lee, stalwart Britisher that he is, would have his company stand the gaff until the paygoers in this young and raw land educate themselves up to Oxfordian and cockney English, the privilege is his. A price to pay, however, merely to have Britannia wave on high over American soil. . . .

Production at New High; 44 Features

HOLLYWOOD, Jan. 24.—Production for the week ending Jan. 19 reached the highest level for many months with 44 features and seven shorts before the cameras as compared to 36 and five for the preceding week. This record breaking activity exceeds the normal production of 38 and six during the past year. Indication that the pace will continue, are seen in the fact that 23 features and 16 shorts are in the final stages of preparation.

Warners have gained the lead for activity from Paramount, which has been the most active for the past four weeks, with eight features before the cameras, two preparing and six editing. Paramount follows a close second with seven, two and two; Radio has five, five and one; Fox, four, five and three; M-G-M, four, one and nine; Columbia, four, one and two; Universal, three, two and one; 20th Century, three, one and zero; Goldwyn, one, zero and zero; while the independent group registers five, four and six.

In the short subject division M-G-M reports one before the cameras, five preparing and five editing; Roach has one, two and four; Warners, one, zero and zero; Universal, zero, one and one; Columbia, zero, two and zero; Radio, zero, one and two, while the independents have four, five and seven.

W. Clyde Quimby, 54, Dead in Fort Wayne

FORT WAYNE, Ind., Jan. 24.—W. Clyde Quimby, prominent local theatre operator, died here today from complications arising out of a tonsil ailment. Burial is set for Saturday in Lindenwood Cemetery here, following services at his home. The end came at Fort Wayne Hospital. His widow survives.

Quimby, who was 54, started his career in the show business in Dennison, O. He later operated houses in Zanesville, O., coming to this city in 1913. At his death he was operating four theatres. Quimby was the founder and first president of the M. P. Exhibitors' Ass'n.

John W. Loranger Dead

DETROIT, Jan. 24.—Word has been received here of the death in Pasadena of John W. Loranger, former film man here and recently sales manager of the Packard Motor Car Co. He was 41. He was manager here for the old Casino Feature Film Co. When that firm was purchased by Paramount he was sent to Pittsburgh as manager of the Paramount branch there. Later he returned here as manager of the local Paramount branch. Following the war, he joined the Packard sales forces. His widow and two sons survive.

"'BABOONA' THE BEST AND MOST ENTERTAINING OF JUNGLE PICTURES!" states ARTHUR MAYER, Managing Director, Rialto Theatre, New York



ARTHUR MAYER

who has made the Rialto Theatre one of the most consistently profitable houses on Broadway through his understanding of showmanship and entertainment values.

Read his full statement:

"In all the years I have been in this business, **I have never seen a picture that affords showmen greater opportunity.**

"'Baboona' is the sort of entertainment that **will be enjoyed by all types of theatre-goers.** I am more than glad to be privileged to stage the world premiere. **I look forward to big business.**

"One need not worry about the audience reaction. The job here is to sell the picture properly. **They'll go out praising it, for it's full of excitement, extraordinary sights, thrilling episodes** that will hold them and make them talk.

"Fox Film has a big money-maker in 'Baboona.' It is decidedly different from any jungle picture produced. **It has showmanship written all over it.**

"The presence of Mr. and Mrs. Martin Johnson is of eminent importance. In their field they stand absolutely tops. It is the best made by the Johnsons and **the best and most entertaining of jungle pictures.**

"This business can stand a lot more showmen's pictures like 'Baboona.'"

FOX

Flinn Queries Impartial Men On CodeWork

(*Continued from page* 1)

code board sincere in their determinations and is the individual fair in reaching conclusions or is he swayed by the group he represents?

"2. What change in group representation or membership of your local board could you suggest?

"3. Can you suggest any improvement in the rules of procedure issued by the Code Authority?

"4. Can you enumerate any unfair trade practices or provisions which should be added to the code?

"5. Can you suggest any unfair trade practice or provisions which should be eliminated from the code?

"6. How can appeals to the Code Authority be reduced in number without unfairness to any complainant or respondent?

"7. Within your experience and observation has the motion picture industry since the adoption of the code been benefited or retarded? What makes you think so?

"8. What should be done about clearance and zoning schedules?

"The local secretary will assist you in the preparation of replies to the above questions."

Piccione, Freeport, Files Buying Charge

G. Piccione of the Plaza, Freeport, L. I., has filed an over-buying complaint against Century Circuit, contending that the respondent has purchased for the Grove and Freeport, same city, all first runs on selective contracts and all second runs with the exception of M-G-M on a similar basis. Piccione contends in his complaint that Century has tied up for first and second run 992 pictures, of which the Plaza can get none.

The complaint is somewhat similar to the Kutinsky issue against the same circuit. After the local board had granted the Community, Queens Village, relief, Campi took the pictures away when it reversed the lower board.

Weinstock Wins on Clearance in Newark

Complaint of David Weinstock of the Rialto, Newark, seeking denial of Warners' request for 30 days' clearance at the Goodwin, same city, over the independent house, was sustained yesterday by the New York clearance board.

According to Weinstock, the Goodwin originally had seven days and later increased the period to two weeks. Subsequently, Warners demanded that the 14 days be increased to 30. Weinstock complained to the local board, but Warners agreed to let the two-week period stand.

Yesterday's action followed after Warners started to negotiate new contracts requesting one month's clearance.

"Pimpernel" Set Feb. 7

"The Scarlet Pimpernel" has been booked into the Music Hall, starting Feb. 7.

Screen Credits Widening, Academy Figures Disclose

(*Continued from page* 1)

importance in 21 studios, major and independent. About 1,000 actors shared the major screen credits for these roles.

About 35 per cent of the actors getting important credits had 66 per cent of the major roles. Five per cent of the players receiving the most individual credits in 1934 did only 16 per cent of the work, as compared to the previous awards period when five per cent of the players did 20 per cent of the work.

Forty-six players had seven or more important roles each; 457 had from two to six roles each, and 456 had one role each.

The 46 busiest players, listed alphabetically, follow: Henry Armetta, Robert Armstrong, William Bakewell, George Barbier, Mona Barrie, Mary Boland, John Boles, Bruce Cabot, Mary Carlisle, Berton Churchill, Walter Connolly, Ricardo Cortez, James Dunn, Ann Dvorak, Madge Evans, Stuart Erwin, Glenda Farrell, Ralph Forbes, Minna Gombell, C. Henry Gordon, Alan Hale, Neil Hamilton, Samuel S. Hinds, Edward Everett Horton, Allen Jenkins, Isobel Jewell, Arline Judge, Henry Kolker, Otto Kruger, Una Merkel, John Miljan, Alan Mowbray, Herbert Mundin, Pat O'Brien, Jean Parker, Nat Pendleton, Zasu Pitts, Roger Pryor, Willard Robertson, Ned Sparks, Charles Starrett, Henry Stephenson, Lyle Talbot, Henry B. Walthal, Warren William and Fay Wray.

Film Investment Up Sharply in England

(*Continued from page* 1)

were registered in the United Kingdom, with a total capital of £1,895,435, equivalent, at an exchange rate of $5 to the pound, to $9,477,170.

Eleven of these were "public" companies, their total capital being £638,100 ($3,190,500) and 248 private companies, with a capitalization of £1,257,335 ($6,286,675). Of this amount £482,635 ($2,413,175) was theatre investment.

The preceding year's film investments totalled £2,258,290 ($11,291,450), but the decline in this section is balanced by the enormous increase of £48,994,850 in investments as a whole, which reflects the reality of the industrial revival in the U. K. The year opens with the investment market more optimistic than for many years past.

"Chairman" Grosses $30,000 at the Roxy

(*Continued from page* 1)

under expectations, due to bad weather the last few days.

For the 52 weeks ended Dec. 31, the Roxy had $5,844 available for interest after real estate taxes, insurance and other charges, but before depreciation. This compares with a deficit of $67,159 before depreciation for the year previous.

The two-day storm hit the Music Hall take on "Romance in Manhattan," which ended the week with $58,000.

"Barnum" on Air Jan. 29

"The Mighty Barnum" will get a plug on the "Hands Across the Border" program over the NBC network on the evening of Jan. 29, when Douglas Moore's "The Pageant of P. T. Barnum," which won the Eastman prize for an orchestral composition in 1927, will be a feature of the weekly broadcast.

Opening Day Clicks

In the face of a severe snowstorm, the initial day of "Bordertown" at the reopened Strand did $120 less than the opener of "I Am a Fugitive" at the same theatre, Warners reported yesterday.

Wall Street

Warner Off 1½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	36½	36½	36½	+ ⅛
Consol. Film	6½	6½	6½	.....
Consolidated Film, pfd., (½v) ..	20⅝	20½	20½	— ½
Eastman	114	113	114	+ ½
Fox Film	10⅞	10⅞	10⅞	— ⅛
Loew's (1a)	32¼	32	32¼	— ⅛
Paramount	3½	3½	3½	.....
Pathe "A"	15⅞	15½	15½	+ ¼
RKO	2½	2	2⅛	+ ⅛
Warner	3⅞	3¾	3¾	— ⅛
Warner, pfd.	20	20	20	—1½

Trans-Lux Down ¼ on Curb

	High	Low	Close	Net Change
Trans-Lux (.20b)	2⅞	2¾	2¾	— ¼

Pathe Bonds Up ½

	High	Low	Close	Net Change
General Theatre Equip., 6s '40..	9	8⅜	9	+ ½
Loew's 6s '41, ww deb rights..	105¼	105	105¼	+ ½
Paramount F. L., 6s '47	64½	64½	64½	.....
Paramount Publix, 5½s, '40	64¼	64	64¼	— ½
Pathe 7s '37 ww..	102	102	102	+ ½
Warner Bros., 6s, '39, wd....	55¾	55	55	— ⅝

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 24)

Skouras Income Tax Argued in St. Louis

(*Continued from page* 1)

given an airing. The Government is seeking $39,011.54, plus interest. The years principally affected are 1920, 1921, 1928 and 1930.

The Government contends that these claims were adjudicated by the U. S. Board of Tax Appeals prior to the filing of a voluntary petition in bankruptcy by the company. The chief point of contention is whether the Government should allow certain deductions. The Government, if it establishes its claim, would become a preferred creditor.

Nelson Cunliff, trustee in bankruptcy for the company, has filed an objection.

Install Wide Range

The Bayside at Bayside has installed Wide Range equipment. The Liberty, Liberty, N. Y., starts on similar equipment next week.

L. A. Schedule Again Balked Before Campi

(*Continued from page* 1)

theatres in a given territory were to be given the same availability in accordance with admissions this would result in a critical print shortage or necessitate an increase of thousands of dollars for extra prints. The Chicago teritory is pointed to as one example where distributors have to call in extra prints from surrounding exchanges in order to meet release dates.

While the prospects for adopting a schedule dimmed yesterday, Code Authority members may attempt to tackle the coast plan at the meeting next Thursday.

Because of an investigation being conducted into the theatre situation in Philadelphia, the discussion on the Philadelphia ban on premiums was tabled for the next session. About 15 appeal decisions were handed down.

Attending the meeting were J. Robert Rubin, chairman; Felix A. Jenkins of Fox, Nathan Yamins of Fall River, Mass., Edward Golden of Monogram, Sidney Justin of Paramount, Charles L. O'Reilly of the T. O. C. C., E. T. Gomersall of Universal, I. Levinson of Warners and Ed Kuykendall, head of the M. P. T. O. A. Leslie E. Thompson was absent.

Julius Charnow's clearance complaint involving the Leonia, Leonia, N. J., against Loew's and Skouras was not discussed.

Tieups Spreading, Hays Office Says

(*Continued from page* 1)

contest with prizes of steam and rail trips and guest stays at Sequoia National Park. Mrs. Franklin D. Roosevelt heads a committee of judges which includes F. Trubee Davison, president of the Museum of Natural History; Leo F. Hanmer, director, recreational department, Russell Sage Foundation; Mrs. William Dick Sporborg, former president of the National Council of Jewish Women; Mrs. James F. Looram, chairman of the Motion Picture Bureau, International Federation of Catholic Alumnae, and Horace M. Albright, former director of the National Park Service.

Another tieup is an "Outline Guide" and a special Teachers' Manual on "David Copperfield" prepared by the National Council of Teachers of English. "Little Minister" was the first in this series. It was followed by "Treasure Island" and "Great Expectations."

Sunday Bill May Be Dropped in Delaware

(*Continued from page* 1)

unless theatre men show some interest. Representative Dr. Willard R. Pierce of Milford will drop the measure unless some support is given.

The bill will permit the showing of Sunday pictures in the State after 9 o'clock in the evening and will call for a tax of three cents on each ticket. The revenue will go to hospitals.

THE SWAGGERING STARS OF YOUR GREATEST HITS

challenging death for an hour a day and devoting the rest to love!

Red-blooded drama in a setting never photographed before!



UNDER PRESSURE

with **EDMUND LOWE**

VICTOR McLAGLEN

FLORENCE RICE
MARJORIE RAMBEAU
CHARLES BICKFORD
SIEGFRIED RUMANN

Produced by Robert T. Kane

Directed by Raoul Walsh

Screen play by Borden Chase, Noel Pierce and Lester Cole
From the story by Borden Chase and Edward J. Doherty

FOX

"U" Records Demanded in M. & S. Case

(*Continued from page* 1)

Fox, Universal and Columbia product which was made available to RKO last September after having been purchased earlier by Loew's. The Hollywood and Apollo are competition for Loew's Delancey and Avenue B. M. & S. are seeking damages and an order requiring RKO to play the same product in the Hollywood and Apollo which plays other RKO houses.

Adolph Schimel, of Universal's legal department, yesterday produced contracts and correspondence between the company and RKO and Loew's which disclosed that, subject to an agreement with Loew's, RKO was to receive 28 of Universal's new season pictures in addition to "Imitation of Life," from last season's schedule, after Loew's had selected six pictures from the new season Universal schedule of 36, one of which was to be "The Million Dollar Ransom." The agreement specified that Universal was to receive from RKO $249,000 for the 29 pictures, to be paid in installments of not less than $62,250 each three months.

Asks Daily Gross Receipts

Max D. Steuer, counsel for M. & S., requested all additional contracts in Universal's files pertaining to the deal. His request for daily gross receipts of Loew's Delancey was opposed by Isidore Frey of Loew's, on the ground that the information sought was in the nature of a trade secret. Steuer subsequently agreed to take semi-annual gross statements from 1929 on; to have the figures divulged to the arbitrators at a closed session and to have the information excluded from the record. His object, Steuer said, was to show that the Apollo had as good earnings possibilities, or better, than the Delancey.

C. C. Moskowitz of Loew's testified briefly yesterday and David Loew will appear as a witness when the session resumes today in the N. Y. County Lawyers' Assn. Bldg. before Arbitrators Robert McC. Marsh, George Retz and Maurice Deiches.

Admissions that the Apollo day-and-dated certain pictures with either the Academy of Music or Jefferson, as provided in the lease, were elicited from Charles Steiner, former executive at the Apollo, by Bruce Bromley, counsel for RKO. Steiner also admitted that the Apollo's first runs included the east side district from 13th Street to the Battery. He testified that the Apollo's film contracts were disavowed when Manhattan Playhouses, the former operator, went into bankruptcy. Bromley drew the inference that RKO might have been required to perform those contracts when it took over the house on a 10-year lease last September.

Amity Names Gaterri

ATLANTA, Jan. 24.—W. L. Parker, manager of the Amity Exchange here and in Charlotte, has appointed Frank Gaterri Florida representative of Amity Pictures Corp. Gaterri has long been operating an independent exchange at the Embassy in Tampa.

Purely Personal

IRENE BORDONI, VIVIENNE SEGAL, MITZI MAYFAIR, NICK LUCAS, VIVIEN FAY, GUY ROBERTSON, ESTELLE LIEBLING, singers; SALLY RAND, HELEN GLEASON, EMILE BOREO, CECIL LEAN, CLEO MAYFIELD, LEON BELASCO, LEWIS and DODY, EDDIE PEABODY and GUS EDWARDS and his proteges have promised to appear at the Majestic Sunday night for a benefit for the Beth Abraham Home for Incurables.

•

ANDY SMITH, EDDIE PESKAY, NATE BLUMBERG, LEE OCHS and LOUIS GOLDBERG among the observers yesterday at the RKO arbitration hearing on the Apollo and Hollywood leases, in addition to CHARLIE MOSKOWITZ, ISIDORE FREY, I. E. LAMBERT and others who had to be there.

•

ADOLFO R. AVILES, radio commentator of station "Radio Splendid" of Buenos Aires and leading film critic of the Argentine, sails for home tomorrow on the *Southern Prince* after a three months' visit here and on the coast.

Quip of the Day

Lou Geller, member of the New York grievance board, the other day asked Lillian Silver, board secretary, to have a supply of Bi-Sodol on hand for generous use after meetings. He claims each session is followed by an attack of indigestion. Miss Silver had a bottle brought in. Then the meeting was postponed a week. So was Geller's attack.

BRUCE CABOT and ADRIENNE AMES entertained the COUNTESS OF WARWICK at a large party at El Morocco the other night and are getting ready to leave for Florida to visit the EARL OF WARWICK any day now.

•

LOUISE BEAVERS, colored actress who last appeared in "Imitation of Life," leaves Hollywood early next week on a personal appearance tour that is scheduled to end at the Roxy late next month.

•

LILLIAN HARVEY is scheduled to hit town some time today to catch the *Europa*, sailing for Europe at midnight tonight.

•

NEIL AGNEW, JACK PARTINGTON, ARTHUR WHYTE and HARRY THOMAS were spotted at Moore's during the noonday siesta yesterday.

•

HARRY GOETZ and BOB GOLDSTEIN leave town tomorrow on the Century. GOETZ will continue on to the coast and GOLDSTEIN returns Tuesday.

•

WILLIAM FERGUSON has gone to Florida for a vacation. He promises not to exploit the winter resort.

•

HENRY GINSBERG turns face toward the west next week. HAL ROACH is calling.

•

GEORGE TEAGUE, technician, in from London.

•

LARRY DARMOUR in from the Gold Coast.

•

LEE KUGEL is going to the coast.

CHARLIE EINFELD'S newspaper campaign on "Bordertown" is credited with having done much for the new Muni picture in its opening day at the Strand Wednesday. Weather was against that and all other attractions on Broadway, but business was at the Strand, nevertheless.

•

DAVID SARNOFF, RCA president, accompanied by the missus, left aboard the *Statendam* on a southern cruise shortly after midnight this morning. With them are his brother, MORRIS, and missus and two sisters, MRS. HERBERT BAER and MRS. NATHAN LENERT.

•

RUTH WEISBERG braved the elements to attend the Ampa meeting yesterday, saying it was her sense of duty to the organization that made her struggle over the snow drifts on 44th St.

•

SHARON LYNN is aboard the Chief, New York bound. She is due here over the weekend. Here for two weeks, she will attend the shows and perhaps do a play providing picture work doesn't conflict.

•

RICHARD A. ROWLAND, COLVIN BROWN, WALTER CONNOLLY, BRUCE CABOT and LOWELL CALVERT were spotted at various tables around the Tavern yesterday at lunchtime.

•

PAUL DUKE, now entertaining in Bill's Gay Nineties Bar, has been signed by Warners for a series of shorts to be made at the Brooklyn plant.

•

LEON BAMBERGER, idol of the Minneapolis stage customers some years back, is returning to the stage in an amateur capacity for a Mt. Vernon Y. M. H. A. production.

•

RICHARD BARTHELMESS, New York hears from Hollywood, may play the killer part in "Small Miracle," the NORMAN KRASNA play which Paramount now owns.

•

CHARLES J. SONIN, purchasing agent for M-G-M, was glad to get away on the *Statendam* early this morning southward bound.

•

ALICE BRADY is out of the cast of "De Luxe," CHESTER ERSKIN'S impending stage play with finances by United Artists.

•

MAX COHEN of "Big U" is all het up over the extended runs neighborhood houses are giving "Imitation of Life."

•

AL CHRISTIE is heading in from Hollywood via the Canal, which is a good way of doing it.

•

CHARLES B. COCHRAN may find business setting back his scheduled return to London today.

•

MARION TALLEY'S film deal is not much of a secret after all. It's a Warner contract.

•

ARTHUR SCHWARTZ and frau set sail for Nassau tomorrow.

Government A.T.&T. Probe Seen Certain

(*Continued from page* 1)

PICTURE DAILY, Senator Wheeler said that there was some question as to whether the authority of the commission to go into the subsidiary and propaganda phases, as well as royalties, was sufficiently broad and that he wanted to make sure it would have the power to go into all phases of the matter, particularly to study Erpi.

Late today the legislator prepared for insertion in tomorrow's *Congressional Record* a lengthy table on royalty charges of various A. T. & T. subsidiaries.

Theatre Men Guests Of Hartford Union

HARTFORD, Jan. 24.—Henry Needles, district manager for Warners, and managers of local theatres were guests at a testimonial dinner given by Local No. 84, I.A.T.S.E., at the Elks Club, to John Sullivan and Harry Sweet, former secretaries of the local.

Guests were present from New London, Middletown, Waterbury, New Britain and Meriden locals. Fred Newcomb, New England regional representative for I.A.T.S.E., was present. Local managers present were Jack Simons and Lou Cohen of Poli's, Don Ross of the Palace, George Landers of Loew's, Larry O'Neal of the Cameo, Jim McCarthy of the Strand, Walter Lloyd of the Allyn and their associates.

"Pompeii" Shelved For Work on "She"

HOLLYWOOD, Jan. 24.—Merian C. Cooper has dropped practically all work on "The Last Days of Pompeii" in order to hurry the completion of "She." Radio explains that this was done in order to meet a release date on the latter picture.

Work on "The Last Days of Pompeii" will be resumed March 1, with Ernest Schoedsack directing. Preston Foster and Alan Hale have already been signed for roles.

Intermountain Men Pick Huish as Head

SALT LAKE, Jan. 24.—C. E. Huish has been elected president of the Intermountain Theatre Owners' Ass'n. Other officers named are: Vice-president, John J. Gillette; treasurer, John Rugar; general counsel and secretary, Beverly S. Clendenning; directors, Huish, Gillette, Rugar, I. H. Harris, Stanley Rich, A. F. Johnson and Joseph Lawrence.

Delegates are to be sent to the M. P. T. O. A. convention in New Orleans.

Warns Against Checks

Jeffrey Bernerd, general manager of Gaumont British, stated yesterday that a man representing himself to be the son of the president of the company, has been cashing checks on the coast, using the name of Henderson. Bernerd warned the man is an impostor.





GEORGE W. TRENDLE
WILLARD C. PATTERSON

Operate
9 theatres,
spend upward
of $750,000
annually for film.
They read

MOTION PICTURE DAILY

The Industry Buying Power Reads
MOTION PICTURE DAILY

"Broadway" Is Detroit Smash Hit, $23,200

DETROIT, Jan. 24. — "Broadway Bill" was a sellout at the Fox all week. In seven days it piled up $23,200, which tops par by $8,200.

In spite of this heavy draw two other houses had unusual business. "Bordertown" took $22,100, up by $2,100, at the Michigan, and "Forsaking All Others" went to $12,300, above the line by $2,300, at United Artists.

Total downtown business was $68,800. Average is $65,000.

Estimated takings for the week ending Jan. 18:

"ROMANCE IN MANHATTAN" (Radio)
"MILLS OF THE GODS" (Col.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,600. (Average, $5,000)

"BROADWAY BILL" (Col.)
FOX—(5,100), 15c-55c, 7 days. Stage, six acts vaudeville. **Gross:** $23,200. (Average, $15,000)

"PAINTED VEIL" (M-G-M)
"ST. LOUIS KID" (Warners)
(2nd run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $3,400. (Average, $10,000)

"BORDERTOWN" (Warners)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Six acts vaudeville. **Gross:** $22,100. (Average, $20,000)

"I AM A THIEF" (Warners)
"SECRET BRIDE" (Warners)
(2nd run)
STATE—(3,000), 15c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

"FORSAKING ALL OTHERS" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $12,300. (Average, $10,000)

"County Chairman" Is Top In Capital With $26,000

WASHINGTON, Jan. 24. — "The County Chairman" was Washington's smash hit last week, taking $26,000 to keep Will Rogers on as the No. 1 money-maker. Gross was over average by some 27 per cent. at Loew's Fox.

The Earle was a poor second, with $17,900 for "Here Is My Heart." "Bright Eyes" at Loew's ace all-picture house, the Palace, was a disappointment, bringing a below-average $12,500. An alleged two-week booking was cut in half. "Romance in Manhattan" slumped to $8,900 at RKO-Keith's.

Of the B houses, Metropolitan, with "Murder in the Clouds" slipped to $4,000 and "One Hour Late" at Loew's Columbia tobogganed to $2,500.

Thanks to the Rogers picture, Washington total for the week was above the average at $71,800 against an average of $71,200.

Estimated takings, exclusive of tax, for the week ending Jan 17:

"HERE IS MY HEART" (Para.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Sylvia Froos, Salici Marionettes, Raye Saxe, Allen & Kent. **Gross:** $17,900. (Average, $17,600)

"ONE HOUR LATE" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,500. (Average, $3,100)

"THE COUNTY CHAIRMAN" (Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Vera Gordon; Gold, Raye & Cross; Stone & Vernon; Rex Weber. **Gross:** $26,000. (Average, $20,500)

"BRIGHT EYES" (Fox)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $12,500. (Average, $14,500)

"MURDER IN THE CLOUDS" (Warners)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,100)

"ROMANCE IN MANHATTAN" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $8,900. (Average, $11,400)

To Close Pittsburgh Pitt

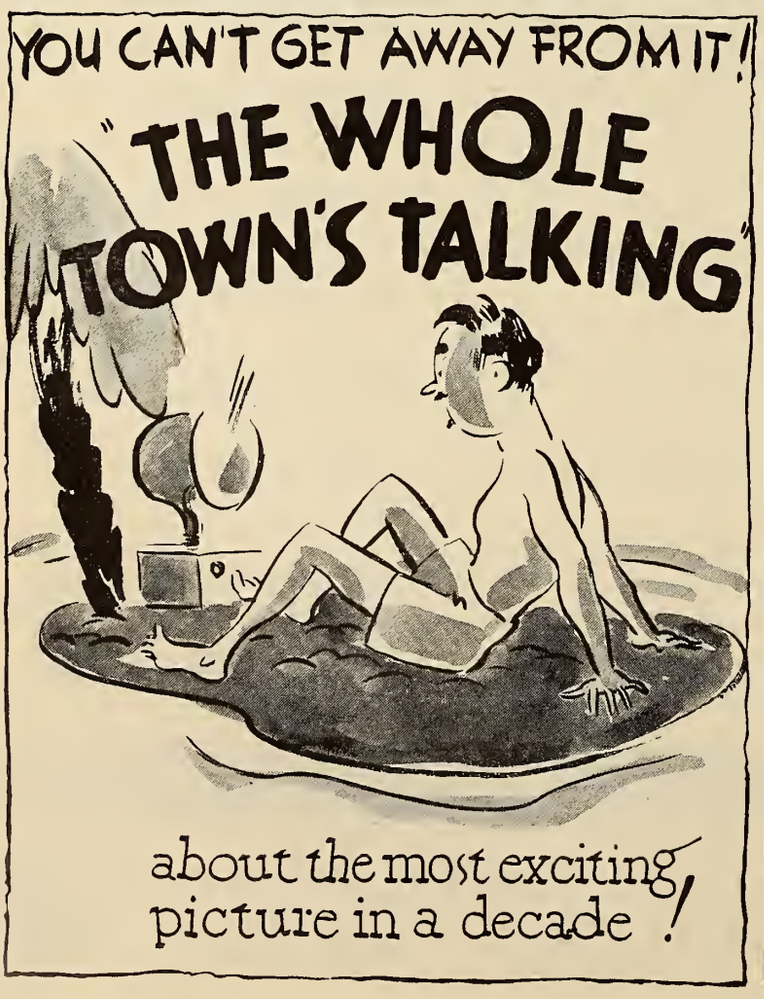
PITTSBURGH, Jan. 24.—After a number of losing weeks, George Shafer has decided to close the Pitt, where first run pictures and unit shows have been playing at the lowest top in town, 35 cents. Three times previously this season, Shafer has announced a closing only to alter his plans at the last minute.

There are reports that when and if the Pitt does reopen, it will be with a drastic change of policy, one of the possibilities being dramatic stock.

Piazza to Discuss Para. Talent Moves

Ben Piazza's trip east is to further coordination of the Paramount east and west talent departments, he stated yesterday. He will contact home office executives and give the local talent mart a general lookover. Piazza will remain about three weeks.

Accompanying the Paramount scout from the coast was his uncle, Robert Vignola, who will stay in the east for about a month.



Solons See "Copperfield"

JEFFERSON CITY, Jan. 24.—Legislative history was made here last night, when the members of the General Assembly and high state officials, including Gov. Guy B. Park, were guests at a special preview of "David Copperfield" in the House of Representatives chamber. The presentation was made possible by a special resolution passed by the House at the request of Harold W. Evens, manager of Loew's State in St. Louis.

Delay Two-Man Hearing

LINCOLN, Jan. 24. — The hearing date on the two-man booth bill caught exhibitors napping. The legislative committee met before theatre men were fully aware of the proceedings. It so happened that the chairman of the committee is an exhibitor and through the labors of Robert Livingston, Capitol manager, the hearing was postponed.

Aherne as "Anthony"?

HOLLYWOOD, Jan. 24.—While no decision has been made and the picture will not be started for several months, Warner executives have chalked in Brian Aherne, mentally at least, for the title role. Mervyn Le Roy will direct after "Oil for the Lamps of China."

To Team Cooper-Lombard

HOLLYWOOD, Jan. 24.—Gary Cooper and Carole Lombard will star in "13 Hours by Air," the Bogart Rogers yarn, recently purchased by Paramount.

Dorothy Parker is now doing the screen play.

"Lancer" Gets Kansas City's Top, $12,000

KANSAS CITY, Jan. 24.—"Lives of a Bengal Lancer" soared to $12,000 at the Newman, doubling average, and was held for additional days. The second week of "Broadway Bill" gave the Tower $10,000, up by $2,000. "Imitation of Life" was a strong draw at the Uptown, attracting big matinee audiences and grabbed $5,500. It was held for a second week.

Total first run business was $39,950. Average is $35,000.

Estimated takings:

Week Ending Jan. 17:

"ROMANCE IN MANHATTAN" (Radio)
MAINSTREET—(3,100), 15c-25c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

"THE NIGHT IS YOUNG" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,000. (Average, $9,000)

"BROADWAY BILL" (Col.)
TOWER—(2,200), 25c, 7 days, 2nd week. Stage: Felovis, Ming & Toy, Bobby Carr & Co., Danny White, others. **Gross:** $10,000. (Average, $8,000. (Gross, first week, $14,000)

Week Ending Jan. 18:

"POWER" (G. B.)
APOLLO—(1,100), 25c, 7 days. **Gross:** $950. (Average, $1,500)

"LIVES OF A BENGAL LANCER" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $12,000. (Average, $6,000)

"IMITATION OF LIFE" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,500. (Average, $3,500)

Gets Writ to Have Contracts Fulfilled

LOS ANGELES, Jan. 24.—U. S. District Court Judge Harry A. Holzer today issued a writ against members of the local grievance board, M-G-M, Vitagraph, Paramount and United Artists ordering them to show cause why they should not comply with contracts with O. W. Lewis, operating the San Gabriel.

The board several weeks ago ordered Lewis to discontinue bank nights. The order was upheld on appeal to Campi. The matter has been referred to New York. This is said to be the first case of its kind here.

Decision Reserved in "Legit" Ticket Case

Decision was reserved by Supreme Court Justice McGeehan yesterday in the suit brought by five local ticket agencies to restrain the legitimate theatre code authority from enforcing its regulations against speculation, which were held illegal and unconstitutional by counsel for the plaintiffs.

The agents said that to make a profit they have to resell tickets at more than 75 cents above the box-office price, since they are forced to pay that much on each ticket to "certain brokers favored by the producers."

Fields May Get Role

HOLLYWOOD, Jan. 24.—Paramount is considering W. C. Fields for the role created by Victor Moore in the New York stage version of "Anything Goes." In the stage play, Moore plays the role of public enemy number 13.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 22 NEW YORK, SATURDAY, JANUARY 26, 1935 TEN CENTS

Court Ruling On Huffman's Case Pending

Appeal May Be Decided Feb. 1—Getting Film

OKLAHOMA CITY, Jan. 25.—The appeal of Harry Huffman to the U. S. Circuit Court of Appeals to prevent Denver exchanges from obeying the Denver grievance board's order to distributors to stop his supply of film unless he ends automobile giveaways was concluded here today after a two-day hearing.

The decision of the court as to whether or not a permanent injunction will be issued or a temporary injunction dissolved will be announced about Feb. 1 in Denver.

Since Jan. 12 Huffman, operator of the Denham Theatre, Inc., General

(*Continued on page 3*)

Britain's Jubilee Film Mystery Deep

LONDON, Jan. 25.—There appears to be some mystery over the real inside for dropping the film dealing with King George's silver jubilee and "chemical" reasons, earlier ascribed, seem now to have had little to do with it.

London Films, which planned the picture in conjunction with Winston Churchill, says the enterprise was abandoned because of inability to meet

(*Continued on page 2*)

Columbia's Meeting Set for Wednesday

Columbia yesterday postponed its board of directors meeting to next Wednesday afternoon, Jack Cohn, vice-president being in Hollywood, Fla., on a vacation. Cohn is expected back Tuesday night for the delayed session.

Abe Schneider, treasurer, and Nat Cohn, New York district manager, leave for Miami Sunday. They plan to be away about two weeks.

"Copperfield" Holds Up; Ends at $55,750

First week of "David Copperfield" at the Capitol was good for $55,750. The box-office held up despite the two-day snow storm. Freddie Bartholomew, who appears in the picture as

(*Continued on page 3*)

Be assured of dependable delivery and ship via National Film Carriers, Inc.—Adv.

Mobilization of Kentucky Colonels Called for May 2

By J. M. JERAULD

Mobilization day for the Kentucky colonels, suh, will be on May 2. Indubitably, suh, it will be the greatest gathering of colonels since General Pershing moved out of Chaumont.

Mrs. Ruby Laffoon, wife of the south's champion colonel-maker, was in town yesterday to confer with Col. John W. Alicoate on the arrangements. Col. Red Kann was not present. He had an issue of MOTION PICTURE DAILY to get out. Col. Gert Merriam was also absent. She was listening to a broadcast by Private A-Mike Vogel.

But the details of the conference were learned in spite of these handicaps.

The general idea is this: His Excellency thinks all his 2,368 colonels

(*Continued on page 3*)

Majestic Figuring On 12-18 for '36

Tentative production plans of Majestic for next season call for 12 to 18 pictures. Larry Darmour, production head, winds up conferences today with Herman Gluckman, president, and E. H. Goldstein, executive vice-president. Darmour flies to the coast today and returns in the next few months for final confabs. Present meetings are for discussions of types of stories desired and production costs, which will be increased.

"Munity Ahead" with Kathleen Burke, the sixth of this season's 12, has been completed with final cutting awaiting arrival of Darmour on the coast.

Fox Met. Authorized To Drop Audubon

Fox Metropolitan Playhouses was authorized to give up its lease on the Audubon as of Jan. 31 by Federal Judge Julian W. Mack yesterday. The house has been leased from Fox Theatres and sublet to Skouras by Fox Met.

The application to disaffirm the Audubon lease recited that the house had lost $149,000 for the year ending

(*Continued on page 2*)

Du-Art Loses Stay In "U" Litigation

The Appellate Division of the New York Supreme Court yesterday vacated the injunction issued to Du-Art

(*Continued on page 2*)

Leaders All

Hollywood, Jan. 25.—Recapitulation of ballots cast thus far on player nominations for the Academy awards shows the following leading: Anna Sten, Grace Moore, Robert Donat, Shirley Temple, George Breakstone, Jackie Cooper, Charlotte Henry, Frankie Darro, Charles Laughton, Norma Shearer, Katharine Hepburn, Leslie Howard, Claudette Colbert, Loretta Young, Wallace Beery, George Arliss and Fredric March.

Independents Want Federal Probe in K. C.

KANSAS CITY, Jan. 25.—Some of the independent exhibitors in Kansas City have determined to bring the local protection situation to the attention of the Government on the ground of violation of the anti-trust laws, MOTION PICTURE DAILY learns. They assert action will be forthcoming "very soon."

The chief objection is to arrangements said to have been effected between distributors and Fox Midwest, in that, it is charged, protection has been set up in the city on the basis of contracts held by the circuit. It is claimed that Fox Midwest, in buying first and second subsequent run, has imposed detrimental playing ar-

(*Continued on page 3*)

Maloy Indicted on Income Tax Charge

CHICAGO, Jan. 25.—Tom Maloy, head of the operators' union, has been indicted by the Federal grand jury on an income tax evasion charge.

An investigation under way here for some time is said to have disclosed, according to Government statisticians, that Maloy's income for the four years of 1929 to 1933 was $350,000 above his salary as head of the union, and it is charged he failed to report this.

U. S. District Judge James H. Wilkinson received the report.

Report Moves To End Cases In St. Louis

Justice Dept. Is Silent; No Word Locally

WASHINGTON, Jan. 25.—Reports that tentative suggestions have reached the Department of Justice looking toward a settlement of the St. Louis indictments involving Warners, RKO and Paramount without a trial circulated here today but could not be verified within the department.

In a number of cases, consent decrees have been accepted by the Government in similar cases in the past in order to save the expense and time which would be required by litigation. Following its customary policy of not discussing pending matters, officials of the department declined to comment on the reports.

Spokesmen for Warners, Paramount and RKO here said yesterday that no word of an attempted settlement of the St. Louis case in order to avoid trial had reached them. Discounting the Washington reports, they

(*Continued on page 3*)

Coast ITO Awaits Government Reply

LOS ANGELES, Jan. 25.—Word that the Attorney General's office is forwarding a reply to the appeal of the I. T. O. of Southern California for relief from the alleged monopoly complained of here was received by the exhibitor organization today in a wire from Harold M. Stephens, special assistant to the Attorney General.

The Government's reply is expected in advance of a meeting of independent exhibitors here on Monday at

(*Continued on page 3*)

Producers Busy on Answer for Actors

LOS ANGELES, Jan. 25.—Producer members of the actors' five-five committee are busy preparing under the direction of Edwin Loeb, their counsel, an answer to the players' brief for a code of fair practice, now on file with the NRA in Washington.

It is rumored here the producers will attempt to point out that actors are no more entitled to a place in the code than agents, whose draft of a fair practice code was turned back by Washington for stronger evidence showing why they should be included in the industry NRA pact.

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Du-Art Loses Stay In "U" Litigation

(*Continued from page* 1)

in its action against Universal over laboratory work.

Bushel and Gottlieb, lawyers for Du-Art, stated, however, they proposed pressing the action for trial and at that time seek to have the injunction reinstated. Another course of contemplated action is to seek money damages to the extent of $500,000.

Du-Art claims it holds a contract with "U" to handle its prints and that the company, following its financing deal with Consolidated, recently began to shift its work to the Consolidated laboratories.

Walter C. Hardesty Dead

DOVER, O., Jan. 25.—Walter C. Hardesty, 56, former manager of the Dover Opera House, and head of the Hardesty Manufacturing Co., makers of theatre chairs, is dead at his winter home in Daytona, Fla. A daughter and three sons survive. The body will be returned to Dover where funeral services will be held and the body placed in the Hardesty mausoleum at Maple Grove cemetery here.

N. O. Office Opened

NEW ORLEANS, Jan. 25.—First Division has opened its new exchange here with Fred F. Goodrow in charge and with William Miller Richardson head of the southern division. Goodrow is a former Warner manager. Richardson was with Universal for 25 years.

Purely Personal

HARRY ARTHUR has a farm and horses near Pawling. He also has a 13-year-old boy named TOM. HARRY says TOM is the impresario of the family. HAL HORNE's been up to the place from time to time talking to TOM about the business. Result: TOM thinks HORNE wrote the book. Being more or less the film authority at the Bronxville High School, TOM volunteered to produce an expert on pictures when his class decided to embark on a quick course in celluloid calisthenics. So up in front of the school went the notice, informing those who stopped long enough that HORNE would supply the lecture. HAL knew nothing of it since TOM, it appears, had been unable to get him on the phone. Last night was the night. More later.

•

SAM KRELLBERG failed to arrive here from the coast yesterday. If he left by plane yesterday, as he may have, he gets in sometime today. If not, the train, as usual, gets him in Tuesday.

•

GEORGE BORTHWICK, treasurer of the M. P. P. D. A., arrives from the coast by train some time today or tomorrow. He'll be at his desk Monday, however.

Quip of the Day

Birmingham exhibitor, whose name is withheld by request, writes:

"We are opposed to star ratings here. Enough stars have fallen in Alabama already."

CAROLE LOMBARD finally pulled out of this snowbound town and is now sunning herself in Miami. She expects to return to Hollywood by way of New Orleans in about a week.

•

HARRY THOMAS conducted a minor First Division convention at the Tavern yesterday. STUART WEBB was among those around the table.

•

WALTER CONNOLLY, star of "The Bishop Misbehaves," bows in here the week of Feb. 18. A stage play, not a picture.

•

LILLIAN HARVEY hurried into town yesterday to make connections with the outward-bound *Europa* sailing last night.

•

MARGARET SULLAVAN and her husband, WILLIAM WYLER, in from Hollywood.

•

HAL LEROY starts work today at the Brooklyn Vitaphone studio on his third two-reel musical this season.

•

CAPT. HAROLD AUTEN has returned from England. He was away a few weeks.

•

HAROLD B. FRANKLIN is surveying the celluloid scene with no specific plans and no hurry.

•

CRESS SMITH shoves off for the coast today, via the Canal.

•

HARRY D. BUCKLEY and his illness have parted company.

•

DICK ANDERSON also has been in the sick bay. Recovered now.

CHARLES B. COCHRAN is being kept plenty busy these days denying rumors, the latest of which was that he had signed MAE WEST for a London version of "Anything Goes." COCHRAN plans to sail for home on the *Rex* Feb. 2.

•

MAJOR EDWARD BOWES opened the Brooklyn unit of WHN last night with DONALD RICHBERG as one of the speakers. SAM HAMMER of the Capitol publicity department switches to the Brooklyn studio for a month.

•

BERT WHEELER and HARRY JANS, of the old team of JANS and WHALEN, have teamed up for impromptu entertainment at parties and night eateries. WHEELER's rendition of "Mousie" is still the best part of the act.

•

ADOLPH OSSO, French producer; ALEXANDER PINCUS, his financial adviser; JEAN DE CAVAIGNAC, French director and ANDRE BERLEY sail tonight for home on the *Lafayette*.

•

HARRY SCHLINKER, manager of Proctor's, Troy, N. Y., on Monday becomes manager of the Albee, Providence, succeeding TOM MEEHAN, resigned.

•

LOUIS HEYWARD, now appearing in NOEL COWARD's "Point Valaine" on Broadway, has been signed by M-G-M. He will report to the coast on completion of the play's run here.

•

PAT CASEY is feeling fine, having recovered from a slight illness he had on the coast, and plans to stay around until after Feb. 1, the original date he expected to head west.

•

LILLIAN GAY's story, "Living up to Lizzie," has been bought by Warners. MANNY SEFF and BENNY RUBIN have been assigned to write the screenplay.

•

MORT SINGER, RKO theatre partner, returns to Chicago today after a week's conferences with home office executives.

•

Compliance Director SOL A. ROSENBLATT arrives today from Washington to spend the week-end at his Great Neck home.

•

ROLAND YOUNG, who has many Hollywood roles notched in his gun, is rehearsing in "The Distant Shore," forthcoming stage play.

•

BERNARD MILIS, Monogram and Majestic franchise holder in Albany, was in town yesterday.

•

EDDIE GOLDEN matched his dark blue shirt with a polka blue tie yesterday.

•

DOROTHY BURGESS treks westward today for a role in "Village Tale." Radio will produce.

•

SAM MORROS, assistant to JOHN C. FLINN, is in Indianapolis on Code Authority business.

•

JUDITH ALLEN has decided to stay in town a while and has taken an apartment at the St. Moritz.

•

SOL BINES, Majestic franchise holder in Boston, was a visitor yesterday.

•

J. ROBERT RUBIN leaves for Palm Beach over the week-end.

Britain's Jubilee Film Mystery Deep

(*Continued from page* 1)

the release date in May and because the picture could not have been completed in that time, what with scenes re-enacted with actors and studio sets.

"The film could be compiled from old newsreels which would not require the trade show necessary before booking under the Cinematograph Act, but London Films feels that this is not practicable, as at least one other company has announced its intention of giving away a jubilee film," company officials declared today.

Pathe has jumped in with "Twenty-Five Years a King" in conjunction with Sir Austen Chamberlain and John Drinkwater. This will be edited from old newsreel clips, as will be Gaumont British's proposed free jubilee film.

Reports along Wardour St. today had it principal circuits had been booking London's film, now abandoned, blindly at 40 and 50 per cent, whereas all pictures for release here by law must be trade shown first. Speculation is rife as to how London came a cropper. It may have been the C. E. A. or individual exhibitors or rival distributors.

Fox Met. Authorized To Drop Audubon

(*Continued from page* 1)

Oct., 1932; $60,000 the following year, $77,000 last year and $16,000 from Oct., 1934, to Jan. 15, this year. The application stated that at time of the Fox Met receivership in 1932 the company was paying Fox Theatres $120,000 annually for the Audubon and subletting it to Skouras for $95,000. Subsequently, the receiver for Fox Met obtained a reduction in rent to $72,000 per year.

Milton C. Weisman, receiver of Fox Theatres, said he may either appeal Judge Mack's order permitting cancellation of the lease or file a proof of claim against Fox Met for the unexpired portion of the lease. The rental from the Audubon is one of the principal sources of Fox Theaters' revenue.

Skouras, Alperson Off

Spyros Skouras and F. L. Alperson leave for the coast today, stopping at Kansas City to pick up Elmer C. Rhoden, head of Fox Midwest, for conferences with Charles Skouras in Los Angeles on reorganization of Wesco and F. W. C.

The trio expect to stay on the coast for only a few days and then return east.

Carriers to Meet in N. O.

NEW ORLEANS, Jan. 25.—National Film Carriers will hold their annual meeting here around Feb. 25 and will stay on as guests of the M. P. T. O. A. convention, which invited the film carriers to New Orleans.

Ben Wachnansky Resigns

DETROIT, Jan. 25.—Ben Wachnansky has resigned as general manager of the Jacob Schreiber theatres here and will devote his time to running the Bijou, in which he is a partner with P. C. Schram.

Court Ruling On Huffman's Case Pending

(Continued from page 1)

Theatres, Inc., and the Aladdin Theatre Corp., a circuit of eight houses in Denver, has been operating under a restraining order granted by a judge of the U. S. Circuit Court of Appeals in Denver and as a result of this order has been getting product for his theatres.

Appellees at the hearing here were M-G-M, Fox, United Artists, Universal, Vitagraph, Gaumont British and Columbia; members of the Denver grievance board and Denham Theatres, Inc., and International Amusement Co., Denver exhibitors and competitors of Huffman, who placed the original complaint with the grievance board.

The writ for a permanent injunction asked that the court permanently restrain the appellees from violating or disregarding contracts or from refusing to make delivery of film to Huffman; that the members of the board refrain in the future from molesting or interfering with Huffman's business or contracts, or from inducing a boycott by distributors; that the Denham Theatres, Inc., and the International Amusement Co. restrain from future interference with the affairs of the Huffman theatres through the grievance board.

Prices Not Held Affected

Frazer Arnold, Huffman's attorney, told the court that Huffman had been giving away tickets both in the theatre and on Denver streets, that the winners of the automobiles did not have to be present at the theatre at the time of the drawings, and that giving away the cars was in reality only a means of advertising the theatres and that it in no way lowered the price of admission to Huffman's theatres as appellees had contended

Arnold also claimed that Huffman's theatres do not come under Campi because he is not engaged in interstate commerce, as the distributors are, and therefore Huffman's theatres do not come under the jurisdiction of the code. Huffman has never signed the code.

Eugene I. Reed, attorney, appeared for the grievance board and the Denham Theatre, Inc., and the International Amusement Co. Byron Rogers, assistant attorney general at Denver, represented the Federal Government and Campi, assisted by Special Attorney Maston G. White of Washington. Thomas Keeley, Denver, appeared for the seven distributors named as appellees except Columbia and Gaumont British, who were not represented.

Delay RKO Lease Case

Arbitration hearings on the Meyer & Schneider breach of lease charges against RKO in connection with operating policies at the Hollywood and Apollo were adjourned yesterday until Tuesday without a hearing. Inability of Arbitrators George Retz and Judge Robert McC. Marsh to attend the scheduled sessions brought about the postponement.

Mobilization of Kentucky Colonels Called for May 2

(Continued from page 1)

should have a chance to wear their 4,736 spurs and see the 1935 running of the 61st Derby at the same time. (The statistics have been checked). Besides, this will be the second Derby since the 18th amendment was repealed, and the mint julep makers have had 12 months more of practice.

The Derby takes place on May 16, a Saturday, and all day Sunday the colonels will have a chance to regain their esprit de corps. His Excellency plans to have a reception on Friday at the Hotel Kentucky. It will be broadcast. Also, there will be a "Colonels' Derby." This will be a surprise—even to the colonels.

"Sort of a burlesque," Mrs. Laffoon calls it.

Study of Films for History Use Planned

WASHINGTON, Jan. 25.—The study of the stabiliity of motion picture films for historical purposes is about to be undertaken by the National Bureau of Standards, it was learned today.

An appropriation of $5,000, made by the National Research Council, will be used for the study, the purpose of which will be to determine how long films may be expected to keep without deterioration and what method of prolonging their life may be developed.

Because of its low cost, the conservation of storage space and convenience in handling, scientists anticipate that film, both still and motion, is destined to become an important means for the preservation of records, not only of documents but also of important events.

Sullivan-Pettijohn Debate Called Off

BOSTON, Jan. 25.—A widely advertised debate between Rev. Russell Sullivan, head of the Legion of Decency, and Charles Pettijohn of the Hays office, scheduled for tonight at the Washington Irving School, Roslindale, will not be held.

It was learned late today that Pettijohn had not left New York.

Pettijohn's office said the Boston reports that he would speak there were "erroneous." He had never planned to attend, it was stated.

SMPE to Standardize

The S. M. P. E. is sponsoring a sectional committee being formed by the American Standards Ass'n. to devise standards for film apparatus. Production, distribution and exhibition groups are among the organizations invited to name representatives on the committee.

Mrs. Richey Recovering

DETROIT, Jan. 25.—Mrs. H. M. Richey, wife of the general manager of Allied of Michigan, is recovering from an appendicitis operation which she underwent this week. Mrs. William G. Bishop, wife of the local M-G-M exploiteer, also is recovering from a major operation.

Report Moves To End Cases In St. Louis

(Continued from page 1)

pointed out that criminal indictments cannot be quashed by a consent decree without preliminary legal moves which have not yet been suggested.

To enter a consent decree, it was said, the Department of Justice first would have to take steps to nolle prosse the criminal indictments, then initiate equity actions and withdraw the criminal charges. Thereafter, the equity case could be disposed of with a consent decree.

Copies of the St. Louis indictments of Harry M. Warner, Abel Cary Thomas, Gradwell Sears, Herman Starr, Ned Depinet and George Schaefer have not been received here yet. Until they are forwarded those indicted cannot be arraigned nor their bonds fixed and posted.

Coast ITO Awaits Government Reply

(Continued from page 1)

which plans will be made to combat state tax measures being introduced at Sacramento.

WASHINGTON, Jan. 25.—The decision of the Department of Justice as to the course it will pursue with respect to the Los Angeles film situation is expected to be reached in the near future, it was learned here today.

Officials of the department have been in California this month to study the situation and the action to be taken by the department will depend upon the recommendations they make in their report, soon to be submitted.

"Copperfield" Holds Up; Ends at $55,750

(Continued from page 1)

young David, started a week's personals at the theatre yesterday, indicating that the second week will figure around $50,000.

"Little Minister" at the Palace held to a $10,500 gross. The Paramount on the second stanza of "Lives of a Bengal Lancer" tallied around $45,000.

Campi Awaits NRA Word

Campi is expecting to hear from the NRA advisory board in Washington on proposed amendments to the vaudeville section of the code. A public hearing was held at the capital some weeks ago.

Drop "Symphony" Title

Gaumont British has changed the title of "Unfinished Symphony" to "Lovers Divine."

Independents Want Federal Probe in K. C.

(Continued from page 1)

rangements on later runs, which is affecting them at the box-office.

While, as it is pointed out, some of the Fox theatres are subject to the same clearances which the independents are fighting, the latter claim they are affected chiefly since their theatres are in admission brackets over which protection has been extended.

A spokesman for the protesting group, which is said to include practically all independents, charges that the present setup is illegal because the schedule incorporated in contracts with Fox was the one the local clearance board anticipated would be approved by Campi, but that while no schedule has been approved the distributors are enforcing it generally under the guise of sanction by code officials.

Independents also are protesting that some of the major companies will not sell product to be shown at 10 cents and have placed restrictions on double billing.

Contend Clearances Prolonged

The chief bone of contention is that distributors are prolonging clearances between runs, starting with 20-cent houses. Protection which formerly was 14 days for each five-cent drop in admission has been extended considerably.

The arrangement followed by one major and believed to have been adopted generally by all distributors is: First runs get 35 to 42 days over the Fox Plaza, first subsequent run, charging 30 cents; Plaza, seven days over the Fox Isis, second subsequent run, which charges 25 cents; Isis, 14 days over other 25-cent spots; 20-cent houses follow by 28 days; 15 cents, 35 days after 20 cents; 10 cents, 171 days after first run.

Whereas 20-cent situations formerly followed first run by 70 days, the period now is 84 days. Theatres at 15 cents have been set back to 119 days behind first run, instead of 84 days as previously. Ten-cent spots formerly followed first run by 98 days. This period has been prolonged to a maximum of 180 days, according to exhibitors.

The independents claim this arrangement works to the advantage of Fox Midwest and that the circuit's buying power is treated with preferential consideration by the distributors.

Kiepura Film Shown Before Plant Guild

"My Heart Is Calling," starring Jan Kiepura and with Marta Eggerth featured, was presented before an audience of social notables by Gaumont British at the Waldorf Astoria yesterday. The occasion was a benefit given by the National, Plant, Flower and Fruit Guild.

Mrs. Frank N. Doubleday, vice-president, made the introductory remarks in the absence of Dr. John H. Finley, president. After the showing of the picture, which was received enthusiastically in the ballroom, luncheon was served in the Empire Room.

Rogers Heavy Denver Draw In Cold Wave

DENVER, Jan. 25.—Even with the mercury 13 degrees below zero over the week-end "The County Chairman" pulled big money at the Denver. The $9,000 gross was 33 1/3 per cent over normal.

"Biography of a Bachelor Girl" also was a good draw, going to $7,000 at the Orpheum. "Babbitt" was pulled at the Paramount at the end of three days with a take of $800 and "Broadway Bill" was substituted for the remaining four. The take on the Columbia opus was $1,700. Par for a week is $2,000.

Total first run business was $25,500. Average is $20,500.

Estimated takings for the week ending Jan. 24:

"CHARLIE CHAN IN PARIS" (Fox)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,500. (Average, $2,500)

"AGE OF INNOCENCE" (Radio)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $4,000)

"THE COUNTY CHAIRMAN" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $6,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $6,000)

"BABBITT" (F.N.)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $800.

"BROADWAY BILL" (Col.)
PARAMOUNT—(2,000), 25c-40c, 4 days, following a $10,000 week at the Orpheum. **Gross:** $1,700. (Average for week, $2,000)

Mascot in New Plant

HOLLYWOOD, Jan. 25.—Mascot Pictures has begun active operation in its new quarters in North Hollywood, formerly known as the Mack Sennett studio. "The Miracle Rider," which will star Tom Mix, is scheduled to start next week.

Wall Street

Warner Up 2 on Big Board

	High	Low	Close	Net Change
Consolidated Film	7	6½	6¾	+ ¼
Consolidated Film, pfd. (½v)	21⅝	21	21½	+1
Eastman	114	114	114	.....
Fox Film "A"	11	10¾	11	+ ⅛
Loew's (1a)	33	32⅝	32⅝	+ ⅜
Paramount	3½	3½	3½	.....
Pathe	1⅛	1⅛	1⅛	— ⅛
Pathe "A"	15¼	15¼	15¼	.....
RKO	2⅛	2	2	— ⅛
Warner	4	3¾	4	+ ¼
Warner, pfd.	22	20	22	+2

Trans-Lux Up ¼ on Curb

	High	Low	Close	Net Change
Technicolor	11¾	11⅝	11⅝	.....
Trans-Lux	3	2¾	3	+ ¼

Paramount Bonds Up 1

	High	Low	Close	Net Change
General Theatre, Equip., 6s, '40	8½	8½	8½	— ½
General Theatre, Equip. 6s '40 ctf	8⅜	8⅜	8⅜	.....
Loew's 6s '41, ww deb rights	105½	105¼	105½	+ ¼
Paramount B'way., 5½s, '51	43	43	43	+ ¼
Paramount F. L., 6s '47	65	63⅜	65	+1¼
Paramount Publix, 5½s, '50	65¼	64¼	65¼	+1
Pathe 7s '37, ww	102	102	102	.....
Warner Bros., 6s, '39, wd.	55¼	54	55¼	+ ¼

(a) Plus cash extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 25)

Looking 'Em Over

"Behind the Evidence"

(Columbia)

Fair entertainment resides in this melodrama, which has many popular ingredients that ought to please neighborhood audiences. The film throws crime, the police and the press into one pot and the resulting stew has an exciting flavor. There is action aplenty.

Norman Foster is the hero. He plays a prominent sportsman forced by the loss of his fortune in a bank crash to go to work. He talks himself into a newspaper job and is catapulted into a mess of excitement when he becomes suspicious of Donald Cook, who has won Sheila Mannors, society bud, away from Foster.

After investigation Foster discovers that Cook, ostensibly a stock broker, is the brains behind a series of sensational payroll robberies. When Cook gets wind of what the newspaper novice is up to, he puts the "spot" on the fellow. Foster pulls through, but not before he has had some pretty close shaves. His biggest reward is to find himself again the man in Miss Mannor's life.

Among the other players are Geneva Mitchell, Samuel Hinds, Frank Darien, Pat O'Malley, Gordon De Main and Edward Keane. Lambert Hillyer directed.

Production Code seal No. 505. Running time, 57 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"When a Man's a Man"

(Lesser-Zanft-Fox)

HOLLYWOOD, Jan. 25.—Sol Lesser, in producing this speedy, human, high-class western, gives George O'Brien the best role of his career and presents topnotch entertainment to all houses demanding this type of show.

Harold Bell Wright's novel has received shrewd, sympathetic treatment from Agnes Christine Johnston and Frank Dazey, who concocted a smooth and convincing screen play, which Eddie Cline directed with more than the usual flair for scenic beauty, romance and suspense.

While the story is not new, the production minds have given it a twist and a pace grooving all motivations for real enjoyment.

O'Brien, a rich man's son, losing all, comes west, locates on a ranch where the owner, his daughter (Dorothy Wilson) and the foreman (Paul Kelly) are being crowded out by Harry Woods' villainy. O'Brien tames a horse, his objective, saves the ranch and gets the girl while Kelly, sacrificingly, rides off.

The production is made more worthwhile by Frank Good's fine photography. A western wow, it should clean up, as star, story and amusement values tab it for higher brackets.

No code seal. Running time, 68 minutes. "G."

Relief on Way for Troupe

SEATTLE, Jan. 25.—Working frantically, the State Highway Commission expects to reach by tomorrow morning 20th Century's "Call of the Wild" company snowbound on location at Mt. Baker for 10 days with only a week's food supply. The relief party will deliver food to the group of more than 100 by skiis and dog teams.

Join St. Louis Board

ST. LOUIS, Jan. 25.—Otto E. Rugg and H. Burnett have been elected to membership on the board of directors of the St. Louis Amusement Co. They succeed Samuel B. Jeffries and Arthur E. Simpson, of local counsel for Warners, who resigned.

Oberon Coming for Play

HOLLYWOOD, Jan. 25. — Merle Oberon left for the east by plane tonight to negotiate for a Ben Hecht-Charles MacArthur play.

Mrs. Guthrie to Operate

GROVE CITY, Pa., Jan. 25.—Mrs. Martha G. Guthrie, widow of the late John M. Guthrie, will continue operation of the Guthrie here. Guthrie, an exhibitor here for almost 30 years, died several weeks ago.

Hart Succeeds Werner

HOLLYWOOD, Jan. 25. — Carl Laemmle has named Max Hart to succeed David Werner as Universal's eastern story representative. Hart flies east Sunday night.

Harding to China Today

LOS ANGELES, Jan. 25.—Ann Harding sails from San Francisco tomorrow for China to recuperate from illness caused by overwork.

"March of Time" for FWC

The entire Fox West Coast circuit has signed for the "March of Time" series, starting Feb. 9.

"Lancers" Big Boston Draw Despite Storm

BOSTON, Jan. 25.—Grosses were hit by the worst blizzard since 1921 and the counter-draw of the automobile show was no help to theatres. In spite of this, "The Lives of a Bengal Lancer" piled up $28,000, over par by $3,000, at the Metropolitan.

A combination of "The Secret Bride" and "Babbitt," playing day and date at the Fenway and the Paramount, was strong at both houses. It took $5,400 at the Fenway and $6,500 at the Paramount. "Sequoia" was $1,000 up with a $11,000 take at Loew's State.

Total first run business was $74,400. Average is $68,000.

Estimated takings for the week ending tonight:

"SECRET BRIDE" (Warners)
"BABBITT" (Warners)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $5,400. (Average, $4,500.)

"ENCHANTED APRIL" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $8,000. (Average, $12,000)

"SEQUOIA" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $11,000. (Average, $10,000.)

"THE LIVES OF A BENGAL LANCER" (Para.)
METROPOLITAN—(4,338), 35c-65c, 8 days. Stage: Daphne Pollard heading big revue. **Gross:** $28,000. (Average, $25,000)

"SECRET BRIDE" (Warners)
"BABBITT" (Warners)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,500. (Average, $5,500)

"GRAND OLD GIRL" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Seven acts RKO vaudeville. **Gross:** $9,000. (Average, $11,000)

New Tax Program Is Asked in California

STATE CAPITOL, SACRAMENTO, Cal., Jan. 25.—Repeal of the sales tax, with a $175,000,000 biennial tax on gross receipts, incomes and profits, has been proposed in the State Assembly. Rates would be scaled from a quarter to two and a half per cent. The measure would make other state taxes unnecessary, it is argued.

Another bill calls for a tax of two and one-half per cent on stock transfers and of one per cent on bonds.

Seek Walkathon Ban

TOPEKA, Jan. 25.—The first step to head off walkathons, six-day bicycle races and other endurance contests has appeared in the Kansas legislature. Representatives Blase and Harris, both of Wichita, introduced the measure, which prohibits all endurance contests except those staged solely by schools and colleges.

Pirtle Takes Back House

MACON, Mo., Jan. 25.—S. E. Pirtle of Jerseyville, Ill., has taken back the Valencia here from the Dickinson circuit and has assumed operation. Pirtle has a string of houses in southern Illinois.

"Lancer" Hartford Hit

HARTFORD, Jan. 25. — "Lives of a Bengal Lancer" did $1,600 at its Connecticut premiere at the Allyn, breaking all house records for a Tuesday opening.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Financiers Win Control Of the Paramount Board

At New Paramount's Helm

The reconstituted Paramount board of directors as agreed upon by leading creditor groups comprises 16 members and is expected to remain as the working board of the reorganized company. Who they are:

William S. Gray, Jr., vice-president of Central Hanover Bank & Trust Co.

Percy H. Johnston, chairman of the board of Chemical Bank & Trust Co.

Charles A. McCulloch, director of the First National Bank of Chicago; director of Balaban & Katz, Chicago.

Robert K. Cassatt of Cassatt & Co., New York and Philadelphia investment house.

Frank A. Vanderlip, retired financier.

Duncan G. Harris, vice-president of Brown, Wheelock & Harris, real estate company.

Gerald Brooks of E. F. Hutton & Co.

Maurice Newton of Hallgarten & Co., director of Commercial National Bank & Trust Co., Manufacturers Trust Co. and Thompson-Starrett Co.

Stephen Callaghan, a trustee in bankruptcy for Allied Owners Corp., a large Paramount creditor.

Henry R. Luce, publisher and editor of *Time* and *Fortune*.

John D. Hertz, vice-president of Lehman Bros., former director of Balaban & Katz, Chicago.

(*Continued on page* 12)

Only 2 Film Men, Zukor And Schaefer, Among 16 Selected

By SHERWIN A. KANE

Financial interests in the Paramount Publix reorganization won a sweping victory in week-end meetings at which the complete and, presumably, final makeup of the initial board of directors was resolved. Only two management men, Adolph Zukor and George Schaefer, were named to the complete working board of 16 members.

Two additional men with operating experience in the industry are given places on the board. They are Charles E. Richardson, who served approximately a year and a half as trustee in bankruptcy for Paramount and, prior to that, was treasurer of Fox Film Corp., and John D. Hertz, who was chairman of Paramount's finance committee for the year prior to the company's bankruptcy, and who is also a director of Balaban & Katz, Paramount's Chicago theatre subsidiary.

Hertz Has Bank Support

Richardson is the board nominee of the merchandise creditors' committee, which also supported the Zukor and Schaefer elections. Hertz, a vice-president of Lehman Bros., is regarded as having had the support of the Continental Illinois National Bank and of independent bond and stock holders of appreciable size. His election removes the opposition to the Paramount reorganization plan which had been indicated from these sources.

Other new members of the board agreed upon, whose selection pacified other potential opposition to the plan include Floyd B. Odlum, president and director of the Atlas Utilities Corp., and a Mr. Fordington, representative of British insurance companies owning large blocks of Paramount stock. Atlas is understood to have appreciable holdings in Paramount bonds not deposited with the bondholders' committees and, according to reports, may also participate in the underwriting of the new Paramount stock.

Paramount's creditor bank group adds William S. Gray, Jr., vice-president of Central Hanover Bank and

(*Continued on page* 12)

Theatres of World Reach 60,918 Top

Figures Are Compiled by Government Bureau

WASHINGTON, Jan. 27. — Total number of picture houses throughout the world in 1934 was 60,918, or a gain of 571 over 1933 when the total was computed as 60,347 by the Motion Picture Division of the Department of Commerce.

While 1934 showed an increase over 1933, last year suffered a decline of 1,006 houses as compared with 1932, when the total, as prepared by this government bureau, was computed at 61,924.

A three-year comparison of theatres throughout the world, by territories and nations, appears on pages 11 and 12.

Prepared by Nathan D. Golden, of the Motion Picture Division, the statistics as they apply to the United

(*Continued on page* 11)

Coast Men to Hear From Justice Dept.

WASHINGTON, Jan. 27.—California independents will know tomorrow or the next day what the attitude of the Department of Justice is toward their monopoly charges against F.W.C. A letter was sent to them Friday by

(*Continued on page* 11)

Clearance for L. A. Up Again Thursday

Efforts to work out a favorable clearance schedule for Los Angeles will be resumed by Campi at Thursday's meeting. During the last two hearings, each of which lasted two

(*Continued on page* 14)

Ross on Trip Plans Office for Hawaii

Harry A. Ross, president of Ross Federal Service, left New York yesterday on an extensive tour of Ross offices. He expects to be in New Orleans on the dates of the convention of the M. P. T. O. A., proceeding from there to the Pacific coast.

Before he returns he plans to go to Honolulu to establish a Ross office for the Hawaiian territory.

Injunction on ASCAP's Fees May Be Asked

Reports emanating from the middle west are to the effect a movement is under way among exhibitors to enjoin collection of the music tax by A. S. C. A. P. until the Government's anti-trust suit against the organization is determined.

Exhibitor groups in one state are preparing to take action through the Federal courts against collection by A. S. C. A. P. of the increased schedule of fees which went into effect last Oct. 1.

Counsel has been instructed to file an injunction suit against the music composers' and publishers' organization on behalf of theatre owners jointly. It is planned to ask the Federal court to impound fees already

(*Continued on page* 14)

Availability In Code Terms To Be Defined

Definition of the term "availability" in the code section dealing with selective contracts has Campi's legal committee working on a proposed amendment to the code to clarify existing doubt on the interpretation.

According to the code, films bought selectively must be rejected within 21 days after availability, otherwise the exhibitor must be resigned to take the pictures at a later date. The term availability may mean when a picture is released in a given territory and then again it may indicate that films are ready for showing 21 days after first runs in a given area are through with showings.

Austin C. Keough, Willard McKay and J. Robert Rubin have been

(*Continued on page* 14)

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Theatre Discussion Set for MPTOA Meet

Discussions on the latest developments in theatre architecture, servicing and illumination have been set for M. P. T. O. A.'s annual convention program in New Orleans, Feb. 25 to 28.

Robert Boller, theatre architect of Kansas City, is slated to discuss "Modern Trends in Theatre Architecture;" J. T. Knight, Jr., New York, will talk on developments in theatre mechanics and engineering, equipment checking and maintenance, and W. C. Brown, chief illuminating engineer of General Electric, will discuss modern illumination for theatre exteriors, auditoriums and stages. Other theatre operating and engineering discussions will be scheduled subsequently.

A Mississippi River boat trip has been added to the convention social program for the night of Feb. 27.

Milliken a Bankrupt

Carl E. Milliken, secretary of the M. P. P. D. A., filed a voluntary petition in bankruptcy in southern district court here on Saturday, listing assets of $1,137 and liabilities of $84,999.

Maloy Arrest Ordered

CHICAGO, Jan. 27.—Bail for Tom Maloy, just indicted on a charge of income tax evasion, has been fixed at $20,000 by U. S. District Judge Wilkerson, and an arrest order has been issued.

Insiders' Outlook

By RED KANN

FOR the banks:

William S. Gray, Jr., of the Central Hanover.

Percy H. Johnston of the Chemical National.

Charles A. McCulloch of the First National, Chicago.

For the bondholders:

Robert K. Cassatt of Cassatt and Co.

Frank A. Vanderlip, formerly of National City Bank.

Duncan G. Harris of Brown, Wheelock and Harris, realtors.

For the common stockholders:

Gerald Brooks of E. F. Hutton and Co.

Maurice Newton of Hallgarten and Co.

For Allied Owners and successful candidate advanced by William Greve:

Stephen Callaghan, one of the three trustees of Allied.

For business sagacity, probably with a view toward public relations:

Henry R. Luce, editor of *Time* magazine.

For the Atlas Corporation:

Floyd B. Odlum.

For Lehman Brothers:

John D. Hertz.

For British insurance companies holding sizeable blocks of stocks:

Fordington.

For Erpi:

Charles E. Richardson.

For the film industry:

Adolph Zukor.
George J. Schaefer.

So the factors having to do with a reorganized Paramount have willed it. The future will be interesting to watch. . . .

▼

Hope for a Monday morning: If, through some magic, the editorial approach of the *Boston Traveler* on production code activities and results could find duplication in thought, not necessarily in language, in the newspaper think tanks of the nation, what a Monday this would be! Or a Tuesday or another day for that matter. What the *Traveler* scrivener wrote is so good, this column goes to it generously, not overlooking the strain on its own dubious enterprise which the generous use of scissors and paste lightens. . . .

▼

You are now in Boston:

"To those persons who have decried the motion picture for its vulgarity we address ourselves.

"Did you mean it or were you merely indulging in the luxury of self-righteousness?

"You were right when you said that the movies needed cleaning. They have been cleaned. What have you done about it? Have you supported the new movie? Have you even gone to see it? We have. Our hearts have lifted as we have witnessed the superb artistry, the high drama, the intense love interest, the sheer beauty, the gripping action of several masterpieces, pictures that cost hundreds of thousands of dollars. And some of them are financial failures.

". . . Joseph I. Breen says: 'If this condition is not remedied either the producing companies will go into bankruptcy, or we shall have enormous difficulty in maintaining our present standard of film fare.'

"No, the pictures are not dull; they are brilliant. No, they are not namby-pamby; they have punch and plenty of it. No, they do not lack sex; they have sex that is legitimately virile, exquisitely feminine. Nobody can accuse us of being tricolored violas, and the pictures satisfy our appetites.

"If all the people who said they would go to the movies regularly if the producers made pictures worth seeing would only keep their promise, the motion picture art at its highest standard would be maintained.

"Here is the challenge! Do with it what you will."

▼

Of the octette which John C. Flinn has caused to be deposited on the desks of impartial code board members, the first question is of considerable interest. We refresh your memory:

> "Are the members of your local code board sincere in their determination and is the individual fair in reaching conclusions or is he swayed by the group he represents?"

Which intrigues this department mightily, for it causes its guardian to recall one day, months back now, when he discussed the code, what it was supposed to do and what it was not doing. The doubt which crept into this space was the same which patently prevails in Flinn's own mind today. The original premise was merely this, and it is simple enough: Whether or not exhibitors and exchangemen alike could or would forget the normal function of operating their own business for a profit long enough to observe the theory and the altruism of the NRA? The impression, while neither entirely clearcut nor irrevocably etched, was that, in the main, they would not. . . .

▼

Then as now, this is no attempt to label code board members at large with infidelity to a pledge. We believe that many of them swing pronouncedly in the direction of fulfillment. The point about it all is that, when investments either in dollars or jobs are at stake, the natural inclination is to protect those investments. In the case of the exhibitor who may be in business for himself or in partnership with a circuit, the way he is apt to think is exactly what you figure it: In the case of the exchangeman, he has New York displeasure and his sales quota to concern himself about. Agree or not, as you prefer, Flinn's query rather conclusively demonstrates that the thought which stirred this sector months ago now has found lodging in official Campi circles as well. . . .

▼

Question No. 8 deals with clearance and zoning and inquires from the impartial men what they think should be done about it. There may or may not develop a lot of ideas and about it or them the results seem headed for the entirely negligible. The problem of clearance will remain exactly where it is just as long as distributors insist they are selling two things: (1) film and (2) protection for their films. Sales managers, as matters go today, maintain the two equations are indivisible. Some even go beyond and argue the two equations are not that at all, but actually one. This marks their sales methods as something unalterable. At least, unalterable through any known pressure or argument so far come to light from within the industry itself. It has long been the impression of the viewpoint now pounding the typewriter in the hope that you read that something, an unpleasant and troublesome something, will some day bounce in from the outside and induce the unreasonable to remember that to the mighty do not necessarily go the spoils. That is, not always. . . .

Nominate Drum, Weiss

LOS ANGELES, Jan. 27. — J. W. Drum, Allied exchange manager here, and George Weiss, district manager for Warners, have been recommended as alternates for the local clearance and zoning and grievance boards to fill posts left vacant by the resignations of William Rider and Leon Levy.

Sov-Am Plans 5 English

Five of eight pictures planned for production this year by Sov-Am Film Corp., Yiddish production unit, will be made with English dialogue. The first of the five will be "The Singing Rabbi," scheduled for release early in February.

THE LIVES OF A BENGAL LANCER · THE GILDED LILY

STOLEN HARMONY · ALL THE KING'S HORSES

PRIVATE WORLDS · LOVE IN BLOOM · MISSISSIPPI

SECOND MARLENE DIETRICH PICTURE

MACFADDEN'S FLATS · PRESIDENT VANI

HARMONY · ALL THE



WORLD'S GREATEST ENTERTAINMENT SEASON IS ON AS
SWEEPING ON TO NEW BOX-OFFICE VICTORIES CHARGE

OOM

ENTER M... MADAME · RUMBA

ZANE GREY'S ROCKY MOUNTAIN MYSTERY

RUGGLES OF RED GAP · WINGS IN THE DARK

Paramount Pictures

THE LIVES OF A



PARAMOUNT'S "BENGAL LANCERS" with GARY COOPER
Richard Cromwell, Sir Guy Standing..directed by Henr

Chicago, Ill. . . . "Bengal Lancer" opens to huge crowds at Roosevelt Theatre.

Dallas, Tex. . . . Opening day's business double average . . . . A definite hit!

New Orleans, La. . . . A week's business in four days at the Saenger Theatre.

Detroit, Mich. . . . Biggest Sunday attendance in history of the Michigan Theatre. Crowds stand in line in rain.

New York, N. Y. . . . "Bengal Lancer" does biggest gross in town. Largest second week attendance in history of house.

Paramount Pictures

BENGAL LANCER

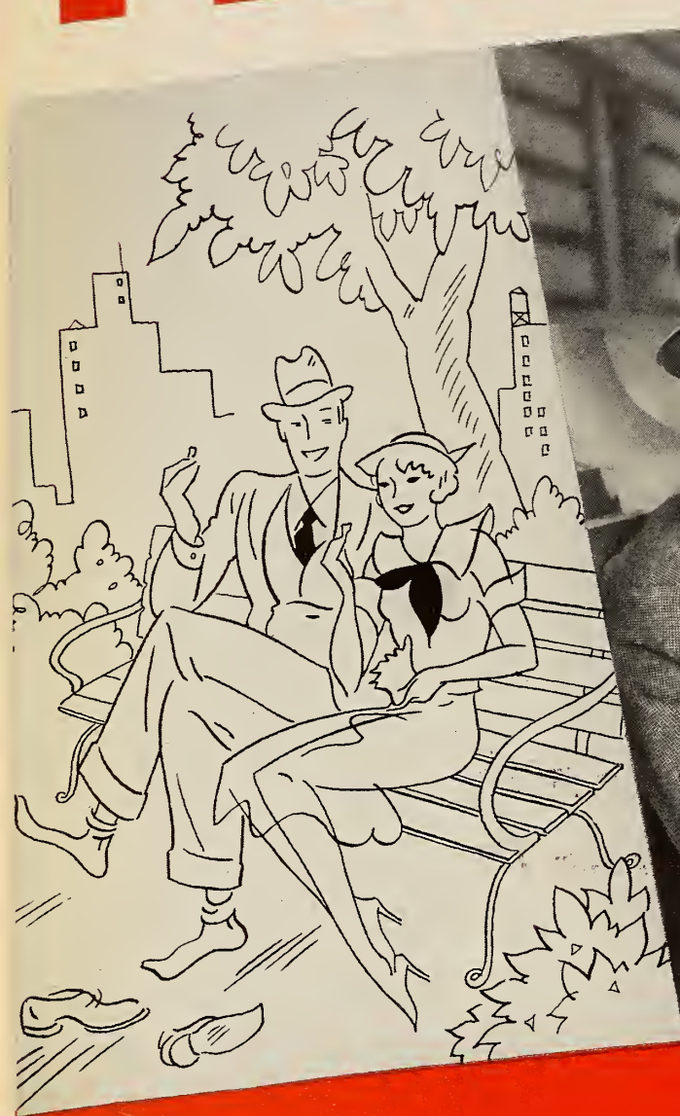


Franchot Tone, Hathaway .. and ..

Brooklyn, N. Y. . . . Biggest business in many months.

Boston, Mass. . . . Business almost double average at the Metropolitan Theatre.

THE GILDE





PARAMOUNT releases another smash hit in the "GILDE
COLBERT with Fred MacMurray, directed by Wesle

FLASH !

"The GILDED LILY"...A WEEK'S BUSINESS IN FOUR DAYS AT THE BUFFALO THEATRE, BUFFALO

"A picture so full of worthwhile entertainment as well as potential commercial assets that its audience presentation should be a pleasure." —*Motion Picture Herald*

Paramount Pictures



LILY"

LILY," starring CLAUDETTE Ruggles . . . followed by

"Just what the customers of 1935 are looking for!' —*Hollywood Reporter*

"'The Gilded Lily' should prove box office everywhere." —*Hollywood Variety*

"The film is packed to the hilt with unique potent selling angles. Destined for certain popularity." —*Motion Picture Daily*

"A hit! Delightful picture and box office entertainment that will click in any community." —*Showman's Round Table*

'WINGS IN



PARAMOUNT'S headline dramatic romance "WINGS I
names, MYRNA LOY and Cary Grant with Roscoe Karns

"A box-office bulls-eye, and a piece of screen craftmanship in direction, playing, writing, technical assembly and presentation which is something to see and ponder and admire." —*Hollywood Variety*

"A story so different in every phase it has no counterpart. 'Wings in the Dark' may prove one of the season's prize successes." —*Motion Picture Herald*

"High above average. Fine entertainment for men and women. Its name values should send it soaring for real grosses." —*Motion Picture Daily*

THE DARK



THE DARK" starring two great box-office
Herbert Cavanaugh . . . . then comes . . . .

Paramount Pictures

"RUMBA"



GEORGE RAFT

Directed by Marion Gering

. . "RUMBA" with
& CAROLE LOMBARD

TORRID ROMANCE BENEATH TROPIC SKIES!

The dancing lovers of "Bolero" in a dramatic romance as fiery as the Cuban dance of love itself.

Paramount Pictures

Coast Men to Hear From Justice Dept.

(Continued from page 1)

Assistant Attorney General Harold M. Stephens.

Department officials were silent about its contents, but the impression prevails here that a sympathetic stand has been taken toward the coast complaints, one of which is that F.W.C. has violated the consent decree of 1930.

Whether attempts at prosecution will develop is something that cannot be foretold at present.

If the department starts prosecutions, it was said, they may be either in the form of charges of violation of the consent decree or an action similar to that started in St. Louis.

Cummings to Reopen Paramount in Omaha

OMAHA, Jan. 27.—Everett R. Cummings, district manager for A. H. Blank, is supervising the reopening planned for Feb. 8 of the Paramount. The house, which has 2,800 seats, has been closed for some time.

A vaudeville policy with a single feature for week-ends and double features for the rest of the week will be inaugurated with the exception of the first week when the opening revue will be held for the full week.

Cummings said negotiations with stagehands and musicians plus the fact that ground rental has been substantially reduced assured the reopening of what has been considered a jinx house.

Special Showing on Rex

First Division will hold a special showing of "Hei Tiki" on board the *Rex* Thursday evening. The picture was produced on the Isle of Ghosts off New Zealand by Alexander Markey.

Wall Street

Warner Pfd. Up 1¾ on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc (cl)	36¾	36¾	36¾	+ ¼
Consolidated Film, pfd. (¼v)	21⅝	21⅜	21⅜	— ⅛
Eastman	114	114	114	.....
Fox "A"	11⅜	11	11	.....
Loew's Inc. (1a)	33¼	32½	33	+ ⅜
Paramount	4¼	3¾	4¼	+ ⅜
Pathe	1¼	1¼	1¼	+ ⅛
Pathe "A"	15¾	15⅝	15¾	+ ½
RKO	2¼	2⅛	2⅛	+ ⅛
Warner	4¼	4	4¼	+ ¼
Warner, pfd.	24⅞	22½	23¾	+1¾

Technicolor Gains ⅜ on Curb

	High	Low	Close	Net Change
Technicolor	12	12	12	+ ⅜
Trans-Lux	3	3	3	.....

Paramount Bond Issues Advance

	High	Low	Close	Net Change
General Theatre, 6s '40	8½	8½	8½	.....
Paramount Broadway 5½s '51	43⅝	43⅝	43⅝	+ ⅝
Paramount F. L., 6s '47	67½	65	67	+2½
Paramount Publix, 5½s, '50	67¾	65¼	67½	+2¼
Pathe 7s '37 ww.	102	102	102	.....
Warner Bros., 6s, '39 wd	58	56	57½	+2¼

(a) Plus cash extras. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 26)

Theatres of the World Reach Total of 60,918

(Continued from page 1)

States are heading for speculation in the industry. The division declares there are only 10,143 theatres in the country and bases its calculation on the Bureau of Census survey which was completed in December. It sharply alters the division's early data, as is evidenced by the 19,000 total set down for 1933 and the 19,042 listed for 1932.

By the inclusion of all halls and other places of exhibition in Russia, the total for Europe takes a pronounced rise. The government compilers declare there were 39,547 houses on that continent as the dawn of 1935 broke, comparing with 29,693 in 1933 and 30,623 in 1932.

Latin America, with a total of 5,002 houses, shows a shrinkage of 268 from the 5,270 total given it in 1933 and a more emphatic deflation under 1932 when the division credited that territory with 5,546 houses.

The Far East is credited with a gain, its combined total running to 4,718 houses for 1934 as compared with 4,639 for 1933, although this is 204 under the 4,922 total for 1932.

Without explanation, the division this year has cut Canada's fixed total of 1,100 in 1932 and 1933 to 823 for 1934, while the Far East is up 40 to a total of 685 comparing with 645 in 1933 and 691 in 1932.

40,869 Talk

Washington, Jan. 27. — World theatres equipped for sound totaled 40,869 at the beginning of the year, according to annual statistics prepared by the Motion Picture Division of the Department of Commerce.

This compares with the division's own figures of 41,822 for 1933 and 36,955 for 1932.

Theatres Throughout World

Territory	Grand Total 1934	Grand Total 1933	Grand Total 1932
Europe	39,547	29,693	30,623
United States	10,143†	19,000	19,042
Latin-America	5,002	5,270	5,546
Far East	4,718	4,639	4,922
Canada	823	1,100	1,100
Africa and Near East	689	645	691
Totals	60,918	60,347	61,924

†Based upon Bureau of Census survey, December, 1934.

Europe

Country	Theatres 1934	Theatres 1933	Theatres 1932
Russia*	9,987	2,000	3,200
Germany	5,100	5,100	5,071
England	4,897	4,672	4,950
France	4,000	3,900	3,300
Italy	3,794	2,500	2,500
Spain	3,252	2,600	2,600
Czechoslovakia	1,955	2,024	1,900
Austria	850	850	850
Sweden	843	1,100	1,100
Poland	728	759	900
Belgium	750	650	750
Hungary	380	633	505
Roumania	380	350	400
Denmark	340	350	300
Switzerland	320	310	325
Yugoslavia	319	338	300
Netherlands	308	255	253
Portugal	250	250	400
Norway	241	220	235
Finland	232	220	220
Bulgaria	128	145	145
Greece	122	100	100
Latvia	107	107	80
Turkey	100	80	80
Esthonia	94	93	82
Lithuania	60	80	77
Albania	10	10	..
Totals	39,547	29,693	30,623

*Includes all halls, converted churches and other local places of exhibition.

Latin-America

Country	Theatres 1934	Theatres 1933	Theatres 1932
Argentina	1,604	1,634	1,608
Brazil	1,200	1,125	1,600

(Continued on page 12)

Production Drops Slightly on Coast

HOLLYWOOD, Jan. 27.—Production receded last week from the high level of the preceding week, but remained several points above normal. During the past week a total of 40 features and five shorts were before the cameras as compared to 44 and seven for the previous week. In addition, a total of 28 features and 13 shorts are in the final stages of preparation, while 35 features and 20 shorts were in the cutting rooms.

Paramount continued to lead with eight features before the cameras, three preparing and two editing. Warners had seven, three and seven; M-G-M, five, one and nine; Radio, four, five and three; Fox, three, seven and three; Century, three, one and zero; Universal, three, two and one; Columbia, two, zero and five; Goldwyn, one, zero and zero; while the independents registered a total of four, six and five.

In the short subject division Roach had one before the cameras, one preparing and three editing; Columbia had one, zero and three; M-G-M, zero, five and five; Universal, zero, one and one; Warners, zero, zero and one; Radio, zero, two and two, while the independents have a total of three, four and five.

Culkin in Patman's Mantle on Booking

WASHINGTON, Jan. 27.—Introduction in Congress by Representative Culkin of New York of the block booking bill that has long borne the name of Representative Patman of Texas is seen in Washington as an effort of the former to don the mantle dropped by the Texas member this year that he might devote himself to bonus legislation.

Representative Culkin has already introduced a bill to create a film commission. In taking up the Patman bill prohibiting block booking he is running in competition with Representative Celler of New York, who has long had such a measure in the House.

Also interested in film legislation is Representative Sirovich, a third New Yorker, who, however, has kept aloof from the block booking fight.

Submission of the bill has been expected for some time, but it is not likely that any action will be taken on it in the near future.

It is the Patman bill which long has been familiar to the industry, prohibiting compulsory block booking, compelling the furnishing of accurate synopses before release and making the Clayton Act apply to license agreements and sales.

Two Labor Measures Approved by Lehman

ALBANY, Jan. 27.—Promises to join or not to join a labor union, company or otherwise, are void under the terms of a bill just approved by Governor Herbert Lehman. The measure was introduced by Senator McNaboe as an amendment to the civil rights law.

Another labor bill introduced by Assemblyman Wojtkowiak specifically declares that the labor of human beings cannot be held a commodity or article of commerce. Governor Lehman also approved this bill.

Financiers Control New Para. Board

(Continued from page 1)

Trust Co., to its representation on the directorate, which already included Percy H. Johnston and Charles A. McCulloch. Gray replaces Max D. Howell, who had been named to the board in a temporary capacity earlier.

The Vanderlip bondholders' committee substitutes Robert K. Cassatt, New York and Philadelphia financier, for Dr. Julius Klein, a business consultant, who was actively engaged in development of the reorganization plan at all stages and who was placed on the board earlier. This committee is also represented on the board by Frank A. Vanderlip and Duncan G. Harris. The stockholders' protective committee retains Gerald Brooks and Maurice Newton on the board. Henry R. Luce, also elected earlier, remains.

Stephen Callaghan, one of the three trustees in bankruptcy for Allied Owners Corp., a large Paramount creditor, goes on the board as the representative of that company and as the nominee of William Greve, former head of Allied and also one of its trustees in bankruptcy. This appointment removes the potential opposition to the plan from the Greve-Allied Owners faction.

No agreement among the reorganization groups has been reached as yet on the presidency of reorganized Paramount.

Schaefer Seen Heavily Backed

Considerable support for Schaefer for the post is reported, with more or less general sentiment holding to the belief that while Zukor rightly belongs in a prominent position it need not necessarily be the presidency.

Austin Keough, Paramount secretary, and Walter B. Cokell, treasurer, who, with Howell, were elected to the board in temporary capacities in December, are now eliminated from that body.

Agreements on the board as now constituted remove all opposition to the reorganization plan which has been considered in any wise significant by those directing the reorganization moves. The claims for representation of Lazard Freres and Frank Altschul apparently are ignored. The agreements leave only Samuel Zirn, counsel for a small bondholders' group, and Archibald Palmer, counsel for a small stockholders' group, in opposition. The indicated opposition of the Munger debenture committee, represented by Szold & Brandwen, has not definitely resolved itself and may not be pressed, it is reported.

With the elimination of all major opposition to the plan through the board agreements, the reorganization is expected to make rapid progress with the resumption of hearings on the plan before Federal Judge Alfred C. Coxe today.

Academy Group Named

HOLLYWOOD, Jan. 27.—Gordon Chambers, J. G. Frayne, N. M. LaPorte, Hollis Moyse and R. C. Willman have been appointed members of the scientific sub-committee of the Research Council of the Academy by Chairman Carl Dreher.

At New Paramount's Helm

(Continued from page 1)

Charles E. Richardson, former trustee in bankruptcy for Paramount; former treasurer of Fox Film.

Adolph Zukor, president of Paramount.

George Schaefer, Paramount general manager.

Floyd B. Odlum, president and director of Atlas Utilities Corp.; vice-president of Electric Bond and Share Co., director of National Power & Light Co.

..... Fordington, representative of British insurance companies, including the Royal, holding Paramount investments. Little could be learned about him on Saturday.

Latin-America

(Continued from page 11)

Mexico	701	701	701
Chile	243	215	212
Cuba	225	400	400
Colombia	170	385	220
Uruguay	137	127	125
Venezuela	134	134	125
Porto Rico	127	112	112
Peru	110	100	100
British West Indies	42	42	42
Panama	38	33	33
Salvador	36	47	47
Dominican Republic	36	20	25
Costa Rica	29	27	21
Ecuador	29	22	25
Guatemala	28	28	28
Bolivia	23	25	17
Nicaragua	22	21	21
Honduras	14	18	26
Jamaica	14	14	11
Bermudas	9	9	13
Paraguay	9	9	9
Haiti	7	7	9
British Guiana	5	5	5
Bahamas	4	4	5
Dutch West Indies	4	4	4
British Honduras	2	2	2
Total	5,002	5,270	5,546

Far East

Country	Theatres 1934	Theatres 1933	Theatres 1932
Japan	1,600	1,699	1,485
Australia	1,050	1,050	1,500
India	675	685	685
New Zealand	366	335	397
China	276	238	200
Philippines	273	300	300
Neth. India	192	180	180
Siam	68	68	68
British Malay	58	45	40
Straits Settlements	48	..	..
Chosen (Korea)	43	..	..
French Indo-China	40	40	40
Ceylon	18	18	16
Fiji Islands	6	6	6
Society Islands	5	5	5
Totals	4,718	4,639	4,922

Africa and Near East

Country	Theatres 1934	Theatres 1933	Theatres 1932
South Africa	350	291	350
Algeria	130	150	150
Egypt	89	89	87
Persia	30	30	33
Syria	26	20	20
Palestine	22	25	19
East Africa	19	17	9
West Africa	12	12	12
Iraq	7	7	7
Madagascar	4	4	4
Totals	689	645	691

Short Subjects

"The Spirit of 1976"

(*Radio*)

This miniature musical comedy featuring Walter King and Betty Grabble is an entertaining short subject that should fit in on many a program.

The story takes the audience ahead about 40 years and shows the country, of which King is president, operating on a no-work basis. Dissatisfaction sets in and people become tired of playing all the time, so comes the revolution and the inception of an all-work policy. King and Miss Grabble sing several songs in a pleasant fashion. Production Code Seal, No. 431. Running time, 21½ minutes. "G."

"The Little Big Top"

(*Educational*)

As the title implies, this short is built around a circus. Junior Coghlan and Dorothea Kent combine to present a neighborhood circus for an orphan asylum and enlist all the kids as performers. They get Poodles Hanneford's horse which has wandered away from his show. To repay them he does his riding act for their circus and thus puts it over with a bang. Good entertainment. Production code seal, 450. Running time, 20 mins. "G."

"Listenin' In"

(*Vitaphone*)

Radio fans should appreciate this in a big way, for it presents Cross and Dunn, Mary Small and Irene Taylor in some of their best numbers. The photography and recording are good and no attempt is made to link the performers with any story or plot. They merely do their stuff in an entertaining manner. To be recommended. Reviewed without production code seal. Running time, 10 mins. "G."

"Pharaohland"

(*Van Beuren-Radio*)

This is a travelogue that covers Egypt, particularly Port Said and the surrounding territory, to the humorous off-screen comments of Jane and Goodman Ace (The Easy Aces). The treatment here is novel and the picture as a whole is good entertainment, having both comedy and interesting shots of a strange land. Production Code Seal, No. 0289. Running time, 9 minutes. "G."

Big Crowd Expected At Censor's Dinner

PHILADELPHIA, Jan. 27.—The M.P.-T.O. testimonial dinner to Samuel D. Schwartz, retiring chairman of the Pennsylvania State Board of Censors, to be held Monday night at the Bellevue-Stratford promises to be one of the film events of the season.

Joseph Schenck, president of United Artists, will head a delegation of New York guests, while the local industry is responding whole-heartedly. The function will not only be a farewell to Schwartz, but will also serve to introduce L. Howell Davis, incoming chairman of the board, to the industry.

K. C. House Opens Feb. 1

KANSAS CITY, Jan. 27.—The Fox Rockhill, closed for repairs following a fire in the Rockhill building, is scheduled for reopening about Feb. 1.

In eight of

"1934's BEST TEN"

OF the ten pictures chosen as 1934's best in the *Film Daily's* nationwide poll, eight were photographed on Eastman Super-Sensitive Panchromatic Negative. Again this Eastman film has made its contribution to the artistry and entertainment value of the productions adjudged the finest of the year. Eastman Kodak Company, Rochester, N.Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*

Panchromatic Negative

Availability In Code Terms To Be Defined

(*Continued from page* 1)

working on a definition for an amendment to the code. The definition will be made in the form of a recommendation to Campi which will submit the proposal to Washington for a public hearing.

The interpretation of the legal body will have no bearing on Code Authority's recent decision in the Kutinsky-Schwartz selective issue. In this instance, Campi held that unless Schwartz decides within three weeks whether he will book pictures after they play Broadway, the undated films become available to Kutinsky for negotiation.

This is the only amendment before Code Authority at the present time, all others having been given public hearings at the Capitol.

Clearance for L. A. Up Again Thursday

(*Continued from page* 1)

days, members of Code Authority discussed the coast plan, but were stymied on the basic principle of admissions governing clearance.

At the last session, the contract dispute between Jack Bellman of Hollywood Exchanges, against Ken Goldsmith and Mascot on "Little Men" did not come up, the committee hearing the complaint not having reported on its findings. Austin C. Keough, Paul Burger and Joseph Seider acted as the committee and are now studying the evidence and testimony.

C. C. Burr's protest against Mascot regarding the services of Ken Maynard is on the docket for Thursday. Papers from the litigants were received after the last Campi session with the result that John C. Flinn turned them over to the legal committee, comprising Keough. Willard C. McKay and J. Robert Rubin. Rubin is slated to leave for Palm Beach today for about two weeks and this may delay action by Code Authority.

Appeal hearings resume today after a week's layoff necessitated by the two-day Campi session last week. There are about 40 cases on the docket and they are expected to be cleaned up by the end of next month. Code Authority is anxious to wash up the appeals as quickly as possible. During the last two sessions, 56 were decided.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

Purely Personal

HENRY GINSBERG is crowding his days with shows, afternoon and evening. He's been out of New York so long, company to trail along is not especially easy to get. His friends, to a man, have seen most of the plays GINSBERG is catching up on.

•

LYNN FARNOL is in a stew and so is his wife, NELL. He has just signed a lease on a house in 62nd St. Gradually now painters and decorators will be creeping up on them with the usual results—and expense.

•

MERLE OBERON gets in from the coast today. She plans to attend the opening of "The Scarlet Pimpernel" at the Music Hall before returning to her home in London in about two weeks.

•

BOB GOLDSTEIN didn't get away for Chicago Saturday as he planned. Business held him in town. HARRY GOETZ made the train, however, and should hit the coast tomorrow.

Quip of the Day

Victor Mansfield Shapiro, all the way from Hollywood:

"Headline in the A.F.A. Reporter urges unemployment insurance for the actor, does it?

"A lot of fellows out here are asking how about a little employment assurance."

ARTHUR BROMBERG and CLAUDE EZELL, Monogram southern distributors, left over the week-end for their homes in Atlanta and Dallas, respectively, after a week's conferences here at the home office.

•

S. CHARLES EINFELD is already thinking about that next trip to the coast, what with all the cold weather around here. He is scheduled to leave for Hollywood in about three weeks.

•

BEN VERSCHLEISER, of the Monogram production organization, left for Hollywood over the week-end after visiting his father in Mt. Sinai Hospital.

•

JULIUS KLEIN remains faithful to those week-ends in Washington. And this in the face of all the Paramount angles and tangles.

PHIL HURN, co-author of "Wings in the Dark," has just returned from the gold mining country in Northern Ontario where he has been gathering material for a new yarn, "Gold Flight." He is at the 44th St. Hotel and expects to leave shortly for Hollywood.

•

SAM HOFFENSTEIN and DOROTHY PARKER, both known in Hollywood and elsewhere, are working on "Two on a Tower," legitimate show piece in which MARY ELLIS and TULLIO CARMINATI are booked for the leads.

•

BILL SHIFFRIN, formerly with LELAND HEYWARD in the east and now studio contact for HOLKS-VOLCKS in Hollywood, is pining for New York and plans to see his eastern friends shortly.

•

TALLULAH BANKHEAD, as Sadie Thompson in the stage revival of "Rain," is due to arrive at the Music Box on or about Feb. 11. Can't ever tell about exact dates.

•

TREM CARR, who prefers Hollywood climes to New York's snow, is staying on a few more weeks to complete production conferences with W. RAY JOHNSTON.

•

DOROTHY ARZNER, Columbia director, arrives in town from the coast this morning. She's on a vacation and wants to see some shows here.

•

JOE BRANDT sails Feb. 4 on the long-deferred Mediterranean cruise. MARY—Mrs. B. to you—goes along. There'll be eight weeks of it.

•

LOUISE BEAVERS, who starts a personal appearance tour in St. Louis this week, is booked into the Roxy for late next month.

•

PAUL MUNI is digging into WILLIAM BEYER'S dramatization of the life of Nijinsky. The play may find MUNI in the lead.

•

HOWARD S. CULLMAN delivered a talk on the ratification of the Child-Labor Law last night over station WOR.

•

NORTON RICHEY, JR., is off, "Rolling Down to Rio" tomorrow, to handle Monogram product in Brazil.

•

R. E. ANDERSON of Erpi is on the sick list.

See Little Hope of Deal by RKO-M.&S.

Little likelihood of a settlement of the Meyer & Schneider breach of lease charges against RKO involving film playing policies at the Apollo and Hollywood is seen at this time by RKO representatives, who are preparing to resume arbitration hearings on the complaints tomorrow.

Max D. Steuer, counsel for M. & S., lessor of the houses, is reported to have asked $225,000 for a settlement of the charges, which are seen as having a bearing on the September agreement by which Loew's released Fox, Columbia and Universal product to RKO. Representatives of the latter company term the proposal "ridiculous" and said Saturday they would be unwilling to discuss a settlement "at anything like that amount."

One Missouri Bill Has 3% Sales Levy

JEFFERSON CITY, Mo., Jan. 27.—Among several sales tax bills introduced in the Missouri legislature, one providing for a three per cent levy has been brought in by Senator Shotwell of St. Louis County. This measure is almost all-inclusive in its scope, and would apply to theatre tickets.

The bill recommended by Governor Park to hike the present levy of one-half of one per cent to a full one per cent has been introduced in the House. The measure also would extend the life of the sales tax to Dec. 31, 1937. Under the present law the tax would expire Dec. 31, this year.

Legislative circles predict the administration will ask the rate be fixed at two per cent.

Injunction on ASCAP's Fees May Be Asked

(*Continued from page* 1)

collected and to act as a repository for all fees to be paid by exhibitors. The court will be petitioned to hold the collections in escrow until the Government hands down its decision in the anti-trust action. If A. S. C. A. P. is found to be a monopoly and dissolved, the funds would be returned to exhibitors. In the event of a ruling favorable to the composers' organization, the court would hand the collections over to it.

Lawyers who are studying the matter doubt that A. S. C. A. P. legally has the authority to collect fees on behalf of all music composers.

Fight Expected on Operators' Scales

Fireworks are expected at the public hearing in Washington on Feb. 1 on the basic operators' wage scale for metropolitan New York. Representatives of the fact-finding committee, which has been holding a series of meetings with Compliance Director Sol A. Rosenblatt during the past few weeks, will oppose the plan on the present basis.

The I. A. T. S. E., acting for Local 306, is understood to be against the 30-hour week provided in the schedule, preferring to continue on the present 40-hour basis. The T. O. C. C., representing a number of small theatres, is opposed to the 75 cents minimum clause as well as the $60 a week low for booth costs. The contention is that many exhibitors are now paying from $35 to $45 a week for booth operation and cannot stand the increase.

Century circuit and Springer & Cocalis are also prepared to fight the scale, both circuits having Empire State operators under long-term contracts which are considerably lower than the proposed schedule. Both circuits also are against Empire becoming a part of Local 306, a provision for which is contained in the new booth agreement. According to officials of these circuits, they are prepared to go to the courts to prevent an amalgamation of membership.

Reports current over the week-end had it that a basic plan for the local territory will not go through. Three bus loads of independent exhibitors are understood ready to go to Washington Thursday for the hearing, which from all indications will last more than one day.

Chicago Operators' Scales to Continue

CHICAGO, Jan. 27.—Wage scales for local operators will continue on substantially the same basis here for another year. Aaron Saperstein, president of Allied Theatres of Illinois, has signed a new working agreement with the operators' union for 120 houses in his organization.

Deal between the operators' union and circuit and other houses represented by Jack Miller, head of the Chicago Exhibitors' Ass'n, has not yet been completed.



RED KANN

Operates
no theatres
but knows
the men who
buy the films.
He edits

MOTION PICTURE
DAILY

The Industry Buying Power Reads
MOTION PICTURE DAILY

"Forsaking" Twin Cities' Top Grosser

MINNEAPOLIS, Jan. 27.—"Forsaking All Others" demonstrated its staying powers in a second week at the St. Paul Paramount by going to $7,000, over first week average by $1,500. In its first week at the State here it took $6,400, up by $900.

This was a better showing than "Broadway Bill" made at the Orpheum here where the Columbia opus took $6,700, also in its second week.

"We Live Again" and "That's Gratitude" were good draws here at the Century and Palace, and "The Man Who Reclaimed His Head" took a nice $2,500 at the St. Paul World.

Total first run business was $25,900 in Minneapolis, where average is $23,000, and the total for St. Paul was $17,900. Average there is $16,000.

Estimated takings:

Minneapolis:

Week Ending Jan. 16:

"WE LIVE AGAIN" (U. A.)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"FATHER BROWN, DETECTIVE" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 17:

"BROADWAY BILL" (Col.)
ORPHEUM—(2,900), 25c-50c, 7 days, 2nd week. Eddie South and orchestra heading vaudeville. **Gross:** $6,700. (Average, $5,500)

"FORSAKING ALL OTHERS" (M-G-M)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,400. (Average, $5,500)

"THAT'S GRATITUDE" (Col.)
PALACE—(900), 15c-25c, 7 days. Five acts vaudeville. **Gross:** $2,300. (Average, $2,000)

"LITTLE MEN" (Mascot)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"EVENSONG" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Jan. 17:

"FORSAKING ALL OTHERS" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $5,500)

"THE PRESIDENT VANISHES" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"GENTLEMEN ARE BORN" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,400. (Average, $4,000)

"WHITE LIES" (Col.)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000)

Lawton Is Called Back

HOLLYWOOD, Jan. 27.—M-G-M is calling Frank Lawton back from England to play an important role in "Hell Afloat," an original story by Fritz Lang and Oliver H. P. Garrett. Lang will also direct. The picture is scheduled to begin next month.

Craver Heads Concern

DANVILLE, Va., Jan. 27.—Samuel W. Craver of Charlotte heads the new Jefferson Theatre Co., Inc. Other officers are: Vice-president, George L. Zimmerman; secretary-treasurer, J. F. Falls.

Charter Zodiac Corp.

ALBANY, Jan. 27.—Zodiac Theatre Corp., New York City, has been chartered by Benjamin Rich, Abraham Scheiner and Louis A. Hulnick.

Hollywood Personals

Hollywood, Jan. 27. — Manuel Seff gets the credit for the revised script to "Traveling Saleslady," teaming Joan Blondell and Glenda Farrell at Warners. . . . Arline Judge remains Hollywood's biggest winner at the Santa Anita racetrack.

Sarah Haden will play "Mrs. Bottom" in "Midsummer Night's Dream" for Warners. . . . Hugo Reisenfeld and Alexander Cumansky are new additions of the Associate Board of the Hollywood Theatre Guild. . . . George Burns, Gracie Allen and Lyda Roberti are set for roles in the all-star cast of "The Big Broadcast of 1935" at Paramount.

Oliver Hinsdell to Palm Springs for a rest . . . ditto Pinkie Tomlin. . . . Rosamond Pinchot will appear in "Gallows Glorious" at the Pasadena Community Playhouse.

Walter Wanger signs Jean Rouverol for "Private World." . . . Jack Donoghue, Fox dance director, writes a song titled "How Can I Leave You." . . . Joseph Spurin-Calleia gets his first assignment at M-G-M, the sequel to "The Thin Man."

"Lancer" Portland Hit; Gets $8,000

PORTLAND, Jan. 27.—This town went for "Lives of a Bengal Lancer" in a big way, pushing the seven-day take at the Paramount $3,000 over normal for a total of $8,000.

"Sweet Adeline" also was a good draw, grabbing $6,000 at the Orpheum. "Forsaking All Others" held up to $5,000 in its second week at United Artists.

Total first run business was $27,000. Average is $28,300.

Estimated takings for the week ending Jan. 18:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
BROADWAY—(1,912), 25c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"BEHOLD MY WIFE" (Para.)
"DEFENSE RESTS" (Col.)
MAYFAIR—(1,700), 25c-40c, 7 days. **Gross:** $1,600. (Average, $3,000)

"MAN WHO RECLAIMED HIS HEAD" (Univ.)
MUSIC BOX—(1,000), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,000)

"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,700. (Average, $2,000)

"SWEET ADELINE" (Warners)
ORPHEUM—(1,700), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

"LIVES OF A BENGAL LANCER" (Para.)
PARAMOUNT—(3,008), 25c-40c, 7 days. **Gross:** $8,000. (Average, $5,000)

"FORSAKING ALL OTHERS" (M-G-M)
UNITED ARTISTS—(945), 25c-40c, 2nd week, 7 days. **Gross:** $5,000. (Average, $5,000)

Seattle Spots Celebrate

SEATTLE, Jan. 27.—Two downtown theatres are celebrating anniversaries this month. Evergreen's Coliseum, ace second run, is 19 years old and is offering a special dual program with added specialties.

Jensen Von Herberg's Liberty, opened just 21 years ago, is also offering a special first run dual feature program for the celebration.

Hits Jr. Bank Nights

KANSAS CITY, Jan. 27.—The newest box-office stimulant hereabouts is "junior bank night," according to J. Erwin Dodson, Casino, Excelsior Springs, Mo., in lodging a grievance complaint at the Fox Beyer, same town. Dodson charges the Beyer runs bank night once a week for adults and on Saturday operates a "junior version" for children. He also charges reduced admission.

"President," Show High in Montreal

MONTREAL, Jan. 27.—Healthy midwinter patronage was attracted generally last week with "The President Vanishes" at Loew's heading the compilations at $12,000 with the aid of El Brendel and vaudeville on the stage.

"Bordertown" and a stage presentation of "Rigoletto" brought $11,000 to the Capital, while "The Little Minister" collected $10,500 at the Palace on its own. "The Captain Hates the Sea" went over the mark at $7,000 at the Princess.

Total business was $43,500. Average is $40,500.

Estimated takings for the week ending Jan. 19:

"BORDERTOWN" (Warners)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. Stage. Thavin's presentation of "Rigoletto." **Gross:** $11,000. (Average, $9,500)

"ONE EXCITING ADVENTURE" (Univ.)
IMPERIAL—(1,914), 25c-30c-40c, 7 days. **Gross:** $3,000. (Average, $3,500)

"THE PRESIDENT VANISHES" (Para.)
LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: El Brendel; Bartells & Hurst Revue; Andre Marsh & Co.; Andrew & Louise Carr; Monroe & Grant; Walter Nilsson; Pablo. **Gross:** $12,000. (Average, $10,500)

"THE LITTLE MINISTER" (Radio)
PALACE—(2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

"THE CAPTAIN HATES THE SEA" (Col.)
"NAME THE WOMAN" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $6,000)

Choose 11 Assistants

HOLLYWOOD, Jan. 27.—Eleven assistant directors have been nominated for Academy awards. Three will be on the final ballot and one will get a certificate of merit. The nominees are: Scott Beal, "Imitation of Life"; Jasper Blystone, "Carolina"; William Cannon, "Wonderbar"; C. C. Coleman, "Broadway Bill"; James A. Duffy, "Night Alarm"; Ed Kelly, "Little Minister"; Robert Lee, "We Live Again"; Walter Mayo, "Catspaw"; Arthur Rosson, "Viva Villa"; Cullen Tate, "Cleopatra"; Mack Wright, "Shock."

To Build O'Connell-Dixon

HOLLYWOOD, Jan. 27.—Universal is planning to build Hugh O'Connell and Jean Dixon as a co-starring team. Their initial picture will be a story titled "Just We Two," now being prepared for the screen.

"Behold" and Benny Big Hit In Pittsburgh

PITTSBURGH, Jan. 27.—The town's biggest business in more than a year was rolled up last week at the Stanley with "Behold My Wife" on the screen and Jack Benny on the stage. The takings were $35,000, a figure this house hasn't seen since the boom days.

Against this stiff competition, only the Fulton managed to hold its own, "The County Chairman" getting around $8,000 and winning second week. Elsewhere, grosses were off. The Bing Crosby picture, "Here Is My Heart," dropped the Penn to $6,750.

Total grosses in six first runs were $67,800. Average is $56,500.

Estimated takings for the week ending Jan. 17:

"IT'S A GIFT" (Para.)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins; Young, Worth and Wyld; Madie and Ray; Raymond Baird; Maryetta and Co., and Jerry Mayhall's band. **Gross:** $9,800. (Average, $10,000)

"THE COUNTRY GENTLEMAN" (Fox)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $8,000. (Average, $4,500)

"HERE IS MY HEART" (Para.)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $6,750. (Average, $12,000)

"JEALOUSY" (Col.)
PITT—(1,600), 15c-35c, 6 days. Stage: "Broadway Melody Cruise" unit with Babe Egans and her girls' band, Thelma White and Roy Sedley. **Gross:** $4,250. (Average, $6,000)

"BEHOLD MY WIFE" (Para.)
STANLEY—(3,600), 25c-60c, 6 days. Stage: Jack Benny, Mary Livingston, Chicken Sisters, Jack Fulton, Four Flash Devils and Liazeed Arabs. **Gross:** $35,000. (Average, $19,000)

"GRAND OLD GIRL" (Radio)
"MURDER IN THE CLOUDS" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

Montreal Tragedies Stir New Agitation

MONTREAL, Jan. 27. — Further repercussions are expected to follow the death of a woman and four children during a projection machine fire in a private home. The machine was being used for a show for neighborhood children.

Quebec statutes forbid the attendance of juveniles at theatres, but twice this winter two serious incidents have occurred at shows under non-supervised auspices and theatre proprietors have taken up the matter of removing the Government ban on the admission of juveniles to inspected theatres where no accidents have taken place.

In one case, at Quebec City, 150 children fell when the stairway to a church hall collapsed under their weight as they pressed into the second-story auditorium. Many were seriously injured.

At Montreal, Carmel Birtz, a licensed operator for the past six years, was conducting a show in a private house when the film took fire and five of the 40 patrons were killed.

Tom Mix Title Changed

HOLLYWOOD, Jan. 27.—Mascot has changed the title of the Tom Mix serial from "No Man's Land," to "The Miracle Rider."

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Hot Words Fly As Selectives Come Up Again

Board Pierces Verbal Fog; Drops Case

Selective contracts again stirred the equanimity of the New York grievance board yesterday when the overbuying complaint of G. Piccione, Plaza, Freeport, L. I., against Century's Grove and Freeport developed into a heated debate. The debate, arguments and counter-arguments became erratic and at times resembled a free-for-all between lawyers and members of the board. Although Myron Sattler of Paramount was chairman of the session, George Thompson, impartial member, had to call for order several times.

There were accusations by Mitchell Klupt, representing Century, of tricky questioning on the part of Melvin Albert, representing Piccione, followed by an open denunciation by Louis Nizer of the theory of selective pacts.

(*Continued on page* 10)

Rule Complainants Must Observe Code

OKLAHOMA CITY, Jan. 29.—Exhibitors filing a grievance action against a competitor on reduced admissions must be free of such practices themselves before the local boards can be expected to enforce cease and desist orders against respondents.

This, in effect, is the ruling of Campi in a case appealed from the determination of the Oklahoma City grievance board. The pronouncement

(*Continued on page* 10)

K. C. Independents Hit 20c. Clearance

KANSAS CITY, Jan. 29.—While independent exhibitors protest extension of protection over houses charging 20 cents or less, the position of distributors is that the higher priced situations must be adequately protected.

Trouble over the situation is freely predicted among independents, but a

(*Continued on page* 10)

Coast Board Seeks Federal Legal Aid

LOS ANGELES, Jan. 29.—Acting upon instructions from New York, the local grievance board yesterday presented

(*Continued on page* 10)

St. Louis Indictment Copies Reach Company Offices Here

Copies of the corporate indictments of Warners, Paramount and RKO returned by a Federal grand jury following the St. Louis film buying and selling investigation there were received here yesterday, directing the companies to appear in Federal court at St. Louis and enter pleas "forthwith."

St. Louis counsel representing the companies will enter pleas of not guilty today or tomorrow, it was stated here. Individual indictments of Harry M. Warner, Gradwell Sears, Herman Starr, Abel Cary Thomas, Ned E. Depinet and George Schaefer, requiring the posting of $2,500 bonds by each with a U. S. marshal here have not been forwarded from St. Louis yet.

New FWC Unit To Get Going In Few Days

KANSAS CITY, Jan. 29.—Final reorganization plans for various Fox Theatre subsidiaries will be settled at Los Angeles meetings this week, said Spyros Skouras here yesterday before entraining for the coast.

The West Coast group will be out of bankruptcy this week, the Kansas City and Denver divisions following with final reorganization of the circuits anticipated by April 1, Skouras continued.

It was also revealed that each division will be self sustaining, with the division heads in full charge, reporting only to New York. Heretofore

(*Continued on page* 11)

Continue Move to End RKO-M. & S. Row

Discussions of a settlement of the breach of lease charges filed against RKO by Meyer & Schneider involving film playing policies at the Hollywood and Apollo were resumed yesterday by counsel for the litigants, resulting in postponement till tomorrow of the board of arbitrators' hearing of the charges scheduled for yesterday.

If no basis for a settlement is agreed upon by tomorrow, numerous sales and circuit executives will be called upon to testify and produce records at the resumed hearings.

Pittsburgh Fears Theatre Price War

PITTSBURGH, Jan. 29.—A general price war is looked for here with the Penn Theatre's announcement that it

(*Continued on page* 10)

Theatre Heads Marshal Fight On Fee Boosts

With increases of from 400 to 900 per cent in common show license fees facing local theatre operators as the industry's proposed contribution toward the $6,448,969 city deficit, independent and circuit men will marshal forces today in opposition at a meeting before Commissioner Paul E. Moss. Boosts in license levies were suggested last year. After a hearing before the commissioner the plan was dropped.

Theatres with seating capacities up to 599 are now paying $50 a year. Under the proposed increases they would pay $250. Theatres seating

(*Continued on page* 11)

Coast ITO Fails to Get Federal Letter

HOLLYWOOD, Jan. 29.—The I.T.O. of Southern California met here yesterday prepared to discuss the letter answering its appeal for help from the Department of Justice against alleged anti-trust violations, but when the letter did not arrive the subject was deferred to a later date.

It was decided at the meeting, however, that a final drive for membership would be made, with March 1 as the deadline for admission without initiation fees. Thereafter, the initiation fee will be $25. The organization now has 100 members.

Tulsa Houses Given Stay on Bank Nights

OKLAHOMA CITY, Jan. 29.—Federal Judge Vaught has issued a restraining order preventing enforcement of code

(*Continued on page* 10)

Trustees for Para. Urged Third Time

Court Again Requested To Name a Board

Appointment by the court of a group of voting trustees to head Paramount in place of a board of directors after the reorganization of the company was urged upon Federal Judge Alfred C. Coxe yesterday for the third time in two days of hearings of opposition to the Paramount reorganization plan.

Archibald C. Palmer, who says he represents several thousand shares of Paramount stock, made the appeal to the court yesterday following identical appeals made on Monday by Robert Szold, counsel for the Munger debenture committee, and Louis Boehm, attorney for stockholders. Reading from MOTION PICTURE DAILY's exclusive list of the 16 men agreed upon for the new Paramount board by the principal creditors' groups, Palmer attacked the fitness of each.

"Throw them all out," Palmer cried, on ending his individual and collective

(*Continued on page* 10)

Tacit Pact Retains Cleveland's Zoning

Exhibitors in Cleveland are continuing the clearance agreement, which expired Jan. 1, 1935, under a tacit arrangement, Paul Gusdanovic, operator of the Regent, Cameo, Corlet, LaSalle and Norwood, stated yesterday. The agreement was originally entered into between Loew's and first and subsequent run exhibitors in that territory

(*Continued on page* 10)

New Jersey Tax May Not Reach Theatres

TRENTON, Jan. 29.—Elimination of theatres and other amusements from the proposed New Jersey sales tax was indicated by Gov. Harold G. Hoffman today. In addition to amusements, the Governor suggested certain intangible

(*Continued on page* 11)

Yamins Again Made N. E. Allied Leader

BOSTON, Jan. 29.—Nathan Yamins of Fall River, Mass., was reelected president today at the annual meeting of Independent Exhibitors of New England, Allied unit. All other offi-

(*Continued on page* 11)

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U.A.-M-G-M Win in Midnight Show Case

PITTSBURGH, Jan. 29.—Unauthorized midnight showings prior to the day set in contracts for the first exhibition of a film were barred in a decision handed down this week by U. S. District Court Judge Gibson. The case was brought by United Artists and M-G-M against Bart Dattola, operator of the Paramount at New Kensington, Pa.

The court ruled that an exhibitor must have written permission to show a film prior to 6 A.M. of the day set for the start of a run. The defendant contended he had oral permission and that he had included the receipts of the midnight showing in his accounting of the first day's gross, but the court ruled that because he had failed to make a separate accounting of the midnight gross acceptance of the money by the two distributors could not be construed as approval of the showing.

Big Ampa Lineup Set

Gene Raymond, Freddie Bartholomew, Charles B. Cochran, Emil Boreo, Jack Whiting, Irving Jaffee, Count Byron Kuhn de Propok, Rachel Carlay, Jerome Mann, Rosita Ortega, Hugh Sinclair and Leon Quartermaine will be Ampa headliners at tomorrow's regular meeting at the M. P. Club.

Monroe Greenthal will preside in the absence of William Ferguson who is down Florida-way trying to take a vacation from M-G-M exploitation duties.

Insiders' Outlook

By RED KANN

FROM Gatti-Casazza up or down the line, as you like it, to syndicate writers, magazine editors, daily and trade paper critics, Erpi executives, an occasional independent distributor and the more lowly in publicity dispensers, a formidable group turned out and into the Waldorf as evening fell last night to see what the first release of the much-heralded "March of Time" had to say for itself. No longer the experimental subject, this was what first runs will get beginning Friday. . . .

▼

It is a six-part affair, twenty minutes in length. It is interesting and refreshing and true to the conception behind *Time,* the magazine and the subject's mentor, that news, provided the editorial judgment that sifts it is nicely balanced, is most arresting when it is interpreted. Outstanding far and away to this observer is the story built around Prince Kimmochi Saionji, "the wise old man of Okitsu, twice premier of Japan, last of the Elder Statesmen." With flash-back and editorial ingenuity and in the space of a handful or more of minutes, the screen shows and the narrator explains the crisis which confronts Nippon. Are the men of war or the men of peace to plant their standard in victory? "The March of Time" poises the issue, gives no answer but pungently, dramatically and emotionally, tells and shows the factors that maintain the scales in the balance. . . .

▼

There is significance in that Japanese episode. It demonstrates that when the producers find something into which they can sink their teeth, they bite hard. This column urges that they continue to look and to bite in the conviction that enough of guts and interest in this troublesome, issue-sodden existence is waiting to have its story presented. The very title, "The March of Time," induces visions of a record on celluloid and on sound track of events that mean something to the transients in a world beset with vexatious and interesting problems. Under its own decreed policy of interpretative news, peering into the why, how and when, "The March of Time" has an unusual opportunity to be provocative and attention-holding without necessarily being partial. . . .

▼

For its other five episodes, the producers selected the story of "21," famous New York speakeasy and how its owners beat the Feds during prohibition; the safety campaign in London under Transport Minister Leslie Hore-Belisha and what the public did to his beacons; Fred Perkins, York, Pa., battery manufacturer who defied the NRA and found rallying round him legalistic talent which fortunes could not buy; Moe Buchsbaum, arrested for speeding in France who refused to pay his $6.60 fine unless to the American Government by way of reducing the Frence war debt; Gatti-Casazza and his 28th and final first night of opera at the Metropolitan. . . .

▼

Merit runs through all of the subject matter. The selection is adroit, the treatment different and fresh. But there remains additional opportunity to go further. If the vigor and viewpoint which have made *Time* such a publication gargantuan prevail, as indications have it they will, "The March of Time," as good as it is, making as auspicious a debut as it does, sounding off a newsreel idea sans ski jumpers, baby parades and fashion shows and concentrating more on the fibre than the fluff, will better with succeeding issues. . . .

▼ ▼

Many are the versions of the Paramount, Adolph Zukor situation, et al. Reason, not hearsay, credits the inside fight, over now, to exclude him from the board of the new company as a movement led principally by H. A. Fortington, representing securities controlled by big and British insurance companies; John D. Hertz, one-time chairman of the Paramount finance committee; Floyd Odlum, through Atlas which owns large blocks of bonds never deposited with the bondholders' committee; William Greve of Allied Owners and, presumably, several important creditor banks. These interests capitulated only when conviction finally became theirs that the Zukor name means something at Paramount, the convincing being credited to the A. Z. supporters. . . .

▼

Not merely that, however. This point is supposed to have been made: That Zukor, out of Paramount and with a competing company might have traveling by his side Paramount executives and Paramount talent of sufficient weight to help the competition and handicap Paramount. At any rate, he is on the board. And now what what? Will he be president and, if he is, what brakes will be placed upon his functioning? Or isn't it a conjecture closer to fact that he will be named to head an executive committee whereon other members will carry vote as well as voice? . . .

▼

The executive committee—it doesn't even exist so far—is expected to be the real force in the management. In addition to actual administrative powers, it is very apt—it might well do it—relied upon heavily by the uninitiated and new board of directors for practical slants on what the film business is all about. Speculative solely, but around plenty, if you listen, is the report George J. Schaefer is likely fodder for the presidency. Around as well are other reports about that post, the names most frequently mentioned belonging to Charles E. Richardson, John D. Hertz, Zukor. And Steve Lynch. . . .

▼

Yesterday developed a doubt about Kuhn, Loeb and earlier reports that Paramount's original financial daddy was out of the situation. Archibald Palmer, about whom more is told if you will turn this page to the left, charged in court that Frank A. Vanderlip, one of the new directors, and several bank nominees have K., L. connections by either directly representing that firm's Paramount bond holdings or through K., L.'s stock interest in several of the banks with representation on the board. Some insiders lean toward this viewpoint. That's a whisper. Counsel for the bank group, as well as for Vanderlip, in court yesterday denied the allegation. That's a statement. . . .

Missouri Has a 10% Ticket Tax Measure

JEFFERSON CITY, Mo., Jan. 29.—A measure providing for a 10 per cent tax on theatre tickets, as well as a number of other commodities, has been placed before the State legislature by Representative Lindhorst of St. Louis. The tax would be used to finance old age pensions.

File Against Greenblatt

Pathe Exchange, Inc., has filed a bankruptcy petition against Arthur Greenblatt, Inc., in the U. S. District Court on a claim of $984. Greenblatt operates the Greenblatt Exchange in the Film Center Bldg. and recently merged with General Pictures, operated by Phil Meyer before the latter joined Gaumont British as New York branch manager.

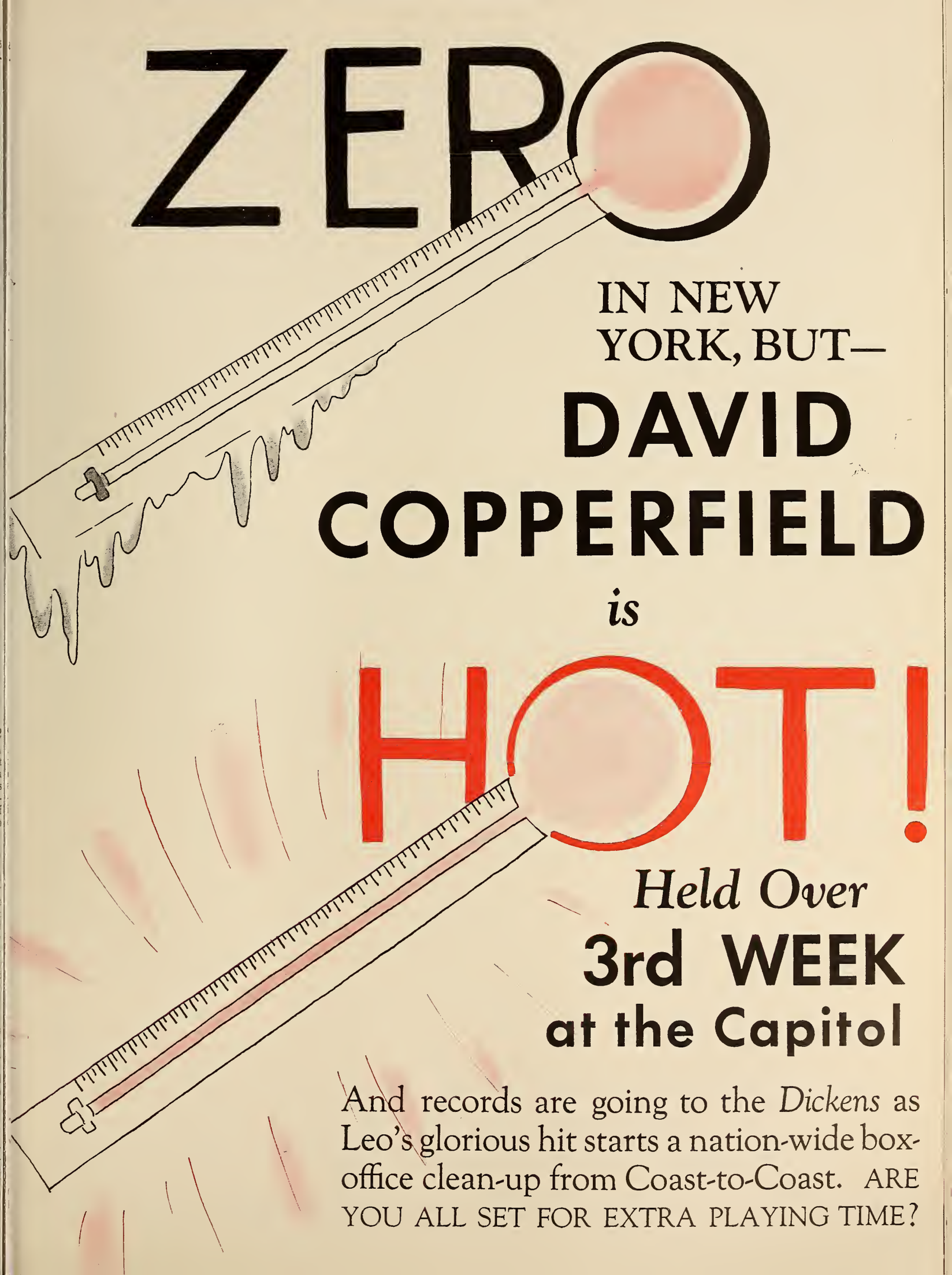
Roach Down with Flu

HOLLYWOOD, Jan. 29.—Hal Roach is confined to his home with influenza, but expects to be up and about shortly.

Henry Ginsberg, vice-president and general manager of the Roach studio is battling a cold in New York.

N. O. Votes a New Tax

NEW ORLEANS, Jan. 29.—The Commission Council has voted an occupational tax on industry, which begins at $25 on gross sales up to $50,000 and rises to $6,000 on sales of $10,000,000 or more. The tax is expected to yield $500,000 a year.


ZERO
IN NEW YORK, BUT—
DAVID COPPERFIELD
is
HOT!
Held Over
3rd WEEK
at the Capitol
And records are going to the *Dickens* as Leo's glorious hit starts a nation-wide box-office clean-up from Coast-to-Coast. ARE YOU ALL SET FOR EXTRA PLAYING TIME?

Great States Plans To Remodel 9 Spots

Publix Great States plans to remodel nine theatres in Illinois, some of which are open and others closed and which will be opened by fall, Maurice M. Rubens, division manager, stated yesterday before leaving for Chicago and his headquarters. In addition to rehabilitation plans, a new 900-seat theatre will be built in Aurora, Ill., making a second house in that city, he said.

Theatres to be remodeled are: The Rialto and Academy, Waukeegan; Orpheum, East St. Louis; Crystal, Joliet; Lincoln, Danville; Grand, Alton; Plum, Streeter; Majestic, Bloomington; Majestic, Kankakee.

Rubens said that next month the circuit will hold a Certified Entertainment drive, tying in certified brand foods with pictures which will be called certified events.

New Australian Co. Gets Monogram List

By CLIFF HOLT

SYDNEY, Jan. 29.—Film Distributors, Ltd., has been formed here with a capitalization of £20,000 to handle Monogram product throughout Australia and New Zealand. Physical distribution will go through British Empire Films, distributors of the British International output. Film Distributors, Ltd., has a five-year franchise for the Monogram lineup. It has a strong backing.

Max Ehrenreich is managing director, while those associated with the adventure are J. J. Mulligan, Sydney solicitor; K. W. Asprey, a director of General Theatres Corp., and Greater Union Theatres; and Alexis Albert, son of Frank Albert, music publisher, real estate owner and investor.

"Lancer" to Rialto From the Paramount

Following a three-week run at the Paramount, "Lives of a Bengal Lancer" goes into the Rialto on Friday for a two-week run. This is the second time this has happened with the Paramount, the first taking place several years ago when Mae West in "She Done Him Wrong" played both houses in the same sequence.

Replacing "Lives of a Bengal Lancer" at the Paramount will be "Wings in the Dark," followed by "Gilded Lily."

M-G-M Gets Wellman

HOLLYWOOD, Jan. 29.—M-G-M has signed William Wellman to direct "Tale of Two Cities," having taken over the director's contract from U. A. Donald Cook has been borrowed from Columbia for "The Casino Murder Case." Ruth Channing's contract, which expires Feb. 27, will not be renewed. Options have been taken up on Rosaline Russell, player, and Edwin Knopf, author. Two junior writers, Frederic I. Rinaldo and Robert Lee, have been given new pacts.

More Salt Lake Duals

SALT LAKE CITY, Jan. 29.—Duals are to replace single features and stage shows at the Orpheum, with a cut under the present 25c matinee and 35c evening scales.

Purely Personal

HOWARD DIETZ, IRVING BERLIN, MAX GORDON, VINTON FREEDLEY, NOEL COWARD, RACHEL CROTHERS, RUSSEL CROUSE, JOHN GOLDEN, GEORGE GERSHWIN, SAM H. HARRIS, MOSS HART, ALEX WOOLLCOTT, ELMER RICE, GEORGE S. KAUFMAN, COLE PORTER and DICK RODGERS comprise a committee, headed by MARC CONNELLY, which will handle "Post-Depression Gaieties" at the New Amsterdam, Feb. 24. It'll be a benefit for the Stage Relief and Authors' League Fund.

•

PAUL GUSDANOVIC, Cleveland circuit owner, and J. M. URBANSKY, secretary of Associated Theatres, same city, leave for a two-month Florida vacation today, going by way of automobile.

•

JACK COHN arrives today by plane from sunny Florida, the company meeting being the reason. Like a true disciple of ISAAK WALTON, he spent all day yesterday fishing.

Quip of the Day

When Ben Roman of the Renaissance was brought before the New York grievance board yesterday for prematurely advertising "Kid Millions" ahead of Loew's Victoria, George F. Thompson, impartial member said: "I saw the picture and I don't think it should be advertised at all."

EDDIE GOLDEN, TREM CARR, and ED FINNEY shook all of Radio City with their laughter yesterday afternoon. GUY ROBERTSON was in the Monogram office with a lot of new gags.

•

LOU SMITH is now settled in Hollywood. Paramount called him to the coast to prepare special advertising for the new Mae West opus. He'll be back in about two weeks, however.

•

TED REED has finished shooting local scenes for Paramount's "The Big Broadcast of 1935" and leaves tomorrow for the coast.

•

ANTHONY THORNE'S recent novel, "Delay in the Sun," has been purchased by Universal for BINNIE BARNES and FRANK LAWTON.

•

HARRY THOMAS returned from the Quaker City yesterday. He only spent a day there.

•

PAULINE LORD leaves for the coast Sunday to work in Paramount's "So Red the Rose."

•

BEN GOETZ leaves for the coast in a few days. JACK FIER of Mascot hopes to get away shortly as well.

•

JOHN M. STAHL, having given the legitimate stage the once over, left for the coast yesterday.

•

MAX HART is in from the coast as eastern representative of Universal studios.

•

HERMAN RIFKIN returns to Boston today for the second time this week.

•

GEORGE BANCROFT in from Europe. He crossed on the *Aquitania*.

MARC LACHMAN who is better known these days as a ribber than as a press agent, is laid up with the flu. He thought it was smallpox for a while, but the gang broke down and confessed the gag.

•

DEAN JAGGER, Paramount contract player, and ANTOINETTE DU PRE LAWRENCE who were married over the week-end in Hingham, Mass., left for the coast yesterday by plane to spend their honeymoon in Hollywood.

•

HOWARD DIETZ swings a mean ping pong racket, but bowed to MORRIS KUTINSKY in three games at the M. P. Club yesterday. The scores were 21-6; 21-12, and 25-24.

•

JAY BLAUFOX leaves today for Harrisburg and Reading on a 10-day exploitation assignment for U. A. JACK FULD goes to Providence for the same company today.

•

JOHN BARRYMORE arrives here tomorrow on the *Rex*. He's been abroad for some time, making a picture for Gaumont British and traveling on the continent.

•

SI FABIAN is back on the job after two weeks in bed as a result of an auto crash in which he suffered injuries on his nose and body.

•

ROBERT SUMNER GOLDEN, son of EDDIE, and a film cutter at the Monogram studios in Hollywood, yesterday reached his 23rd year.

•

A. H. SCHWARTZ plans to take off for Miami today, but may postpone the trip until the latter part of the week.

•

EDWARD SEDGEWICK'S "Murder in the Fleet" has been acquired by M-G-M. SEDGEWICK will direct the story.

•

MARGO, the dancer, left yesterday for Miami to make a personal appearance at the opening of "Rumba" there Jan. 31.

•

DON JACOCKS is trying hard to shake off a bad cold. He was in bed a few days, but is around again.

•

JOHN C. FLINN is going to Washington a week from today on the Campi budget.

•

WARDEN LEWIS E. LAWES was around the M-G-M home office the other day.

•

BOB RUBIN finally off to Palm Beach. He'll be away about two weeks.

•

DAVE LOEW leaves for the coast shortly. From there to Honolulu.

•

BOB SAVINI has postponed his Dallas trip until he gets over a cold.

•

WILLIAM RODGERS of M-G-M is back from a Miami vacation.

•

BILL JAFFE has gone to Miami like all the other rich people.

•

LEO SPITZ is in Miami recuperating from a throat operation.

Wall Street

Eastman Pfd. Up 1 on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc. (c1)	35¾	35¾	35¾	+ ¼
Consolidated Film	6⅜	6¼	6¼	— ¼
Consolidated Film pfd. (½v)	21¼	21	21	— ⅛
Eastman pfd.	145	145	145	+1
Fox "A"	10¾	10⅝	10¾	+ ⅛
Loew's Inc. (1a).	32⅛	31⅝	31⅝	— ⅝
M-G-M pfd. (1.89)	28	28	28	— ¼
Paramount cts.	4	3¾	3¾	— ¼
Pathe Exchange.	1⅛	1⅛	1⅛	.....
RKO	2⅛	2	2⅛	.....
Universal pfd.	37	37	37	.....
Warner Bros.	4	3⅞	4	+ ⅛

Technicolor Off ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12¼	12¼	12¼	— ⅛
Trans-Lux (.20b).	3	2⅞	2⅞	— ⅛

Paramount Publix Bonds Off 1½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf.	8¼	8¼	8¼	— ⅛
Loew's 6s '41 ww deb. rights	105½	105½	105½	+ ½
Paramount Broadway 5½s '51	44	44	44	.....
Paramount F. L. 6s '47	66½	66½	66½	— ½
Paramount Publix 5½s '50	66	65½	65½	—1½
Pathe 7s '37 ww.	101½	101½	101½	— ½
Warner 6s '39 wd.	57	56	56	— ⅞

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 29)

"Lost City" Ready; Krellberg Returns

With "The Lost City," 12-episode serial completed, S. S. Krellberg returned to New York from Hollywood yesterday with word his next would be an underwater chapter play. He expects to remain here about six weeks and then return west to start the new picture.

While on the coast, he also completed two dog features, "Man's Best Friend" and "The Fighting Fury." Regal will state right the list. "The Lost City" will be released both as serial and feature.

'Devil Dogs' Receives San Diego Premiere

SAN DIEGO, Cal., Jan. 29.—"Devil Dogs of the Air," first Cosmopolitan production to be released by Warners, had its world premiere, Hollywood style, at the Spreckles here tonight. Warner stars journeyed here expressly from Hollywood for the opening. They were accompanied by many studio executives, including Hal Wallis and William Koenig. Also on hand were E. B. Hatrick and Bill Williams, representing Cosmopolitan, as well as Lloyd Bacon, who directed.

Santell Signs 2 Pacts

HOLLYWOOD, Jan. 29.—Alfred Santell has signed two directorial contracts with major studios. One is to do "People Will Talk" for Paramount; the other is with Columbia for Claudette Colbert's next, "If You Could Only Cook." Santell will do the Paramount picture first.

Ohio ITO Meeting Set

CLEVELAND, Jan. 29.—The Independent Theatre Owners of Ohio will hold a state wide convention in Columbus Feb. 21-22.



..the breathless drama of those first few steps!

- 1920 . . . just two men with an idea . . .
- Talk . . . plans . . . execution . . .
- A new force for motion picture exploitation is born . . .
- A small office...a single room...a telephone and a handful of people...
- But courage and conviction is the driving-force of progress . . .
- 300 customers that first tough year . . .
- The forerunner of the modern power-house National Screen Trailer emerges triumphantly . . .
- And now we celebrate our Fifteenth Anniversary of complete trailer service . . . with 9000 customers taking

NATIONAL SCREEN SERVICE

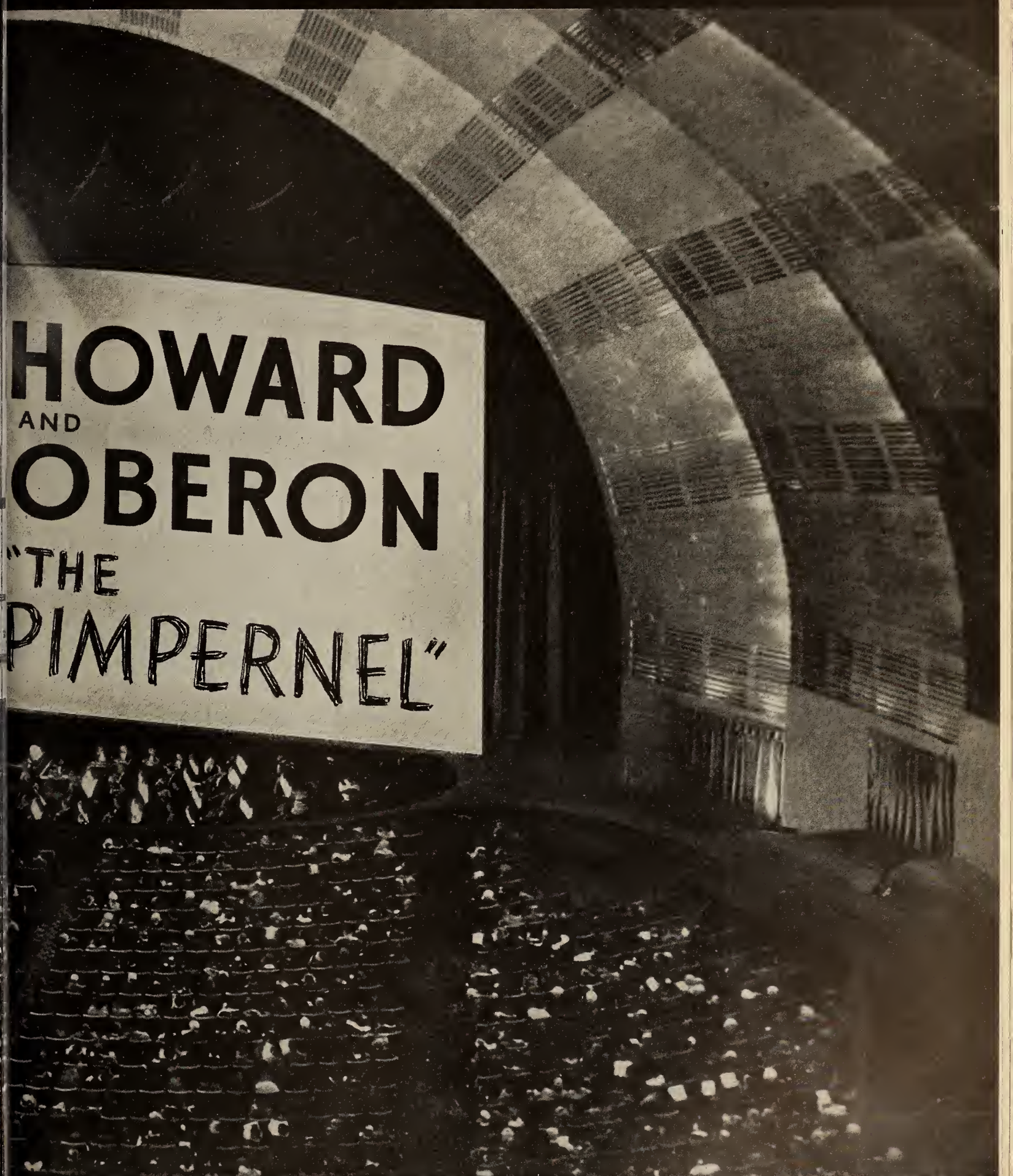
— — — original creators of seat-selling trailers

OPENS AT RADIO CI



Released Nationally thr

MUSIC HALL FEB. 7th



UNITED ARTISTS FEB. 15th

THE STARS THAT BELONG *together*

...and your box office knows it!

One more triumph for the beloved co-stars of "Daddy Long Legs" and "Paddy." From the pages of Robert Nathan's stirring best-seller comes this drama of today . . . down-to-earth in its moving sincerity . . . up-in-the-clouds with its limitless joy of living . . . to win new plaudits for its stars . . . new profits for you!





Janet GAYNOR Warner BAXTER

in

ONE MORE SPRING

From the novel by Robert Nathan

WALTER KING • JANE DARWELL • ROGER IMHOF

GRANT MITCHELL • ROSEMARY AMES

JOHN QUALEN • NICK FORAN

and **STEPIN FETCHIT**

Produced by Winfield Sheehan • Directed by Henry King

Screen play and dialogue by Edwin Burke

FOX

Trustees for Para. Urged Third Time

(Continued from page 1)

attacks on the board nominees. "If there must be a board it should have on it the president, general manager, general counsel and other executives of the company. If the bankers want to watch, put a few of them on the finance committee, but don't let them run the company. The management is the most important to the company's future. The court should name a voting trust for three years which could get a management the industry will not sneer at."

Palmer followed his attack on the proposed directorate with criticism of virtually every phase of the plan, but with special emphasis on the bank debt settlement. Several of his statements regarding the fitness of the proposed directors were challenged as "untrue" by Morton G. Bogue, of counsel for the bank group, and Lansing P. Reed, of counsel for the Vanderlip debenture committee.

Palmer, earlier, had been required by the court to furnish a list of the stockholders he claimed to represent. Alfred A. Cook, counsel for Paramount and for the stockholders' committee, reported to the court yesterday that there was no record of any of the holders named in the list supplied by Palmer.

Attacks Para. B'way Plan

Monroe Goldwater, law partner of Edward J. Flynn, Bronx Democratic leader, appearing as counsel for Allied Owners, a large Paramount creditor, described the reorganization plan as "good, on the whole," but attacked the plan for reorganization of Paramount Broadway, holding company for the Paramount Building and theatre. Asserting that the rental for office space and the theatre is "excessive," Goldwater urged abandonment of the property in favor of cheaper headquarters for Paramount elsewhere. He charged that the terms provided for bondholders in the Broadway plan "remove the possibility of the parent company ever deriving any profit from the property."

Jacob Lesser, representing stockholders, attacked various phases of the plan, particularly those relating to the $2 assessment on stockholders. He asked the court to appoint counsel in addition to Cook to represent Paramount in the proceedings. Opposition was also registered by counsel for the 1432 Broadway Corp., whose rent claim of $400,000 is being contested by counsel for the Paramount trustees.

The hearing will be resumed today.

Para. Studio Lease Approved by Court

An order approving the leasing by Paramount News of the Astoria, L. I., studio has been signed by Federal Judge Alfred C. Coxe, counsel for the Paramount Publix trustees reported yesterday. The studio lease is part of a plan under which Paramount retains possession of various properties held by Seneca Holding Corp., a wholly owned subsidiary.

A plan for expediting the reorganization of Olympia Theatres, Paramount's New England subsidiary, by purchasing for $50,000 outstanding stock of the company not owned by Paramount and allowing a $1,800,000 claim of Olympia stockholders for alleged breach of a stock purchase agreement by Paramount, was taken under advisement yesterday by Special Master John E. Joyce following a hearing. The proposal is regarded as a means of avoiding a delay of one year in the reorganization of Olympia, which might be occasioned by dissenting stockholders.

Rule Complainants Must Observe Code

(Continued from page 1)

is accepted as a precedent to be followed by local boards, and indicates a procedure wherein the complainant must also agree to drop code violations.

Inasmuch as it is the practice of respondents to bring charges against complainants where they are also violating the code, this ruling, it is expected, will expedite the work of local boards and cut down on the number of appeals to Campi.

Campi determined this point in deciding an appeal by John Feeney of the Gem in Tulsa from a decision awarded to Southwestern Theatres of the same city. Feeney contended Southwestern Theatres were likewise violating the reduced admission clause of the code and he was forced to adopt bank nights and similar devices in self defense.

Campi affirmed the cease and desist order issued against Feeney, but ruled in cases such as this the order shall become effective and remain in effect "only so long as the complainant abides by the provisions of Article V-E, Part 3, Section 1 of the code."

Tulsa Houses Given Stay on Bank Nights

(Continued from page 1)

bans on bank nights against the Gem and Cozy theatres, Tulsa, pending a decision by the U. S. Circuit Court of Appeals on the Huffman case which originated in Denver.

A petition filed by the Tulsa houses named six major distributors and members of the grievance board. It alleged that distributors were threatening to stop film service.

Eldon J. Dick, attorney for the theatres, pointed out that the case was exactly like the Huffman case.

Pittsburgh Fears Theatre Price War

(Continued from page 1)

will adopt a regular stage show policy and cut its top from 60 cents to 40 cents.

The Stanley, Alvin, Fulton and Warner appear bound to become involved, since this is the most drastic admission cut in the city's history.

In the past the Penn has charged 50 cents on a straight picture policy and 10 cents more for shows.

Mastbaum Drops Prices

PHILADELPHIA, Jan. 29.—Coincident with the new Thursday opening policy scheduled to start this week, the Roxy Mastbaum will drop its night prices from 75 cents to 65 cents in a drive to bolster attendance.

Tacit Pact Retains Cleveland's Zoning

(Continued from page 1)

and is being continued to the satisfaction to all, he said. In a few instances, some unimportant houses are "chiseling," Gusdanovic declared.

According to the agreement, theatres charging 25 cents get pictures 35 days after first run, houses with admissions of 20 cents, 56 days; 15 cents, 65 days, and 10 cents, 100 or more days.

Duals are rare in Cleveland, the circuit operator stated. He added that independent distributors are interesting outside parties to reopen dark houses with double features, naming the Temple, Metropolitan, Family and Alhambra as instances. He said that where independents have good features they are booked in single programs, but much of the product from the smaller exchanges does not warrant this type of playing time.

The Alhambra, which dropped duals when it booked "Imitation of Life," has held the Universal picture four weeks, Gusdanovic said.

Exhibitors are now discussing renewing the dual ban agreement which expires July 8. The exhibitor stated that in Cleveland proper there are no giveaways or two-for-ones prevalent. Price cutting is also absent, he held.

K. C. Independents Hit 20c. Clearance

(Continued from page 1)

distribution official asserted: "We are not thinking about trouble until we meet it face to face." His opinion was that if protection will prolong the life of a theatre over an inferior house, it will be given the necessary protection.

An attempt was made to extend this theory to double bills when Columbia and Universal initiated a move to set duals back 28 days behind the regular dating spot. When exhibitors protested, the major distributors went into a huddle and decided to release features for dualing on the single bill spot.

The independents want the distributors to return to the old method, which proved generally satisfactory for three years, of granting equally priced houses identical clearance. This, however, the Campi clearance committee claims is illegal, and has been rejected as the basis for a schedule.

Coast Board Seeks Federal Legal Aid

(Continued from page 1)

its case to Federal District Attorney Pierson M. Hall, who will defend it against the show cause order issued Jan. 24 by Judge Harry A. Holzer of the U. S. District Court.

The court, on that date, issued a temporary restraining order against the board requiring it to show cause why a cease and desist order should be applied to the Mission Theatre, San Gabriel, on the bank night complaint filed by the Granada of Alhambra. The same order also applied to M-G-M, Vitagraph, United Artists and Paramount.

Allied Approves Budget

Allied of New Jersey yesterday approved the budget for 1935. Leon Rosenblatt presided under the rotating chairmanship plan.

Hot Words Fly As Selectives Come Up Again

(Continued from page 1)

Louis Geller disputed Nizer's statements and then Sattler and Jack Bellman tried to settle the whole argument by asking Century immediately to choose 85 second runs so that the complainant could begin negotiations for the product he needed. This suggestion met with a negative response when Century contended it could not tell from its contracts what pictures it was getting, most of the pacts having production numbers without mention of star or story.

Piccione claimed that Century's buying of 376 first runs for the Freeport and Grove in addition to a selection of 66 of the total for second run at the first house tied up all the product so that he could not get any pictures until Century passed them up. The complainant also held that Century had First Division, Capital, Hollywood and Gaumont British films bought, but Klupt countered with the information that although some pictures from these companies were played they were bought on individual pacts.

Tom Murray of Century stated that when the circuit books first run pictures it immediately books or rejects its second run films for the Freeport, thus giving Piccione ample time to book. Murray also said that he has to wait from 35 to 45 days after Broadway first run before he can run in Freeport. He offered to help Piccione if he would come up to see him.

Nizer Calls System Wrong

Nizer, who represented Morris Kutinsky of the Community, Queens Village, in a similar complaint against Century, contended that the system of selective contracts is wrong and that exchanges do not want to sell that way.

Klupt stated: "We don't want to buy blind. I sweated down in Washington at the time of the drafting of the code to get designations and couldn't get it. If you can tell us what pictures we are going to get, we will make our selection." He pointed out that there is no agreement between Century or any of the exchanges not to sell the Plaza. Piccione last year bought Paramount and Fox when Century couldn't get together on a deal, but this season A. H. Schwartz has the two products.

After an executive session, the board dismissed the complaint, stating that Century must date or reject second runs within 21 days after Broadway first runs.

Loew's complaint against Ben Roman of the Renaissance for prematurely advertising ahead of the Victoria and Broadway runs was also decided. Roman was found guilty of advertising ahead of Broadway, but can advertise seven days after the Victoria which has protection over the Renaissance.

Ban Prescott Bank Night

LOS ANGELES, Jan. 29.—The local grievance board has ordered the Studio, Prescott, Ariz., to discontinue bank nights. The house is competition to the Elks, same city.

New FWC Unit To Get Going In Few Days

(Continued from page 1)

Fox Midwest and Fox Rocky Mountain have reported to both New York and Los Angeles.

His operating contract is not yet set, Skouras said, and it would be premature to talk about it, as it will not be effected until after reorganization.

Skouras also paid tribute to the operations of Elmer C. Rhoden and Rick Ricketson and said that they, and other division heads, can remain in their present posts as long as they desire.

Skouras and Edward Alperson met H. J. Fitzgerald of Fox Wisconsin at Milwaukee and the three arrived here yesterday. With Rhoden, they will meet Ricketson at Las Vegas, arriving on the coast Wednesday. Frank L. Newman of the Evergreen Theatres in Seattle is also scheduled to attend the coast conferences.

Skouras expects to return to New York Monday, but Alperson may stay longer.

New Jersey Tax May Not Reach Theatres

(Continued from page 1)

services may also be exempt in the light of new revenue estimates.

For the second week in succession introduction of the sales and income tax bills was delayed to permit changes suggested by the Governor. One of the major changes in the sales tax is reported to be elimination of amusements from paying the tax, although details of the measure were a closely guarded secret. It will not be known definitely whether amusements are exempted until the bill is introduced and printed later this week.

A major change in policy is contemplated for the income tax measure. Personal and corporate incomes are being separated by tax experts to determine whether a higher rate on corporations would be effective. The first proposal of Governor Hoffman was for a two per cent income tax with approximately the same exemptions as the Federal levy.

Now the plan is reported to be a two per cent rate on personal incomes and a higher graduated schedule for corporations.

Yamins Again Made N.E. Allied Leader

(Continued from page 1)

cers were also continued in office. They are: Max Levenson, Boston, first vice-president; Walter Littlefield, Roxbury, Mass., second vice-president; Ernest Horstmann, Boston, secretary; Harold Stoneman, Boston, treasurer.

Members of the executive committee were likewise all reelected as follows: Morris Pouzzner, Charles Hodgdon, A. A. Bendslev and Richard Rubin, Massachusetts; Andrew Tegu, Vermont; Warren Nichols and A. C. Barwood, New Hampshire, and Richard Flora and Abe Goodise, Maine.

Business was confined to a discussion of local topics.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Shadow of Doubt"

(M-G-M)

HOLLYWOOD, Jan. 29.—"Shadow of Doubt" leaves no doubt that the picture will get successful audience reaction in any man's town. Rich story quality and fast tempo, plus capable delivery point up a well-balanced cast headed by Ricardo Cortez, Virginia Bruce, Constance Collier, Isabel Jewell, Betty Furness, Arthur Byron and others.

George Seitz's brilliant direction extracts all possible from the story material, which was adapted by Wells Root from Arthur Somers Roche's original depicting a multiple murder with the suspects a radio solicitor, a press agent and a temperamental film star.

Cortez and Miss Bruce carry the romantic interest, with Miss Collier dominating throughout by playing an old aunt opposed to her nephew, Cortez, falling in love with an actress. So many fast situations develop that the plot becomes secondary, and, although few murders are committed, unraveling these crimes makes good entertainment for the average theatre-goer.

Beautiful settings and expert photography add to the splendid acting and direction. The film was produced by Lucien Hubbard.

Previewed without production code seal. Running time, 75 minutes. "G."

New Idea in London Automatic Theatres

American tourists in London will soon have more than the fog, driving on the opposite side of the road and cockney accents to contend with. An automatic theatre is about to be installed, if dispatches from the *London Sunday Express* can be believed, and Americans that must have pictures, be they where they may, will probably find themselves stumped for the first time.

L. J. Briggs is the inventor in the case. His idea is to have a shilling-in-the-slot box-office—or six pence or half a crown, according to the seat.

Automatic projection does away with men in the booth. This because three miles of film can be loaded into one machine and breakage is done away with by means of a new sprocket that works without pressure.

A time switch will cause doors to open and close according to the will of the proprietor, who, in fact, need not go near his house except to collect—or in case of an emergency.

In describing his plan, Briggs says: "A gate allows one patron through at a time when he or she puts the money in the slot.

"When all the seats are full, the gate locks itself, lights a sign announcing the fact and seals the money slot."

Briggs doesn't say, however, what is done when a family, say of five, is passing through, with papa dropping shillings into the slot, and suddenly signs begin to light up telling him no more can get in when half his family is already inside. Or, if a gallant swain passes his girl friend in and finds himself on the outside.

Plan Roosevelt Party

LOS ANGELES, Jan. 29.—All studios will join in staging a Roosevelt birthday party tonight at the Warner Sunset studio. Top-line stars will appear, among them Wallace Beery and Bing Crosby. Sid Grauman and Norman Manning comprise the entertainment committee. Thirty per cent of the proceeds will go to Warm Springs, the balance to the local fund.

Gusdanovic Appeals Cleveland Decision

Declaring that the Temple, Cleveland, always maintained 14 days' protection over the Sun, Paul Gusdanovic, operator of the former house, yesterday appealed a decision of the Cleveland clearance and zoning board, which recently held that the two theatres were in different zones. The appellant stated that although he had bought protection over the Sun this season, it was for future film buys that he was complaining.

Gusdanovic contended at a hearing before Leslie E. Thompson, Roy L. Haines and John Benas that the first decision of the local board had unanimously held that the two theatres were in the same zone and competitive, amending the decision with a clause that if the Sun stopped advertising admissions in newspapers it would consider an application to put the Temple in zone 18 and the Sun in zone 17. The Temple pays from $50 to $800 for a picture while the Sun pays from $10 to $50, Gusdanovic said.

The Sun followed the suggestion and when the case came before the local board again, the two houses were put in separate zones by the board. It is from this ruling that Gusdanovic appealed.

Other appeals discussed by the committee were:

Charles Gottlob, Sunbeam, Cleveland, against the Sun, same city, on reduced admissions; Joseph Litvag, Roxy, St. Louis, against the Granada and Kingsland, same city, on clearance and zoning; Ira, St. Louis, against Mikado, Tivoli and Wellston, same city, on clearance and zoning.

No Milton Sunday Shows

MILTON, Mass., Jan. 29. — The Board of Selectmen has voted against licensing Sunday pictures. Chairman Frederick A. Gaskins gave the reason for the dismissal as "lack of interest of the citizens." A hearing a week ago on the petition of 150 residents aroused very little interest, according to Gaskins.

Theatre Heads Marshal Fight On Fee Boosts

(Continued from page 1)

600 or more would be raised from $150 to $1,500. These hikes are in addition to license fees exhibitors are now paying for marquees, cooling systems, stage shows and oil burners.

Important independent and circuit men met yesterday at a secret session to discuss action to be taken today. The I. T. O. A. called off its regular meeting so that members could be on hand for the downtown conclave. Some independents hold that if the proposed increases go through they will be forced to close their doors.

Bitter Cold Hits Lincoln Theatres

LINCOLN, Jan. 29.—Bitter cold with gales pushing the thermometer down to 12 below zero hit theatres last week.

"Imitation of Life" at the Stuart started well, but slipped with the mercury. Final tally was $2,700, below average by $400. "We Live Again," Lincoln, bolstered by a big short program started to wow 'em, but skidded, too. The take was only $1,700.

Total for the four first runs was $8,100. Average is $9,100.

Estimated takings:

Week Ending Jan. 23:

"WE LIVE AGAIN" (U. A.)

LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $1,700. (Average, $2,200)

"IMITATION OF LIFE" (Univ.)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,700. (Average, $3,100)

Week Ending Jan. 24:

"MILLS OF THE GODS" (Col.)

VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $900. (Average, $1,500)

"YOUNG AND BEAUTIFUL" (Mono.)

"BEHOLD MY WIFE" (Para.)

ORPHEUM—(1,200), 10c-15c-25c. "Girls in Cellophane" stage show, 3 days, "Wife" for 4 days. **Gross:** $2,800. (Average, $2,300)

Brief in in Tax Fight

LOS ANGELES, Jan. 29.—U. S. District Court Judge Cosgrove today accepted the brief of United Artists, M-G-M, Fox and Paramount in their action for an injunction preventing Los Angeles County from assessing what they claim to be excess taxes on properties bordering the studios.

Fall of Roof Kills 8

MEDELLIN, Colombia, Jan. 29.—Collapse of the roof of the Alcazar during a showing of "Bolero" killed eight persons and injured 40 here last night. Many of the victims were foreigners.

Nazi Law Hits Lubitsch

BERLIN, Jan. 29.—Ernst Lubitsch has lost his Prussian citizenship under a Nazi decree revoking the naturalization of Jews.

Eyes Trouble Laemmle

HOLLYWOOD, Jan. 29. — Carl Laemmle, Sr., is confined with an eye ailment.



I am the director.

JOHN FORD

Distinguished director, fresh from his recent triumph, "Judge Priest", now produces his most notable contribution to the screen.

•

I believe motion picture audiences will be surprised and delighted at the extraordinary new screen personality of Edward G. Robinson in this great topical story sensation: THE WHOLE TOWN'S TALKING.

It was a unique privilege to direct it.

It is terribly exciting, with all the quality of a front page sensation.

It owes much to the fine writing of Robert Riskin, Jo Swerling and W. R. Burnett and to the splendid performances of the entire cast.

John Ford

A
COLUM
PICTU

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 24 NEW YORK, TUESDAY, JANUARY 29, 1935 TEN CENTS

Wired Houses Of World Cut, Study Claims

Industry Figures Show Total Is 40,869

WASHINGTON, Jan. 28.—Wired theatres throughout the world shriveled in number in 1934 as compared with 1933, a further analysis of statistics prepared by the Motion Picture Division of the Department of Commerce shows. This conclusion fails to jibe with the division's own figures on world theatres which show there were 571 more in 1934 when the total ran to 60,918 than that government bureau could find around in 1933. The figures for that year are given as 60,347.

Houses equipped for sound in 1934, according to this authority, were 40,869 as against 41,823 in 1933 and 36,955 in 1932. The discrepancy between

(*Continued on page 6*)

Booth Cost Errors Are Corrected Here

Statistical errors in the original basic operators' scale for metropolitan New York were corrected yesterday by members of the NRA fact-finding committee at a session at Campi headquarters. Friday's public hearing at the Capitol stands with no further postponements.

Efforts will be made by independent exhibitors to lower the 75 cents per hour minimum and also the $60 weekly minimum booth cost. Leslie E. Thompson presided at the meet.

Bernerd for an End To Sales in Blocks

PHILADELPHIA, Jan. 28.—"We favor the elimination of block booking," Jeffrey Bernerd of Gaumont British declared today at a luncheon given for him and Arthur A. Lee by Al Boyd, managing director of the Boyd. Prominent local exhibitors, officials of

(*Continued on page 6*)

"Chan" at $14,000; Is Given Holdover

With $14,000 in the till for the first seven days, "Charlie Chan in Paris" is being held for another seven days at the Astor. If the Chinese detective yarn holds this week, it will be continued a few days. At the Mayfair

(*Continued on page 6*)

National Film Carriers, Inc., guarantee dependable delivery.—Adv.

Kuhn, Loeb Seen Eliminated From New Paramount Setup

Complete elimination of Kuhn, Loeb & Co. from Paramount affairs of the future is regarded as having been virtually brought about by important reorganization factors.

This banking institution which handled Paramount's first public financing more than 15 years ago and has been closely identified since with the financial affairs of the company, through all phases of its theatre, production and distribution expansion, was recently involved in suits brought by the Paramount trustees over operations in connection with an employes' stock purchase plan of 1928 to 1932. This entanglement is popularly credited in reorganization circles as the reason for the elimination of the bank from future Paramount affairs. Other reports, however, hold that brisk competition for the financing of the new company has played its part in the current situation.

The anti-Kuhn, Loeb maneuvers are held to be directly responsible for the elimination from the new Paramount board late last week of Dr. Julius

(*Continued on page 8*)

First Again

Publication of the new Paramount directorate in *Motion Picture Daily* yesterday morning was a clean beat on all competitors.

The story created a stir around town and was picked up by New York afternoon dailies who, however, went shy on credit lines.

Code Rows at Boiling Point In Wisconsin

MILWAUKEE, Jan. 28.—Code problems have reached a climax in this territory. The Independent Theatre Owners' Protective Ass'n has issued an ultimatum that unless the grievance board is able to enforce its decisions against bank nights by Feb. 5, bank nights will be instituted generally.

On top of this the association has called upon the clearance and zoning board to state whether or not a schedule is in effect here. If no answer is forthcoming, all exchange

(*Continued on page 8*)

Jersey Sales Tax Opposition Gains

TRENTON, Jan. 28.—Theatre operators in New Jersey were encouraged today over the growing opposition to the sales and income taxes proposed

(*Continued on page 7*)

State Industry Rule Up in Massachusetts

BOSTON, Jan. 28.—All corporations and individuals doing business in the state would come under an Economic

(*Continued on page 7*)

Campi to Get Modification of Amendments

By BERTRAM F. LINZ

WASHINGTON, Jan. 28.—Modifications and compromises on pending amendments to the film code, worked out by the NRA since the hearing last month, will be considered by Code Authority in New York tomorrow.

Deputy Administrator William P. Farnsworth will leave for New York tonight carrying with him plans developed for meeting the two most controversial issues—those on lease interference provisions and the proposal to

(*Continued on page 8*)

Reach Compromise On Mexican Taxes

MEXICO CITY, Jan. 28.—Prospects of American distributors withdrawing from Mexico because of high duties and taxes have been greatly reduced

(*Continued on page 7*)

Nat'l Screen's Plan On Posters Attacked

PHILADELPHIA, Jan. 28.—"Rumors are very persistent from all sources that National Screen is about to go

(*Continued on page 2*)

Four Creditor Groups Attack Para. Lineup

Allied Owners Reserve Fire for Details

Invitations to open fire on the Paramount Publix plan of reorganization were accepted yesterday by four representatives of small creditors' groups at the resumed hearing before Federal Judge Alfred C. Coxe. A fifth, the important creditor, Allied Owners Corp., served notice that, while it was not opposed to the Paramount plan it would voice objections to phases of the Paramount Broadway reorganization plan, which is a part of the parent plan.

As expected, no opposition from any large creditor group developed, due to the agreements of last week-end on the makeup of the initial board of directors of 16 members which pacified the potential upper case opposition.

(*Continued on page 8*)

Para. Trustees Lose Fight for High Fees

Motion of counsel for the Paramount Publix trustees for leave to appeal from the order of District Court Judge Murray W. Hulbert setting fees of $32,500 each for Charles D. Hilles, Eugene W. Leake and Charles E. Richardson for services for the 14 months ending last June 27 was denied yesterday by the U. S. Circuit Court of Appeals.

The trustees had requested fees of $100,000 each on the ground that the court was authorized by the new bankruptcy law to establish fees in a "reasonable" amount even though that

(*Continued on page 8*)

Grainger Stays West To Push "U" Program

HOLLYWOOD, Jan. 28.—James R. Grainger, general sales manager of Universal, already here from New York for almost six weeks, plans to stay on a few more to give direct attention to the meeting of release dates

(*Continued on page 2*)

Cleveland Men Seek Dual Ban Extension

CLEVELAND, Jan. 28.—Operating a circuit of half a dozen small subsequent run houses in this city, Maurice Kaplan has been urged by owners of other independent subsequent runs to start a petition to renew the

(*Continued on page 2*)

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Grainger Stays West To Push "U" Program

(*Continued from page* 1)

on the important pictures scheduled for the next few months.

Rumors of a sale of the company continue to rise into the atmosphere. In addition to this, Carl Laemmle, Sr., has been compelled to devote less time to his duties in view of illness. Regardless of circumstances governing Universal's control, Grainger proposes standing by, all for the sake of pledges made theatres on releases.

Loew Boston to Pay 15c

BOSTON, Jan. 28.—Loew's Boston Theatres Co. has declared a quarterly dividend of 15 cents per share, which is payable Feb. 1 to stock of record Jan. 28.

MITCHELL MAY, JR. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Purely Personal

HAL HORNE, it finally was, who called TOM ARTHUR about that lecture before the student body of the Bronxville High School. It seems someone ran into a blank wall, as well as a blank on the school bulletin board, and about it something had to be done. Therefore, TOM caused to have posted an announcement of HORNE's impending lecture. When HORNE finally got around to it and spoke to the 13-year-old TOM on the telephone, the ARTHUR offspring explained the talk could be delivered almost anytime. HORNE has set two years from date for it, figuring by that time television will have arrived and the business may have emerged from its swaddling clothes.

•

BERNIE BROOKS, New Jersey booker for Paramount, was promoted yesterday to New York salesman succeeding MAX BROAD, resigned. JACK PERLY, formerly Brooklyn salesman, returns to his post as New Jersey booker.

•

BOB GOLDSTEIN didn't make Chicago over the week-end because of a dental appointment and not because of business as first reported. JOE MOSKOWITZ lent moral support to GOLDSTEIN when he kept the appointment.

•

The MILTON BLUMBERGS entertained at cocktails Sunday evening. Thousands of people showed up. Among other notable happenings there, LOU BRECHER reached a new high.

Quip of the Day

Arthur Mayer says:

"(1) *Since Fox used that juvenile pose of mine in 'Baboona' ad copy, I've received three offers to go to Hollywood.*

"(2) *Now that 'The Wandering Jew' continues to do standout business at the Criterion, I'm thinking of calling myself the wondering Jew."*

BRUCE CABOT and ADRIENNE AMES left for the coast over the week-end. They were set for Florida but changed their plans at the last minute. The snow had a lot to do with their leaving.

•

MERLE OBERON fooled everyone by sneaking into town two days before she was expected. She saw LESLIE HOWARD in "Petrified Forest" Saturday night.

•

JUDITH ALLEN played hostess to a group of friends at the Normandie yesterday afternoon for cocktails. Celebration of her birthday was the reason.

•

LOU IRWIN hopped off for Florida over the week-end for a two weeks' trip. Swears it's business that brought on the trip.

•

JUNE CLAYWORTH, Universal player, who has been vacationing here, 'planes it to the coast today.

•

JULES LEVY returned from Miami yesterday and, by his own words, "feeling great."

•

JOHN BALABAN sails today from Honululu for Los Angeles where he will take a train for Chicago.

HELEN HAYES arrived in town yesterday from the coast where she has just finished work in "Vanessa" for M-G-M. She goes into rehearsal soon for the title role in "Mary of Scotland," which the Theatre Guild is reviving and sending on the road.

•

CRESSON SMITH, western and southern sales manager of Radio, is on his way to the coast by boat and scheduled to arrive in Los Angeles Feb. 11. He returns immediately by train, touring the various key cities en route. MRS. SMITH is accompanying him.

•

RALPH ROLAN, agency executive for "The March of Time," back from a trip to the middle west. He's with Batten, Barton, Durstine and Osborn.

•

WALTER LANG, who was reported in town and particularly in Harlem scouting for talent for "Hooray for Love," is back on the Radio lot.

•

FRANK UNDERWOOD, A. P. WAXMAN and MITCHELL KLUPT spotted in the Tavern yesterday around noon.

•

FRED QUIMBY has the flu. It's keeping him in bed and away from that Miami vacation.

•

FRED LEVY of Louisville continues seriously ill at the Savoy Plaza. No visitors.

•

REGINA CREWE has recovered from an attack of pleurisy.

•

SPRING BYINGTON is on her way to Hollywood.

•

HERB BERG is down with a cold.

New Censorship Bill Looming in Albany

ALBANY, Jan. 28.—State Senator John T. McCall, Democrat of New York City, said tonight he plans to offer next week a bill to revise the machinery for examination, approving and licensing of films exhibited for pay in the State.

Asserting his purpose is to protect the young from unclean films, the legislator said his measure will provide for a revision upward of fees on films and advertising matter submitted for approval.

Moss Calls Meeting Of Exhibitors Here

License Commissioner Paul Moss has called a meeting of independent exhibitors for tomorrow afternoon to discuss theatre licenses. It is understood an increase in fees is planned and local exhibitors will protest.

The I.T.O.A. meeting scheduled for tomorrow has been called off for the downtown session.

Frankie Baker Sues

PORTLAND, Jan. 28.—Frankie Baker, reputed to be the original heroine of the song "Frankie and Johnnie," has filed suit here against Paramount and Mae West for $100,000, charging alleged portrayals of incidents of her life in "She Done Him Wrong." Miss Baker is here preparing to enter a hospital for a major operation.

German Double Print Patent Ruled Valid

WASHINGTON, Jan. 28.—The Tobis double-print patent is valid and fully covered by the present methods of copying, according to a decision recently handed down by the German Supreme Court, states Trade Commissioner George R. Canty in Leipzig in a report to the U. S. Department of Commerce. The details of the decision will not be made public for several weeks.

The decision, which is of basic importance to the German film copying industry and not without effect in the American industry, related to the joint suit of Ufa-Afifa (the Ufa's laboratory subsidiary) and Hubert Schenger against the Tobis group to test the validity of the double-print patent.

This patent covers the copying of two negatives, which have been independently shot and developed, on a single positive film. The patent was originally granted to one Hans Zogt, of Berlin, in 1921; afterward sold to the Tri-Ergon patent holders in 1924; and then, upon liquidation of these latter, it fell into the hands of the Tobis group in 1928.

After lengthy deliberations, the Leipzig Court sustained the Tobis rights.

Cleveland Men Seek Dual Ban Extension

(*Continued from page* 1)

single feature agreement that became effective July 8, 1934 for a one-year period. Kaplan says he is delighted with the way the single feature agreement has worked out and is anxious to continue it. He reports that others operating small independent outlying houses are also anxious to continue the policy, but in order to have it successful it must be in general effect.

On the other hand, the few double feature houses report business is beyond their expectations. The Metropolitan, closed for more than 10 years, and situated in a neighborhood remote from residences, resports business has increased each week since the opening four weeks ago to such an extent that the operators, Stern Brothers, were obliged to open and outfit the balcony.

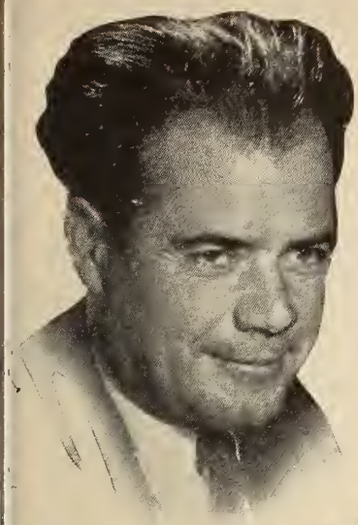
The Grand Central, formerly operated by Max Kaplan and owned by Mrs. Max Kaplan, went to double features this week, making the fifth double feature house. The other double feature houses are the Temple, Family, Alhambra, Metropolitan.

Nat'l Screen's Plan On Posters Attacked

(*Continued from page* 1)

into the poster business. Deals are now under consideration and in process of negotiation between National Screen and major distributors whereby National Screen will handle distribution of posters and advertising accessories of these film companies from a central point in each territory," declares the current issue of *The Contact,* organ of the M. P. T. O. of Eastern Pennsylvania.

The house organ then proceeds to attack the plan, describing it as "but one step away from monopoly and complete control of the poster situation with the elimination of the poster exchanges throughout the country."



I am the camera man...

JOE AUGUST, A S C.

One of the most noted of Hollywood Cameramen, who has been behind the lens in the making of scores of successful pictures.

I HAVE photographed 220 pictures in my career, but never have I been more impressed than with Edward G. Robinson's amazing performance in "The Whole Town's Talking". This is surely a new type of story, and a real new ROBINSON, such as the world has never seen before. It is a masterpiece of direction by John Ford and written by Jo Swerling and Robert Riskin, from a story by W.R. Burnett.

Joe August

A COLUMBIA PICTURE

THUNDER i



"A CORKING FILM W
MERITS SHOULD BE
MATCHED BY BOX
APPRECIATION!"

"EXCEPTIONAL
says

AL LICHTMAN
presents

THUNDE

starring

CHARLES BO
MERLE OBE
JOHN LOD

a Leon Garganoff production

the Reviews...!

"WILL TAKE ITS PLACE AMONG THE IMPORTANT RELEASES OF THE YEAR!"
says BOX-OFFICE

"FINEST IN YEARS!"
says BILLBOARD

"HRILLING!"
PICTURE DAILY

IN THE EAST



Released thru
UNITED ARTISTS

Wired Houses Of World Cut, Study Claims

(*Continued from page* 1)

government and film industry figures becomes the sharper in view of the recently announced statistics of the Film Boards of Trade whose secretaries, by their own survey, concluded there were 18,263 houses in United States and not merely 10,143 arrived at by the Bureau of the Census last December. Currently, the Motion Picture Division, turning to the census bureau as its source, has trimmed American theatres from the 19,000 cited for 1933 to the 10,143 cited by census officials. That covers all theatres. The division further reduced sound theatres in this country from its own announced figure of 15,000 for 1933 again to the census calculation of 10,143.

Big Gain in Europe

Thus, while in the world's richest market, the statistics would indicate sound is reaching the public through fewer outlets, the division reports a decided gain in Europe where the 1934 total is placed at 23,460 as against 20,934 for 1933. In that territory, the most pronounced gains are reported from Germany which is up 489 as compared with 4,000 for 1933 and France which now presumably operates 2,900 sound houses when it had only 2,550 in 1933.

Reporting a wider spread of talking pictures, as well, are England, Italy, Czechoslovakia, Sweden, Belgium, Poland, Denmark, Hungary, Switzerland, Netherlands, Norway, Portugal, Greece, Latvia, Turkey and Esthonia. Operating fewer sound houses according to the division, are: Russia, Spain, Austria, Yugoslavia, Bulgaria and Lithuania.

Latin-America today has 575 more wired houses than it had in 1933, the current total being 2,783 as compared with 2,208. Brazil reported the largest increase—275. While the rise was general, these countries show a decline: Chile, Honduras, Dominican Republic and Paraguay.

Second only to Europe as a more fruitful market for sound is the Far East. Sound houses there in 1934 were 3,362 when there were only 2,539 in 1933. The gain of 823 was made chiefly in Japan and India which are accountable for 593 of the total increase.

Loss in Africa, Near East

Africa and the Near East showed less progress than the rest of the world, barring, of course, the startling difference between government and industry statistics embracing the United States. In that corner of the world, the total is given as 411 for 1934 as compared with 432 in 1933.

A two-year comparison of sound theatres, prepared by MOTION PICTURE DAILY from the Motion Picture Division's statistics follows:

Europe

Country	Sound Theatres 1934	Sound Theatres 1933
England	4,608	4,414
Germany	4,489	4,000
France	2,900	2,550
Italy	2,095	1,079
Russia*	1,800	2,000
Spain	1,333	1,500
Czechoslovakia	1,025	818
Sweden	843	750
Austria	650	570
Belgium	650	400
Poland	428	353
Denmark	325	303
Hungary	315	267
Switzerland	310	302
Roumania	300	350
Netherlands	252	240
Norway	204	175
Yugoslavia	174	184
Portugal	168	107
Finland	120	120
Greece	107	100
Latvia	107	87
Bulgaria	88	109
Turkey	60	52
Esthonia	58	44
Lithuania	44	53
Albania	7	7
Total	23,460	20,934

*Includes all halls, converted churches and other local places of exhibition.

Latin-America

Country	Sound Theatres 1934	Sound Theatres 1933
Brazil	800	525
Argentina	600	542
Mexico	350	265
Cuba	150	131
Chile	148	160
Colombia	120	60
Uruguay	118	110
Porto Rico	93	87
Peru	85	77
Venezuela	75	44
Panama	36	25
Ecuador	27	22
Costa Rica	26	26
Salvador	24	11
Bolivia	20	19
Guatemala	16	12
Nicaragua	15	14
Honduras	14	18
Jamaica	14	8
Dominican Republic	13	14
British West Indies	11	11
Bermudas	9	9
Paraguay	5	6
Haiti	5	3
Bahamas	4	4
British Guiana	2	2
Dutch West Indies	2	2
British Honduras	1	1
Total	2,783	2,208

Far East

Country	Sound Theatres 1934	Sound Theatres 1933
Australia	990	990
Japan	877	450
India	506	340
New Zealand	366	324
Neth. Indies	172	131
China	157	120
Philippines	127	105
British Malaya	50	36
Straits Settlements	48	†..
Chosen (Korea)	24	†..
French Indo-China	18	18
Siam	12	12
Ceylon	9	7
Fiji Islands	3	3
Society Islands	3	3
Total	3,362	2,539

†No statistics.

Africa and Near East

Country	Sound Theatres 1934	Sound Theatres 1933
South Africa	200	195
Egypt	72	72
Algeria	60	95
Syria	23	20
Palestine	22	16
East Africa	13	13
West Africa	7	7
Persia	6	6
Iraq	6	6
Madagascar	2	2
Total	411	432

World's Sound Theatres in Drop, Gov't Bureau Asserts

Washington, Jan. 28.—Wired theatres throughout the world in 1934 were 954 under the 1933 total of 41,823, but were 3,914 ahead of the 1932 figure at 36,955, according to a subsequent breakdown of statistics compiled by the Motion Picture Division of the Department of Commerce.

Whereas the division credited the United States with 15,000 in 1933, the current total is given as 10,143, or the result reached by the Bureau of the Census in its survey made public in December.

A three-year comparison follows:

	1934	*1933*	*1932*
Europe	23,460	20,934	17,822
United States	10,143	15,000	14,000
Latin-America	2,783	2,208	1,830
Far East	3,362	2,539	2,147
Canada	710	710	777
Africa and Near East	411	432	379
Total	40,869	41,823	36,955

The film Board of Trade annual theatre survey, details of which appeared in *Motion Picture Daily* on Jan. 23, gave the United States total as 14,552 theatres in operation as compared with a total of 18,263 in the country.

"Chan" at $14,000; Is Given Holdover

(*Continued from page* 1)

"The Silver Streak" fared badly on account of the snowstorm. The 11-day take was $13,500.

"Baboona" hit a nice $15,000 at the Rialto and is being held over. "Bordertown," at the Strand, is expected to tally around $30,000 for the first seven days. It's being held a second week, followed by "Devil Dogs of the Air," which will probably go two weeks and then will be succeeded by "Sweet Music," with Rudy Vallee, which is dated in for three weeks.

"David Copperfield" is holding strong on its second week at the Capitol and is set for another seven days with a probability of a fourth week. "Lives of a Bengal Lancer" garnered $45,000 on its second week at the Paramount. It holds for a third and last week with a possibility that it may go into another Broadway house adjacent to the Paramount. The same picture is in its second week at the Paramount Brooklyn and also is being held for a fortnight at the Paramount, Newark. At the Brooklyn theatre, "Lancers" speared $26,000 during the first session and Si Fabian is studying the possibility of a third week.

Endorse Independents

PHILADELPHIA, Jan. 28.—The M. P. T. O. of Eastern Pennsylvania is on record for throwing support of its members to independent exchanges.

Wall Street

Most Lose on Big Board

	High	Low	Close	Net Change
Columbia vtc (cl)	36	35½	35½	—1¼
Consolidated Film	6⅝	6¼	6½	— ¼
Consolidated Film pfd (½v)	21⅝	20¾	21⅛	— ¼
Eastman	113⅞	112⅞	112⅞	—1⅛
Eastman, pfd.	144	144	144	.....
Fox Film "A"	21¾	20¾	20⅞	— ⅛
Loew's, Inc. (1a)	32½	32	32¼	— ¾
Loew's, Inc., (6½)	104	104	104	+ ⅛
Param'nt Public.	4¼	3⅞	4	— ¼
Pathe	1⅛	1⅛	1⅛	.....
Pathe "A"	15¾	15	15	— ¾
RKO	2	2⅛	2	.....
Warner Bros.	4⅛	3¾	3⅞	— ⅛
Warner Bros., pfd.	22	21⅛	22	—1¾

Technicolor Up ⅜ on Curb

	High	Low	Close	Net Change
Technicolor	12½	12⅜	12⅜	+ ⅜
Trans-Lux (.20b)	3	3	3	.....

Warner Bonds Off ⅝

	High	Low	Close	Net Change
General Theatre, 6s '40	8½	8½	8½	.....
General Theatre, 6s '40 ctf.	8⅜	8⅜	8⅜	.....
Keith B. F., 6s '46	70	69	70	.....
Loew's 6s, '41, ww deb rights.	105⅜	105	105	— ¼
Paramount B'way, 5½s, '51	45½	44	44	—1
Paramount F. L., 6s, '47	67¾	66½	67	.....
Paramount Publix, 5½s, '50	67⅞	66½	67	— ½
Warner Bros., 6s, '39, wd.	58	56	56⅞	— ⅝

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 28)

Bernerd for an End To Sales in Blocks

(*Continued from page* 1)

the Fox exchange and the press were in attendance. The two are on a tour of exchanges and are due back Monday.

In England, no exchange has cause to chase dates, Bernerd stated, adding that it was "just too bad" for the exchange there if the exhibitor did not trust it.

Gaumont British will see to it that every exhibitor who plays its pictures in this country will be satisfied, Bernerd promised. He declared his satisfaction with progress made by his American organization to date, complimented George W. Weeks, G. B.'s general sales manager, and revealed his organization has a deal calling for an interchange of stars with Fox.

Next season's program will range from six to 16 pictures with Mark Ostrer arriving from London shortly to set the schedule. Bernerd also revealed that in the offing was a special to be made for the American market with a minimum of dialect and with more American faces.

He conceded that the handling of salesmen in this country was a problem that was being worked out. Gaumont British today has 70 in the domestic field. "See every picture before booking," he advised theatremen present, continuing that Gaumont British will give allowances to any theatre losing money on the product. Asserting that anyone can sell pictures once, Bernerd gave it as his opinion that coming back year after year and increasing business constituted his idea of real salesmanship. Gaumont planned to do this, he concluded.

Jersey Sales Tax Opposition Gains

(Continued from page 1)

by Governor Harold G. Hoffman. Passage of either measure at this time appears doubtful.

The sales tax bill is slated for introduction in the Assembly tonight, but the income tax bill will not be ready for some time. The sales tax bill, it is understood, still carries the two per cent levy on gross business of theatres, but provision is made for passing the tax on to admission prices.

Mayor Frank Hague of Jersey City, Democratic leader, is heading the opposition to the sales tax. The mayor at a conference of Democratic legislators got them to oppose any new taxes. Since the Democrats have 26 votes in the Assembly, and the Republicans have only three more than necessary to pass bills, the Governor's program is in a precarious position. Five of the Republican assemblymen ran on a platform opposed to the sales tax and unless there is a decided shift the bill will not pass the House.

State Industry Rule Up in Massachusetts

(Continued from page 1)

Council under the terms of a bill introduced by Assemblyman Wycliffe C. Marshall. It would be a state version of the NRA with wide powers and a 10-year period of life.

This industry would have three members on the council, one each for management, investors and owners and labor.

The council, among other things, would have control of the financing of film companies and subsidiaries, distribution of product, the use of so-called labor-saving machinery and devices, the age limits of employes, rearrangement of hours so that unemployed might be given jobs and the assignment of these unemployed to definite positions, distribution in a more equitable manner of wealth, distribution of income, and the strict adherence to a high standard of labor laws to be determined later. The council would be vested with authority to enter compacts with other states.

Nebraska Gets a 2% Sales Tax Measure

LINCOLN, Jan. 28.—A two per cent sales tax which includes theatre admissions is provided for in a bill introduced today into the Nebraska Legislature by Representative Nickels. According to provisions of the bill, the tax must be added and cannot be absorbed. The fund thus produced will go into a state school fund.

Georgia Legislature Has 5% Tax Measure

ATLANTA, Jan. 28.—The Georgia Legislature, now in session, has before it as one of the tax-raising efforts a five per cent tax on theatre and other amusement admissions. The measure is now in the hands of a committee.

Radio Party on Coast

HOLLYWOOD, Jan. 28.—Ned Depinet, Barrett McCormick and Jack Pegler arrived today for conferences with J. R. McDonough and B. B. Kahane on Radio's new-season product.

Powers Leads New Unit

P. A. Powers is principal stockholder of Longshore, Inc., new unit organized to take over the 200-acre property of the former Longshore Beach and Country Club at Westport, Conn. Longshore Estates, Inc., which now controls the property will lease it to Longshore, Inc.

Loew Reports His Stock

WASHINGTON, Jan. 28.—Reports on the stock holdings of corporation officials received today at the Securities and Exchange Commission included one from David L. Loew, vice-president and director of Loew's, Inc. It showed he owns 2,476 shares of no par common.

Flash Reviews

Shadow of Doubt— . . . will get successful audience reaction in any man's town . . . rich story quality and fast tempo. . . .

Victor and Victoria— . . . charming and tuneful musical romance . . . smartly directed and cleverly acted. . . .

The Nut Farm— . . . good average fare.

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Arthur in St. Louis

ST. LOUIS, Jan. 28.—Harry C. Arthur of Fanchon & Marco is here on a secret trip. He expects to leave for New York in a few days.

Reach Compromise On Mexican Taxes

(Continued from page 1)

by a compromise between the distributors and the Government. The latter agreed to reduce the Federal income tax from 10 per cent to 6 per cent, effective Jan. 1, 1935.

The ministry also told the distributors that, although it was unable to grant all their requests for sweeping reductions of duties and taxes, it will, however, appoint a committee of experts to examine the distributors' books to ascertain whether or not their claims of being unable to operate at a profit are well founded.

Finally she's



gone to pieces!



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COMFORT—*The Greatest Star Of Them All!*

Four Creditor Groups Attack Para. Lineup

(Continued from page 1)

The complete list of the 16 directors agreed upon by the guiding reorganization groups appeared exclusively in yesterday's MOTION PICTURE DAILY and placed a premium on copies of the paper which found their way into the courtroom.

The importance of the pacified groups as ranking creditors was disclosed during the day when George Z. Medalie, former Federal district attorney here, appearing as counsel for the consolidated interests, told MOTION PICTURE DAILY that they represented a total of $14,000,000 in claims, largely made up of bond and stock holdings. Among the interests represented by the claims are the Atlas investment group, British insurance companies holding Paramount securities, several banks and the John D. Hertz interests. This group placed three representatives on the board.

The only registered opposition to the Paramount plan, it was indicated yesterday, will be made by Samuel Zirn, counsel for a small bondholders' group; Archibald Palmer, counsel for a small amount of stock; the Munger debenture committee, represented by Szold and Brandwen, and Louis Boehm, representing a small stockholders' group. Allied Owners, which is given representation on the board through the recent agreements, will confine its opposition to the Paramount Broadway plan.

Others Slated to Be Heard

Yesterday, Zirn, Boehm and Robert Szold were heard. Palmer and Monroe Goldwater, counsel for the Allied Owners' trustees in bankruptcy, will be heard when the hearing resumes today. Thereafter, the proponents of the plan, which include all of the important bond, stock, bank and merchandise creditors' committees, will be given a hearing, following which Alfred Cook, counsel for Paramount and for the stockholders' committee, will offer rebuttal to the opposition. Thereafter, the court indicated, it would take the plan under advisement and either give it tentative approval or recommend changes. The plan would then be issued to creditors with requests for their assents and returned for the court's final approval.

Yesterday's opposition centered mainly on phases of the Paramount bank debt settlement; the provisions for taking care of stockholders and the directorate of the new company.

Szold and Boehm both stated they favored the naming of voting trustees by the court in place of a creditor elected directorate, or the naming by the court of a temporary board to serve for at least one year after reorganization. Zirn also asked for close court supervision over the board, with the terms of directors to be limited to one or two years instead of the four-year period provided in the plan. Szold asked for a good representation of "business" men on the board, as distinguished from "financial men with Wall St. connections." The proposed board represents a large majority of financial men.

The opposition of Szold and Boehm was in exact conflict with the former contending that the plan favored stockholders to the detriment of bond and creditor interests, and the latter holding that stockholders, who, through the specified assessment put new money into the company, are being grievously discriminated against. Zirn asked that no interest be paid on the bank debt after March, 1933, when Paramount went into bankruptcy, and attacked the $5,000,000 Allied Owners' settlement on the grounds that the claim was one for breach of lease and was not provable for more than $2,400,000.

Kuhn, Loeb Seen Eliminated From New Paramount Setup

(Continued from page 1)

Klein, business consultant and assistant secretary of commerce under President Hoover, who served the banking house in the development of the Paramount reorganization plan Klein was a member of the Vanderlip bondholders' protective committee and was replaced by Robert K. Cassatt, New York and Philadelphia financier, as a representative of that committee on the board.

H. A. Fortington, also slated for the new board, was identified yesterday as the representative of six or seven British insurance companies, including London, Liverpool & Globe and Royal Indemnity and Royal Assurance, among others, with holdings of approximately $2,100,000 of Paramount bonds. Fortington's interests are allied with the Atlas investment interests, John D. Hertz and Lehman Bros., several other banks, stock and bond holders and the William Greve-Allied Owners' interests. The group is represented by George Z. Medalie, as counsel, and holds total claims of approximately $14,000,000. In addition to Fortington, these consolidated interests placed Hertz. Stephen Callaghan of Allied Owners and Floyd B. Odlum of Atlas, on the new board.

Para. Trustees Lose Fight for High Fees

(Continued from page 1)

might be in excess of the two per cent of the moneys handled for the bankrupt estate by the trustees, as specified in the old bankruptcy law. Judge Hulbert had ruled that the old law prevailed in fixing the $32,500 fees.

Half of Appeals Are Great States Cases

Three of the six appeals heard by a Campi appeal committee yesterday involved Publix Great States. Felix A. Jenkins of Fox, Jack Bellman of Hollywood Exchanges and J. Louis Geller, independent exhibitor, constituted the committee. The cases heard were:

Publix Great States, operating the Belasco, Orpheum and Washington, Quincy, Ill., and Orpheum, Springfield, Ill., against the Colonial, Family, Quincy and Star, Quincy and Capitol, Empress, Lincoln, Majestic, Pantheon, Strand, Senate and Tivoli, Springfield, on clearance and zoning; Publix Great States, LaSalle, Ill., against the Peru and State, Peru, Ill., on reduced admissions; Publix Great States' Majestic and LaSalle, LaSalle, Ill., against the Peru, Peru, Ill., on premature advertising.

Glen, Glen Ellyn, Ill., against Sam Tishman, Paramount, Wheaton, Ill., the plaintiff objecting to seven days' clearance by the respondent; the Maplewood, Maplewood, N. J., against the Cameo, South Orange; Milburn, Milburn, and Sanford, Irvington, on clearance and zoning. Leon Rosenblatt objected to the 14 days' clearance the Warner houses have over the Maplewood, Carl Anderka, Cozy, Orange Grove, Tex., against Henry Hall, Rialto, Alice, Tex., on premature advertising.

Al Fair to Handle Alexander Selling

Al Fair, former general manager of Universal Chain Theatres, Inc., has contracted with the Alexander Film Co. to handle the negotiations for advertising privileges with theatre owners and circuits throughout the country. Fair's headquarters will be in New York.

The Alexander Film Co. has long been producing syndicated film advertising and servicing in its studios in Colorado Springs, Col., and has sales forces in practically all key cities.

Theatres to Study Municipal Circuit

Effects of the proposed circuit of municipal theatres will be studied by a committee of four appointed yesterday at the general meeting of The League of New York Theatres by Dr. Henry Moskowitz, chairman. Besides Dr. Moskowitz, those named are Brock Pemberton, Herman Shumlin and George Haight. The committee will report at the next meeting, which will be held in about a week or 10 days.

The proposal of the circuit of theatres was made some time ago by the drama department of the Department of Public Welfare. The houses would be situated in outlying sections of the five boroughs and would be operated at 25 cents top, the idea being to promote interest in the legitimate theatre and afford entertainment at the same time.

Samuelson Garners Laurels as Pleader

Sidney Samuelson adds new laurels to the title of Allied of New Jersey and national Allied president. He has just been declared victorious in his first code case, which he fought for a member of the Jersey unit.

Representing Joseph Sicardi of the Liberty, Plainfield, N. J., Samuelson won a decision at the New York grievance board which declared Walter Reade had overbought 70 pictures for the Oxford, Strand and Paramount, Plainfield. Appealed by Reade, Samuelson again walked off with the decision by Campi.

Reade hasn't decided yet what he's going to do about the case, but promises action within a few days after receiving official notice from Code Authority. Leo Justin represented Reade.

Campi to Get Modification of Amendments

(Continued from page 1)

make exhibitors responsible for the payment of code salaries by unit owners.

With respect to the lease interference clause, the Administration is opposed to its elimination, but has worked out some clarifying provisions recognizing the rights of property owners, holders of mortgages and others having a direct interest in seeking tenants. It is felt by the NRA that this provision is of considerable value and should be retained.

After consideration of its own amendment to make exhibitors responsible for the payment by contractors in theatres of code salaries, the Administration is prepared to drop the matter on the ground that there is already in the code, in Section 10, a provision which gives Code Authority the power to make rules concerning the relationship of independent contractors with exhibitors. This latter provision, it is believed, may be enforced so as to bring about the results which the Administration had in mind when it offered its amendment to require the exhibitor to see that the independent contractors did not "chisel."

Code Rows in Wis. Reach Boiling Point

(Continued from page 1)

managers will be asked to state by Feb. 7 the clearances under which pictures are being sold here.

Back of this latter request is a covert threat that the Department of Justice will be called upon to make an investigation in this territory similar to those already made in St. Louis and Los Angeles. The board has been authorized to appropriate such sums as may be necessary to assist in gathering material for a Federal investigation, and affidavits will be forwarded to the Department of Justice, members say.

In connection with the bank night agitation a resolution recently adopted says "that the members of this association believe that if the mechanics of the code cannot cause the ceasing of positive violations thereof, then any faith heretofore held in the code is shattered, and it will be just as well to ignore its existence and even go so far as to work toward its dissolution."

Campi Delays Moves On Charnow Decision

Campi is virtually stumped on the Julius Charnow clearance case against Loew's and Skouras and involving the Leonia, Leonia. Having heard that Code Authority has a seven-to-three decision against him, Charnow recently appeared at Campi headquarters during a session and demanded that instead of handing down the decision agreed upon, that the records be read and that he be given an opportunity to be heard.

Although Code Authority met two days last week no decision was officially handed down. A suggestion has been made that the case be settled out of Campi and this may be done.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 26 NEW YORK, THURSDAY, JANUARY 31, 1935 TEN CENTS

Chicago Dime, Dual Ban Goes To U. S. Court

Two Anti-Trust Actions Filed, Hearings Set

CHICAGO, Jan. 30.—Actions under the Sherman anti-trust and Clayton Acts were started this week by two exhibitors, one a neighborhood theatre and the other a small Loop house, against major distributors and circuits.

Jack Rubin, Public Theatres, has filed before U. S. District Judge Woodward a conspiracy action based on his inability to show 10-cent dual bills. Rubin specifically names Essaness, B. & K., Warners and exchanges as defendants, and they have been notified to file answers before Judge Woodward by Feb. 15. Morris Seider represents Rubin.

Simultaneously, Rosenthal, Toomin & Stein, who recently represented J. L. & S., have filed before Judge Woodward a suit charging conspiracy and concerted actions on the part of B. & K., Warners and Essaness in behalf of James Roden, owner of the Astor, a 200-seat grind house on the

(*Continued on page 4*)

M. & S.-RKO Drop Compromise Dicker

Negotiations for settlement of the Meyer & Schneider breach of lease charges against RKO, involving film playing policies at the Apollo and Hollywood, were abandoned yesterday with counsel for the litigants unable to reach an agreement.

Hearings on the charges will be resumed today at the N. Y. County Lawyers' Ass'n. Bldg. before a board of three arbitrators. Felix Jenkins, Fox attorney, is on the list of witnesses who have been called to testify today.

Seek Showdown on L. A. Zoning Today

Discussions on the Los Angeles clearance and zoning schedule will come to a head today when a showdown will be sought at Campi. Independent forces, bored at the constant delays and endless discussions, followed by protests by Loew's, will insist on a vote and either have the schedule accepted or rejected.

Sentiment in favor of adopting a

(*Continued on page 5*)

The show must go on time—Ship via National Film Carriers, Inc.—Adv.

Fishman Hits Exclusive 2nd Run by Loew's

Preferential Clearance in New Haven Attacked

Exclusive second run protection by Loew's at the College, New Haven, Conn., was the target of a vigorous attack by J. B. Fishman, operator of the Dixwell, same city, and other independents at a Campi appeal hearing yesterday before a committee consisting of George J. Schaefer, Edward Rugoff and E. C. Grainger.

An attempt was made to bring in a clearance and zoning schedule for New Haven incorporated as part of a decision handed down by the local board, but on objection by Irving Greenfield and Joe Vogel of Loew's, Schaefer refused to admit the plan other than its being a basis for the decision of the board. Schaefer, who is chairman of Campi's clearance and

(*Continued on page 5*)

Bank Nights Again Up to Coast Board

LOS ANGELES, Jan. 30.—Bank night cases continue to trouble the grievance board.

One pending complaint, Glassell vs. Highland, has been decided by issuance of a stop order against the Highland.

In another case, Oceanside vs. Escondido, the respondent signed a compliance agreement. Both sides had

(*Continued on page 5*)

Rule on Legal Form Of Iowa Bank Night

DES MOINES, Jan. 30.—Bank night as conducted by many Iowa theatre owners is a violation of the law on lotteries, but may be carried out in such a manner that it does not constitute a lottery, according to an opinion just issued by Attorney General

(*Continued on page 5*)

Imagine It!

Archibald Palmer, counsel for Paramount stockholders, brought a Bible into Federal court yesterday from which to quote a passage to illustrate one phase of his opposition to the reorganization plan. When the session was adjourned his Bible had disappeared.

Samuel Zirn, opposition attorney representing bondholders, misplaced an overcoat in the courtroom, crowded mostly with financial district attorneys. He matched his tale of woe with Palmer's at the end of the day.

"Well, then," Palmer comforted him, "imagine what this Wall Street crowd will do to Paramount."

Labor Leaders to Talk Sunday Shows

A committee of labor leaders was appointed by the Code Authority of the legitimate theatre yesterday to discuss Sunday shows with Actors' Equity. The two groups will meet in the near future, but no definite date has been set. Those appointed to the committee are Fred S. Dempsey; Thomas Gamble, representing the musicians' union, and Edward Marshall, representing the scenery men.

It was also revealed that the Federal Trade Commission had replied

(*Continued on page 2*)

Fee Jump, Censored Ads in Senate Bill

ALBANY, Jan. 30.—Senator John T. McCall, Democrat of New York, today introduced in the State legislature a bill amending the film censorship law so as to provide for the appointment of inspectors and the approval of all advertising matter as well as films. The inspection fee under the measure would be increased

(*Continued on page 2*)

Annual Choice Of Paramount Board Sought

Medalie Suggests Plan Before Judge Coxe

A recommendation that provision be made in the Paramount plan of reorganization for an annual election of directors "to assure an active, efficient management," instead of the four-year directors' terms now specified, was made by George Z. Medalie, representing an important consolidated creditors' group, at the resumed hearings on the reorganization plan before Federal Judge Alfred C. Coxe yesterday.

Following the hearing, MOTION PICTURE DAILY learned that unless the proposal for an annual election of directors is included in the bylaws of the new company as a part of the reorganization plan, the group represented by Medalie will appear in opposition to the plan when, in its final form, it is sent out for creditors' assents. The group represents combined claims aggregating $14,000,000, and includes the H. A. Fortington-British insurance company investors, Allied Owners, the merchandise creditors'

(*Continued on page 4*)

New Academy Pact For Free-Lance, Aim

LOS ANGELES, Jan. 30.—After months of conferences between the actors' and producers' branches of the Academy, the board of governors of the organization today ordered that recommendations for a new standard contract for free-lance actors, both on a weekly and per diem basis, be submitted to the vote of actor-producer members, with approval taking effect on March 1, when the present contract expires.

An agreement has been reached covering many drastic revisions, giving practically everything held equitable between actor and producer, and comes closer to what the Screen

(*Continued on page 12*)

FHA May Use Films To Boost Its Work

WASHINGTON, Jan. 30.—Production of films designed to bring before the public the benefits of President Roosevelt's housing program may be undertaken in the near future, it was revealed today by officials of the Federal Housing Administration.

Although the matter has not yet

(*Continued on page 4*)

Cold Waves and Snow Hit Grosses in 14 Key Spots

Cold waves and snow across most of the northern section of the country gave grosses a wallop for the week ending Jan. 17-18, and the total take for 22 key cities reporting to MOTION PICTURE DAILY dropped to $1,251,130. This was $110,320 under the previous week.

Grosses were down in 14 of the cities reporting—Buffalo, Cleveland, Denver, Los Angeles, Minneapolis,

(*Continued on page 12*)

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Labor Leaders to Talk Sunday Shows

(*Continued from page* 1)

to the protest of Code Authority against free radio shows, but as yet had promised no definite action. The commission said that the matter, after being taken into consideration, had been referred to other channels for further study. A report of this is expected by Code Authority shortly.

There was no discussion of the ticket speculator situation, however, since it was thought best to wait until the courts had rendered a decision before taking the matter up. The U. S. District Court here has reserved decision on the case but is expected to present this decision by the end of the week.

Paramount Signs Young

HOLLYWOOD, Jan. 30.—Harold Young, who was once a cutter in the Paramount Astoria studio, and who later directed a picture for Gaumont-British, has been signed as a director at Paramount. His first assignment will be "Jungle," which stars Cary Grant.

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Purely Personal

MARTHA SLEEPER, who has been vacationing here with her husband, HARDIE ALBRIGHT, is going back to work. BEN HECHT and CHARLES MACARTHUR have signed her for a role in "Miracle in 49th St.," now in work at the Astoria studio.

•

MONROE GREENTHAL, of United Artists, will now be saluted besides being salaamed to on his entry at the office every morning. He was made a Kentucky Colonel yesterday.

•

JACK BYRNE of M-G-M, HARRY P. LANDER, secretary of the code board, and Dr. J. B. FISHMAN, all New Haveners, were visitors yesterday. Code trouble was the reason.

Quip of the Day

Jack Cohn, planing it back to New York from Miami, reached Washington at four something yesterday morning and reached out for a local newspaper. In it, he read Mrs. Al Smith had broken her arm while walking aboard a train in the general neighborhood of Richmond.

Said Cohn, turning to the pilot: "I always knew those trains weren't safe."

RUTH SCHWERIN, since her nervous breakdown Monday, is finding peace from constant telephone calls but shutting off the service in her office anyway.

•

LOUIS CALHERN gets one of the leads in "The Night Is Young" which AL WOODS plans to produce on the stage. Hasn't Metro a picture by that name?

•

J. WALTER RUBEN and WELLS ROOT have sold "B. I .D. J." to M-G-M. The initials stand for Bureau of Investigation, Department of Justice.

•

LOUIS FRISCH is back from a week at Atlantic City and, true to exhibitor form, couldn't stay away from the theatres on the boardwalk.

•

WILLIAM BOEHNEL and MORRIS HELPRIN have collaborated on an original, "Forced Landing," and sold it to Monogram.

•

NATE SPINGOLD will soon join the Columbia contingent in Florida. He pulls out late this week for Palm Beach.

•

AL LICHTMAN returns Monday from his Miami vacation. HARRY BRANDT will be his bridge partner on the train.

•

JACK CONNOLLY, the Pathe News man, is due in from California tomorrow. Or maybe a day or so beyond that.

•

GERALD F. SANGER, editor of British Movietone News, is here from London.

•

JULES LEVY'S Florida tan is wearing away already and that makes JULES slightly pensive.

•

PAT GARYN has recovered from the flu in Chicago.

•

CLAUDIA MORGAN goes into the cast of "De Luxe" (not a motion picture).

BOB GILLHAM, flanked by AL WILKIE and ALEC MOSS, entertained a number of Chicago film critics at the Tavern yesterday, including CLARK RODENBACH of the *Chicago News*, and DORIS ARDEN of the *Chicago Times*. EDDIE LEVIN of the B. & K. publicity department, was also along.

•

HORTENSE SCHORR wants it denied she lunches in Thompson's No. 27, saying her luncheon dates have been few and far between since the spreading of what she termed "a base canard." She further insists her lunches are as de luxe as the Columbia product.

•

JOHN HAY WHITNEY was scheduled to leave for the coast any day, but has postponed the trip indefinitely. Business is keeping him here, but he promises to be on hand for the big race at Santa Anita.

•

HAL YOUNG spends most of his time while at lunch these days practicing at bagatelle. He hopes to make expenses to New Orleans next month out of some of the M.P.T.O. delegates.

•

CAROLE LOMBARD has deserted Florida for Havana. The cold wave that hit the south as well as up here made her decide to have a look at the rhumba on its home ground.

•

FELIX FEIST, E. M. SAUNDERS, WILLIAM RODGERS, WILLIAM SCULLY and JACK BYRNE, all of M-G-M, at the M. P. Club, but at different tables.

•

NATE BLUMBERG, E. C. GRAINGER and EDGAR MOSS spotted at the Music Hall eatery yesterday, too busy talking to notice anyone.

•

JULIA SHAWELL, formerly of the Macfadden magazines, is hard at work on her new women's magazine which is due shortly.

•

FREDDIE BARTHOLOMEW, who plays young David in "David Copperfield," will be heard on the RUDY VALLEE hour tonight.

•

DOROTHY ARZNER, Columbia's woman director, was around the home office yesterday visiting with company officials.

•

BILL BROWN, manager of the Randforce-Marboro Theatre in Brooklyn, is Miami-bound for a two weeks' vacation.

•

JESSE MARTIN, of BEN JACKSEN, & HAROLD LEYTON, Inc., is en route here from Hollywood on business.

•

Compliance Director SOL A. ROSENBLATT is in North Carolina, but returns to Washington tomorrow.

•

DAVID LOEW says he'll head for the coast Feb. 15 and will not go to Havana for any amount of money.

•

GREGORY DICKSON has joined King Features, knocking out a daily syndicated column on film players.

•

ALPHA, the mechanical man from England, appears today as master of ceremonies at the Music Hall.

•

WILLIAM H. BRIGGS, who has been in the editorial department of Harper & Bros. for many years, has just signed a contract with M-G-M to act as a local scout for writers, books and plays.

•

SAM RINZLER has been dubbed the chief herring eater from Brooklyn at the M. P. Club. NAT COHN holds a similar title for Mt. Vernon.

•

JOE RIVKIN is wavering between an apartment at the Parc Vendome and one on Park Ave. What a waver!

•

PAULINE FREDERICK will play Elizabeth in the road company of "Mary of Scotland."

•

JIMMY DURANTE is being talked about for a role in "Jumbo." A play not a picture.

•

IRENE RICH, out of Hollywood for some time, returns there shortly to resume work.

•

BOB SHERWOOD, confident now that "The Petrified Forest" is a hit, is Europe-bound.

•

CLAUDE RAINS has been signed by G. B. to play the lead in "The Clairvoyant."

•

SYDNEY SINGERMAN observed his 20th year at Universal yesterday.

•

BILL RODGERS' Miami tan is the envy of all emgeeemers.

•

PAULINE STARK is off for the other side.

Detroit Catholics Seek Cancellations

DETROIT, Jan. 30.—The Federation of Catholic Societies here has addressed a letter to Carl E. Milliken, secretary of the M.P.P.D.A., laying the blame for exhibitors playing Class C films on the doorstep of his organization and asking "justice for the exhibitors who have had to pay." The classifications are made by the Societies.

They also demand that the Hays organization make good on the promise of several months ago to permit exhibitors to cancel objectionable pictures, and in bringing out this point cite five instances here where exchanges have refused to cancel "Limehouse Blues."

Fee Jump, Censored Ads in Senate Bill

(*Continued from page* 1)

from $3 for each 1,000 feet to $100 for the first thousand and $5 for each additional thousand or fraction thereof.

The bill adds the words "filthy," "lascivious," "disgusting," "offensive" and "revolting" to the reasons for rejecting a film or advertising matter.

Senator McCall also introduced a bill imposing a tax on the exhibitor of 10 cents per 100 feet for the "privilege" of exhibiting film and requiring the registration of film houses and payment of an annual registration fee of 50 cents per seat.

Jack Warner in Town

Jack Warner has arrived in town by way of Florida. He will be here for a week or so discussing production with home office officials.

What the well-dressed lobby will wear

FOR FEBRUARY



Directed by
Lloyd Bacon



Directed by
Alfred E. Green

RUDY VALLEE
"SWEET MUSIC"
with ANN DVORAK
and 7 Stars! 2 Bands!
6 Songs! 100's of Girls!
A Warner Bros. Picture

Samples of the grand promotion material for 2 more grand hits coming in a single month from

WARNER BROS.

Annual Choice Of Paramount Board Sought

(Continued from page 1)

committee, John Hertz and the Floyd B. Odlum-Atlas investment group. These creditors placed five representatives on the new Paramount board. They are Fortington, Hertz, Odlum, Charles E. Richardson and Stephen Callaghan.

Referring to MOTION PICTURE DAILY's exclusive publication of the names of the 16 nominees for the Paramount board agreed upon by the principal creditors' committees, Medalie answered attacks on their fitness made by Archibald Palmer, stockholders' counsel, at Tuesday's session. He stated that while the group as a whole "perhaps leans a little in favor of financial representation and is light on management men" not one of the nominees "needs a defense."

Favors Annual Election

Medalie advocated the annual election of directors, however, on the ground that it permits men to remain on the board long after the interests they were named to represent had disposed of their equity in the company. He described the procedure as an "old and outmoded" method of corporate direction, and declared that stock interests at the end of each year should be permitted to elect their own representatives, eliminating annually those who no longer represented any one.

"It is my understanding," Judge Coxe remarked, "that directors should represent all of the stockholders of a corporation rather than individual interests."

"But," Medalie responded, "when protected by long terms and dulled by new profits, directors may easily forget that obligation, along with whatever lessons they may have learned from the past. They need an annual awakening, such as an election."

"Perhaps this company, starting out new, needs some assurance of permanency in its directorate," Judge Coxe remarked.

"The directors can secure permanency by serving well enough to be returned at annual elections," Medalie said. "If they can't serve that well they ought to be out."

Reveals Alternate Proposal

Medalie revealed that in discussions had with reorganization groups on the subject of the annual elections, an alternate proposal had been made which would provide for three classes of directors to be elected for one, two and three-year terms, respectively. He added that this proposal was not satisfactory to the creditors' groups he represented. Medalie also advocated a provision for cumulative voting of stock at board elections.

Lansing P. Reed, of counsel for the Vanderlip debenture committee, stated he favored a board which would serve for the first three years after reorganization, with annual elections of directors to be held thereafter. He argued that Paramount bank creditors would receive 20 per cent of the company's new stock in settlement of their claims and would be required to liquidate it in the open market after a brief period. This could result in the stock being acquired by interests which would make a "political football" of the company, he said.

Answering earlier advocates of voting trustees to be appointed by the court in place of creditor-elected directors, Judge Coxe dealt summarily with the proposals yesterday by declaring that he did not believe the court should be asked to assume even partial responsibility for the management of the company. He advised Medalie, however, that this did not apply to the latter's proposal for annual elections of directors, which he described as still "an open question" in the court's mind.

Reed, whose committee represents more than 50 per cent of the Paramount bonds outstanding, voluntarily admitted to the court that Kuhn, Loeb & Co. appointed the Vanderlip committee members and recommended Reed's law firm as counsel. He defended major provisions of the plan and stated that despite the fact that his committee approved the bringing of suits by the trustees in bankruptcy to set aside the alleged preference of the bank creditors, he believed the settlement of the banks' claims contained in the plan to be fair. Reed advised the court that in every instance the important claim settlements contained in the plan represent the best terms which reorganization groups could obtain after lengthy negotiations and still retain the support for the plan of the creditors concerned.

"Take one block out of this plan," he said, "and the entire structure may fall."

The bank settlement was also defended by Morton G. Bogue, of counsel for the bank group, who related that state court litigation against the bank deal of 1932 had failed, and that the new credit advanced by the banks was in short term loans and financed the production of 23 films which, he said, netted the estate $5,000,000 after its receivership.

Opposition to the Paramount Broadway reorganization plan was answered yesterday by Sol Stroock, Julius Weiss, Saul E. Rogers and Austin Keough, who advocated retention of both the Paramount Bldg. and theatre after reorganization. Hearing of opposition to the Paramount plan was concluded with brief objections to the provisions for stockholders, described as being "too favorable," by Sam Spring, counsel for holders of claims aggregating about $2,225,000. Hearing of advocates of the plan will continue today, after which the court will take it under advisement and will either give it tentative approval or recommend changes. The final plan will then go out to creditors who will either assent to or reject it. If sufficient assents are obtained, it will come back to court for final hearings before being placed in effect.

Attorney Palmer Turns Poet

Archibald Palmer, representing common stockholders, read the new Paramount directorate, published exclusively in *Motion Picture Daily*, Monday, and found himself moved to issue forth with poetry.

Yesterday, at the third day of the resumed hearing, his opus had been completed. Whereupon, Palmer handed out flimsies to attorneys for the bankers, and did not overlook Judge Coxe.

The text:

To Paramount

You've been too long a banker's joy—
Will you now become a Wall Street toy?
Will you forsake your bright estate,
Will groveling be your future state?
How can you reach for yon far stars
With shackled feet clamp'd by bankers' bars?
How can the Genius of the Picture World
Lead on with banner brave unfurl'd,
With sparkling eyes and courage bold,
If glowing soul be damp'd by bankers' cold?

Does Paramount mean bonds and stocks?
Committees named by canyon'd street your program mocks
The thought of heights that yet remain
For Paramount to strive to gain.
Let not a program built by Greed bind you with hungry chains,
In time of need, to prove a reed.
Would you destroy the magic of a mystic weave,
An Empire of the Land of Make-Believe,
To satisfy self-seekers', narrow-minded, self-sought gains?

Come, then, you Justice with the blinded eyes, and seize the reins
And ride you well this Pegasus of brain and gold,
And ride you like a knight of old
Through pitfalls dark, and shadow'd dangers grim and stark.
And drive without her templed walls
The money changers who have claimed her halls,
Who care naught for the Movie Art,
Its Beauty, Wisdom—even Heart.
Then Paramount will rise 'bove the common horde—
And to its pristine kingly state once more will be restored.

Para. Is Launching Contest on 'Ruggles'

Paramount is putting on a national contest for the best theatre campaigns on "Ruggles of Red Gap." A total of $2,600 will be distributed to winners, with $500 as first prize; $400, second; $300, third; $200, fourth; $200, fifth, as well as 20 prizes of $50 each. The contest opens Feb. 15 and runs to April 12.

Chicago Dime, Dual Ban Goes To U. S. Court

(Continued from page 1)

Loop. Virtually all distributors are also named as defendants.

Roden's suit charges the issuance of a so-called blacklist by the Chicago Exhibitors' Ass'n. to exchanges in which houses charging 10 cents and playing duals are named.

Validity of the current understanding between exhibitors and exchanges on 10-cent admissions is challenged, with Roden claiming he has been damaged to the extent of $300,000 under the Sherman anti-trust law's treble damage clause. Roden's lawyers asked for a temporary injunction. A hearing on this has been set for Feb. 15.

Both plaintiffs informed MOTION PICTURE DAILY that there was no connection between their action and the Federal indictments recently returned in St. Louis. They also said their suits had been filed independently of each other and without outside support.

The action is frankly viewed with alarm by exchange heads. Branch managers are awaiting instructions from New York.

FHA May Use Films To Boost Its Work

(Continued from page 1)

reached the stage of formal negotiations, it was said that it had been discussed with representatives of several producing companies and that it was anticipated a definite plan would be worked out shortly. So far the only points decided on are that the pictures should be shorts and be nationally distributed.

Determination to resort to films is believed due to a desire to pep up the Administration's housing campaign, which so far has fallen short of expectations.

Holds N. E. Biz Spotty

Theatre business in New England is spotty, George Cruzen, division manager for M. & P. with nine houses under his supervision in Connecticut and West Massachusetts, stated yesterday. He added good pictures continue to draw, but there are not enough of them.

Cruzen attended a code hearing yesterday and left for New Haven last night.

"Rumba" Goes to Rivoli

"Rumba," Paramount release, follows "Clive of India" at the Rivoli.

"Wings in the Dark" opens at the Paramount tomorrow, to be followed by "The Gilded Lily."

Fire in Portland House

PORTLAND, Ore., Jan. 30.—Projection equipment of the Yeager, suburban, was destroyed in an early morning fire today.

Glendon Allvine Resigns

HOLLYWOOD, Jan. 30.—Glendon Allvine, associate producer at Radio, will leave the company Saturday. He has other plans in view.

Fishman Hits Exclusive 2nd Run by Loew's

(Continued from page 1)

zoning committee, held that Campi does not recognize a schedule for New Haven, despite three attempts by the local board to get Code Authority to adopt it.

Although the local board twice approved a schedule for the territory without a dissenting vote, the third time the board was divided. That happened when the College protection entered into the plan. B. Kaufman of Warner theatres, and Al Kane, district manager for Paramount, voted in the negative, while Morris Joseph of Universal declined to cast a ballot. Ed Raffile, Joseph Dons and Adolf Johnson were in favor of the schedule, which has all 30-cent houses playing 30 days after downtown first runs and 25-cent houses 37 days after first runs.

Bought Exclusive Run

In buying new season's product, Loew bought an exclusive second run for the College, demanding seven days over other second runs, which means that theatres following the College cannot get film until 41 days after downtown first runs. Vogel and Greenfield contended that Loew was paying for the additional protection and the former entered into the record comparative rentals of the College and Dixwell on Columbia and RKO-Radio contracts. Greenfield said: "If we have a right to buy seven days' protection, we have a right to maintain it."

Fishman brought up the point of the College, which is in a different zone from the Dixwell, having the right to buy protection from a theatre four miles away and which for the past eight to 10 years has enjoyed the same protection. He also said that cut-throat competition was unhealthy for the industry. Fishman held that by Loew's getting the extra protection, 19 other independent houses were affected. He declared that while the Dixwell now charges 25 cents, he may later decide to boost the admission five cents with a right to the same protection as the College, which charges 30 cents.

Questions From All Sides

John C. Flinn and Schaefer were on the answering end most of the time, with questions flung at the two men during most of the session by the complainants, defendants, board men and observers. At one time, Fishman asked Schaefer if he was opposed to clearance based on admissions. The Paramount general manager answered in the affirmative, giving as his reason the unwarranted print shortages which would result if such a plan were put into effect generally.

He later added that he believed in prices as a guiding factor as a definite point in establishing availability of films, but still giving the theatre or theatres the right to buy protection.

Benjamin Trustman, attorney for the trustees of Olympic Theatres, operating the Paramount, New Haven, insisted that the maximum clearance of 60 days, and not 37, be maintained. He referred to two clauses in the clearance schedule. He said that while the Paramount was first run, it was directly affected by the decision of Campi.

Adolf Johnson, a member of the local board, stated that the decision was a compromise by all parties and fair and that Loew's should not be given the additional clearance. He said that if an independent had the house he could not get it. At first speaking as a member of the board, Schaefer reminded Johnson that the decision was not unanimous. Johnson then said that the views expressed were his own.

During the hearing, Vogel offered to swap receipts, profits and the College for the Dixwell and Fishman almost took him up on it. Vogel maintains the offer goes for anyone who wants the house. Vogel added that he has no objection to buying second run and if anyone can buy ahead of the College he can do so without Loew interference. He also pointed out that Loew's does not own the College, that it has an operating deal which runs indefinitely with the bondholders of Poli.

Attending the session also were George Cruzen, M. & P. division manager; William Scully, M-G-M district manager; Harry P. Lander, secretary of the local board; Jack Byrne, M-G-M New Haven manager; Harry Laveites, Pequoit; Johnson, Strand; David Sherman, Lawrence.

Hour Cuts, Labor on Code Boards Urged

WASHINGTON, Jan. 30.—Shorter hours and full participation of labor on all code boards were demanded today by William Green, president of the American Federation of Labor, at the opening of hearings before the National Industrial Recovery Board on the question of employment provisions.

Appearing as the first of several hundred witnesses expected to testify, Green declared that only by further shortening of the work week can marked advance be made in re-employment, while labor participation in code authority deliberations was seen as the only way to secure real enforcement.

Green's testimony was in line with the stand consistently taken by labor, which was embodied in a bill introduced in Congress this week by Representative Connery of Massachusetts to provide for representation of labor on all code bodies.

McNabb Awarded 183 Of Klock Features

KANSAS CITY, Jan. 30.—A. B. McNabb, Gem, Neodesha, Kan., was awarded 183 features by the local grievance board after hearing his complaint on overbuying against Glen Klock, Klock Theatre, same town.

Testimony brought out Klock had purchased 414 features for 1934-35. The board ruled he is to confine his operations to six features a week for 35 weeks. On this basis, the board allowed him 210 pictures for the period Feb. 3 to Oct. 5. This was increased to 231 by the addition of 21 features, allowing for a possible cancellation of 10 per cent.

McNabb will select his product from two lists furnished by Klock comprising all excess features over 231. McNabb further is to guarantee film rentals on terms to be agreed upon with individual distributors.

Close Shave

W. G. Van Schmus booked "The Good Fairy" into the Music Hall, where it opens this morning, without having seen the picture. Advertising, with which Lynn Farnol had much to do, got going in the New York dailies on Wednesday with no print in possession of the theatre.

Two copies were being rushed from the studio via as many routes. The airmail print arrived yesterday and had to be submitted to the censor board, which cleared the picture in a hurry. Then various parties concerned began to breathe easier.

This morning, at the first show at the Music Hall, the Universal executive contingent will be on hand to see their own picture.

Seek Showdown on L. A. Zoning Today

(Continued from page 1)

schedule is growing and there is a possibility that the coast plan may go through. Loew's objection is the price angle as a basic factor. This was indicated yesterday when Joe Vogel and Irving Greenfield insisted on the right to buy protection, regardless of admissions.

There is a possibility that geographical areas and prices will be considered today as the basic features of the schedule, with the proviso that theatre men can go into the market and buy protection over houses where admissions are the same.

Just as soon as a decision is reached on the Los Angeles plan, the Kansas City and New Haven schedules will be brought up for action. Independents want Campi members as a whole to quit stalling and make decisions so that exhibitors know definitely where they stand on pending issues. Deputy Administrator William P. Farnsworth will attend and also bring up the matter of amendments to the code on the lease clause and vaudeville.

KANSAS CITY, Jan. 30.—The I.T.O. decided today to defer its Federal anti-trust moves against distributors and Fox Midwest until Elmer Rhoden's return from the coast next week, when an I.T.O. committee will confer with him in an attempt to obtain a more satisfactory clearance arrangement.

The I.T.O. believes that an amicable settlement will be found in conferences with Rhoden, but is prepared to take action if no agreement is reached.

RKO May Seek Delay

RKO is expected to ask for a week's postponement today in the clearance complaint filed against the circuit by Century circuit. The delay will be sought, it is said, on the grounds that Johnny O'Connor, principal witness for RKO, may have to appear before an arbitration committee hearing the M. & S. issue against RKO.

Century, in its complaint, asks that RKO abandon protection by the Park and Columbia, Far Rockaway, and Alden, Jamaica, over the Fantasy, Rockville Center.

L. I. Theatre Sale Goes Up to the NRA

Following an appeal decision by Campi upholding the New York grievance board in finding the Mona Theatre Corp., Glad Amusement Co., Abraham Drogin and John Gladstone guilty of illegally transferring the Rialto, Whitestone, L. I., Code Authority has brought the matter to the attention of NRA officials in Washington for enforcement.

Exhibits and testimony in the case have been sent to Compliance Director Sol A. Rosenblatt, who will decide what action shall be taken. The complaint was brought by M-G-M which charged that the defendants transferred the theatre to evade contracts. Louis Nizer represented the distributor at local and Campi hearings.

Henry Lyman and Morris Shapiro, among the defendants, were found not guilty because of insufficient evidence.

Rule on Legal Form Of Iowa Bank Night

(Continued from page 1)

Edward L. O'Connor. When bank nights permits "the holder of a free number or a free chance to claim and procure the prize," this would not be a law violation, the opinion stated, but when the holder of a number or chance is required also to purchase a ticket of admission to the theatre, it is a violation, O'Connor said, for it requires the holder to "first part with a valuable consideration before being permitted to participate in the prize drawing."

A reasonable amount of time must be allowed the holder of a winning number to claim the prize, the opinion stated.

Local 306 Presents New Basic Schedule

Local 306 has submitted a new basic schedule to the NRA fact-finding committee similar to the one presented by Charles L. O'Reilly some weeks ago. The union's plan ranges from $12 and up under a point system and will be contested at the public hearing tomorrow before Compliance Director Sol A. Rosenblatt in Washington.

Numerous exhibitors are expected to be on hand for the hearing as well as circuit representatives and I. A. T. S. E. men.

Bank Nights Again Up to Coast Board

(Continued from page 1)

been summoned for a hearing on the Escondido's failure to comply with a previous ruling.

The third case, Mission vs. Oxnard, Oxnard, Cal., was also a non-compliance hearing, but no action was taken, as the respondent has applied to the Federal court for an injunction to restrain the board from interfering with his supply of film.

K. C. Cases Total 71 As New Year Starts

KANSAS CITY, Jan. 30.—As of Jan. 1, there had been 71 complaints filed with the local grievance board. In addition, the board has heard four cases as a Local Industrial Adjustment Agency, and seven complaints have been disposed of by the clearance and zoning board.

WORLD PREMIÈRE



THE MARCH OF TIME is a twenty minute picture, issued once a month containing five or more complete dramatic stories. It makes no attempt to give last minute flashes or to cover the complete news of the day.

From hundreds of stories and thousands of feet of film from all over the world, the best of these are taken and woven together in radio MARCH OF TIME'S curt, concise manner. Re-enacting those scenes that are missing. THE MARCH OF TIME brings to the screen complete, dramatic episodes of world happenings you've read and wondered about.

This week great theatres from coast to coast will show the first release of THE MARCH OF TIME. Announcements in lobbies and on the screen have already brought enthusiastic comment from theatre goers. The premiere of this new monthly series is packed with more box office interest than the introduction of any similar-length subject in the history of the industry.

Distributed by

FIRST DIVISION



THE MARCH

FEBRUARY FIRST



Billboards, newspapers, TIME and FORTUNE magazines and radio's MARCH OF TIME over the Columbia Network are carrying a great national campaign in support of this new kind of a motion picture. Public interest is great.

Shrewd showmen all over the country have recognized in THE MARCH OF TIME, a new and powerful box office asset. If you haven't talked to your FIRST DIVISION exchange about THE MARCH OF TIME in your theatre, do it at once. There's a ready made audience waiting.

THE MARCH OF TIME FROM COAST TO COAST IN THE THEATRES OPERATED BY THESE CIRCUITS

Loew's, Coast to Coast
Poli, New England
Balaban & Katz, Greater Chicago
Publix Great States, Indiana and Illinois
Evergreen, Washington and Oregon
Fox West Coast, California
Interstate, Texas
World Amusements, Minnesota
Tri-State, Omaha
Smalley, Northern New York
Fox Theaters in Philadelphia
Harmanus Bleeker Hall, Albany

HARRY H. THOMAS, Pres.
ROCKEFELLER CENTER, N. Y.

OF TIME

A FIRST DIVISION RELEASE

HEAR HAUPTMANN

! ! ! ! !

With bated breath, millions and millions have anxiously awaited the sensational day in this terrific trial!

!

Millions upon millions want to see and hear and know exactly what happened and how!

!

"What will Bruno Richard Hauptmann say? ... How will he look? ... What will be the jury's and public's reaction to his testimony?"

UNIVERSAL NEWS

TESTIFY AT LAST!

! ! ! ! !

For weeks every newspaper has front-paged and built up this tremendous real-life drama!

!

Now UNIVERSAL NEWSREEL takes it out of the imagination and flashes it right before the very eyes and ears of your patrons—fast and hot!



RELEASED TODAY!

REEL, OF COURSE!

"Lancer" Has Big Start in Los Angeles

LOS ANGELES, Jan. 30.—"Lives of a Bengal Lancer" got off to a flying start at the Paramount at $1.65 top and grabbed $6,000 in two days. "The President Vanishes" was on for the first five days of the week and held up well at $14,000, making the total take for the week at this house $20,000.

Improvement in the weather helped grosses all along the line. "The Mighty Barnum" grossed $13,500 in seven days at Grauman's Chinese. A dual, "The Band Plays On" and "Evergreen," playing day and date at the 4-Star and United Artists, took $4,750 at the former and $4,000 at the latter. "Bordertown," also playing day and date, at the RKO and Warners' Hollywood, did well at the former with $11,500, but was weak at the Hollywood at $10,000.

Total first run business was $93,000. Average without the Filmarte is $88,450.

Estimated takings for the week ending Jan. 23:

"THE MIGHTY BARNUM" (U.A.)
CHINESE—(2,500), 30c-65c, 7 days. **Gross:** $13,500. (Average, $12,500)
"CRIME WITHOUT PASSION" (Para.)
FILMARTE—(800), 40c-55c, 2nd week, 7 days. **Gross:** $2,800
"THE BAND PLAYS ON" (M-G-M)
"EVERGREEN" (Gaumont-British)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,750. (Average, $3,250)
"THE MIGHTY BARNUM" (U.A.)
LOEW'S STATE—(2,500), 30c-55c, 7 days. **Gross:** $13,250. (Average, $14,000)
"THE PRESIDENT VANISHES" (Para.)
PARAMOUNT—(3,595), 30c-55c, 5 days. Stage: Rube Wolf and his orchestra, Bill Robinson, F. & M. revue. **Gross:** $14,000. (Average, week, $14,000)
"LIVES OF A BENGAL LANCER" (Para.
PARAMOUNT—(3,595), 30c-55c, 2 days. Stage: Rube Wolf and his orchestra, Bill Robinson, F. & M. revue. **Gross:** $6,000
"BORDERTOWN" (Warners)
RKO—(2,700), 25c-65c, 2nd week, 7 days. **Gross:** $11,500. (Average, $8,000)
"THE BAND PLAYS ON" (M-G-M)
"EVERGREEN" (Gaumont-British)
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $4,000. (Average, $3,500)
"BORDERTOWN" (Warners)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 2nd week, 7 days. **Gross:** $10,000. (Average, $14,000)
"SECRET BRIDE" (Warners)
"SILVER STREAK" (Radio)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $9,500. (Average $12,000)
"DANGEROUS CORNER" (Radio)
"STRANGE WIVES" (Univ.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,200)

"Gilded Lily" at $17,300, Buffalo

BUFFALO, Jan. 30.—"The Gilded Lily" was $3,000 over normal with $17,300 to make the celebration of the Buffalo theatre's ninth anniversary a success, while "Chu Chin Chow" topped average by $1,000 in the Lafayette to give Gaumont British a nice entering wedge. Zero temperatures returned toward the end of the week.

Total first run take was $43,700. Normal is $42,800.

Estimated takings for the week ending Jan. 25:

"THE GILDED LILY" (Para.)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: George Givot; Sylvia Froos; Harry
(*Continued on page* 12)

Looking 'Em Over

"The Phantom Light"

(*Gainsborough-Gaumont British*)

LONDON, Jan. 9.—A British film for the British, although cutting may, on account of its beautiful exteriors and some originality in the blending of comedy and sensationalism, render it acceptable to audiences with an acquired taste for Cockney.

Gordon Harker is a lighthouse keeper sent for duty to the Welsh coast, where he finds that his particular lighthouse has the reputation of being haunted. One keeper has disappeared, another has been driven out of his mind. There are mysterious stories of the light disappearing at night, while a "phantom" light at a distance lures ships on to the rocks. A "reporter" who turns out to be a naval officer and a girl detective who poses as a chorus girl come to the light and, after alarms and excursions in traditional vein, it is revealed that the wrecker is the local doctor, who insures ships as a side line.

The backgrounds and camera work are better than the script. Acting is uneven, but Harker is in good vein and his cracks will amuse those who can understand them. Ian Hunter is the naval hero with very little to do, and Binnie Hale as the girl is insipid and still manages to overact grossly. It should have been easy to make a much better picture from the opportunities offered by the lighthouse setting and the fair originality of the story.

Running time, 75 minutes. "G."

"Things Are Looking Up"

(*Gaumont British*)

LONDON, Jan. 11.—Farce comedy, with the accent on the farce. Cicely Courtneidge, dual-roling as a somewhat prim schoolmistress and her more than somewhat Bohemian twin sister, a circus star, carries most of the weight of it, but story and script writers have done their bits well. One or two of the situations are clever, most of them are reasonably funny and the film keeps up a very fair speed for a British effort.

Cicely Fytte, proprietor of and chief equestrienne in a traveling circus, takes the place of her twin sister, a schoolmistress who has eloped with a wrestler. She expects to stay at the school for a day, but the lovers take ship for South Africa and the imposture has to be maintained. An ally is found in the music master, Van Gaard, who is also sailing under false colors, but Cicely has a tough time when she is asked to play in the tennis championship at Wimbledon.

Another emergency arises when a possible buyer for the circus comes to see a performance. Deserted by most of her turns, Cicely has to work the performing seals, do a slack-wire act and finish up with some dizzy trapeze flying. She stays the course and also holds down the school job so well that her sister returns to find herself chief teacher.

The tennis match, with Suzanne Lenglen playing the straight stuff, is a first class piece of fooling; it will get laughs from the sport fans. The circus stuff is also well done and there is a laughable travesty of a school garden party. The lead is a wholehearted comedienne and the support is above average with William Gargan as the musician lover talking good American and Mark Lester, Henrietta Watson, Cicely Oates and Dick Henderson all well cast and intelligible. It has enough in it to amuse most audiences.

Running time, 80 minutes, "G."

ALLAN

"Victor and Victoria"

(*Ufa*)

This, the latest Ufa production to reach local theatres, is a charming and tuneful musical romance uniting again the stars of "Waltz Time in Vienna," Renate Mueller and Adolf Wohlbrueck. A big asset is the comedy content of its story, which, if a bit far-fetched, is at all times rich in entertainment values. Smartly produced and cleverly acted, the production has been sumptuously dressed. With the aid of the English subtitles American audiences should find this acceptable fare.

The fun centers around the attempt of Miss Mueller, a struggling actress, to pass herself off as a man. The duplicity has its birth when she helps out Hermann Thimig, a female impersonator down with a cold, by filling an engagement for him. She proves an immediate hit and at the urging of Thimig she continues the deception. Signed up by an impresario, who really believes her a man, she makes a grand tour of Europe, with Thimig stringing along as her manager.

The whole business is no pleasure, for she must put up with flirtatious women and curb her womanly instincts. When she meets Wohlbrueck, posing as a man becomes tougher. Wohlbrueck discovers her secret but never lets on, permitting himself a lot of fun at her expense. In the
(*Continued on page* 11)

"Lancer" Is Philadelphia Bet, $16,000

PHILADELPHIA, Jan. 30.—What started out to be a pretty fair week ran into the worst blizzard in 22 years on Wednesday. With traffic badly tangled for two days, all the downtown houses went into a decline, though in many cases a good start had been recorded.

The $16,000 for "Lives of a Bengal Lancer" at the Stanley was the town's best figure. It would undoubtedly have been bigger had it not been for the weather break. The Earle started off with a rush on its new low price policy and grosses were up between 30 and 40 per cent over recent weeks when the storm held the gross to $14,500. "Maybe It's Love" was the screen feature.

The Mastbaum also got off to a good start with "Gilded Lily," which, together with Roxy's stage show, got the best press notices yet. Snow kept the figure down to $27,000. The house will change its policy from Monday to Thursday openings and will hold "Gilded Lily" and the current show for an extra three days.

"Runaway Queen" nosedived at the Aldine and was yanked after four days. Second run of "Biography of Bachelor Girl" gave Keith's its most encouraging figure since it reopened Christmas.

Total first run business was $96,200. Average is $104,240.

Estimated takings for the week ending Jan. 24:

"THE RUNAWAY QUEEN" (U.A.)
ALDINE—(1,200), 35c-40c-55c, 4 days. **Gross:** $2,200. (Average, 6 days, $7,000)
"BABES IN TOYLAND" (M-G-M)
(2nd Run)
ARCADIA—(600), 25c-35c-40c, 6 days. **Gross:** $2,100. (Average, $2,400)
"ENTER MADAME" (Para.)
BOYD — (2,400), 35c-40c-55c, 6 days. **Gross:** $8,000. (Average, $12,000)
"MAYBE IT'S LOVE" (Warners)
EARLE—(2,000), 25c-35c-40c, 6 days. Stage: "Dancing Honeymoon." **Gross:** $14,500. (Average, $12,000)
"LOTTERY LOVER" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Tim and Irene, Stan Kavanaugh, Audrey Wycoff, Lowe-Burnoff and Wemsley. **Gross:** $12,500. (Average, $12,000)
"BY YOUR LEAVE" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)
"BIOGRAPHY OF BACHELOR GIRL" (M-G-M)
(2nd run)
KEITH'S—(2,000), 30c-40c-50c, 7 days. **Gross:** $4,000. (Average, $4,000)
"GILDED LILY" (Para.)
ROXY-MASTBAUM — (4,800), 55c-75c-85c-$1.10, 6 days. Roxy show on stage. **Gross:** $27,000. (Average, $33,000)
"LIVES OF A BENGAL LANCER" (Para.)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $16,000. (Average, $12,000)
"PRESIDENT VANISHES" (Para.)
STANTON—(1,700), 30c-40c-50c, 8 days. **Gross:** $7,000. (Average, 6 days, $6,000)

"Bordertown" Gets $2,500, Okla. City

OKLAHOMA CITY, Jan. 30.—"Bordertown" made the best showing here last week by pulling $2,500 at the Capitol, thereby topping par by $500.

"Lottery Lover," helped by a stage show, was a strong draw, going to $2,000 in four days at the Liberty. "Aggie Appleby," the attraction for
(*Continued on page* 12)

Wall Street

Big Board Trading Spotty

	High	Low	Close	Net Change
Consolidated Film	6½	6¼	6½	+ ¼
Consolidated Film pfd. (½v)	20⅞	20⅝	20⅞	— ⅛
Eastman	112⅞	112¼	112¼	— ⅝
Eastman pfd. (6)	145	145	145	.....
Fox "A"	10⅞	10⅞	10⅞	+ ⅛
Loew's (1a)	31⅝	31½	32⅛	+ ½
Paramount	4	3¾	3⅞	+ ⅛
Pathe	1¼	1⅛	1⅛	.....
Pathe "A"	15⅛	15	15⅛	+ ⅛
RKO	2⅛	2	2	— ⅛
Warner	4	3⅞	3⅞	— ⅛
Warner pfd.	22¾	21⅝	22¼	+ ¼

Technicolor Lone Curb Issue

	High	Low	Close	Net Change
Technicolor	12¼	12¼	12¼	.....

Para. Publix Bonds Advance ½

	High	Low	Close	Net Change
General Theatre 6s '40	8⅜	8⅜	8⅜	— ⅛
General Theatre 6s '40 ctf.	8¼	8¼	8¼	.....
Loew's 6s '41 ww deb. rights	105¼	105¼	105¼	— ¼
Paramount Publix 5½s, '50	66	66	66	+ ½
Warner 6s '39 wd.	56	55½	55⅝	— ⅜

(a) Plus cash extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Jan. 30)

Launched No Attack On Blocks—Bernerd

Jeffrey Bernerd of Gaumont British yesterday denied telling Philadelphia exhibitors on Monday that his company favored an end of block booking. The occasion was a luncheon tendered him in that city by Al Boyd, managing director of the Boyd.

"I did say that it seemed to me an extraordinary situation," declared Bernerd, "and a weakness to go through two operations in the sale of a film, one the sale and second, the necessity for salesmen to return to obtain dates. I further said it would seem commercially cheaper to sell and date in at the same time.

"I did not promise exhibitors rebates if they lost money on G. B. product, but I did state it would be futile to sell 16 pictures a year and then have theatremen lose on them in view of the fact that we had to return the following season and sell them all over again. I added that we must assure exhibitors against it and that the way to do it was through box-office value in the product itself."

Girl Contests Will Feature Iowa Meet

DES MOINES, Jan. 30.—Invitations have been sent to hundreds of theatre owners to attend the two-day movie frolic of Allied Theatre Owners to be held in Des Moines, Feb. 19 and 20, by Lester F. Martin of Nevada, Ia. Jan Garber and his band will be present from Chicago and three girls will be selected as winners of an Iowa personality contest.

Local contests are to be held by theatres and the winners will come to Des Moines for a series of elimination contests culminating in a public audition at the Coliseum in which 10 finalists will be chosen. Three winners will be sent to Hollywood and six of the 10 finalists will be given radio auditions.

Allied will hold a convention here during the affair, and the contestants will make their appearance at the theatremen's banquet Feb. 19.

Looking 'Em Over

"Victor and Victoria"

(*Continued from page* 10)

end she gives up the masquerading and reveals herself to Wohlbrueck as herself.

Miss Mueller is a beautiful, fascinating performer. The film is an Alfred Zeisler production, directed by Reinhold Schuenzel. Photography is distinctive.

No code seal. Running time, 84 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Devil Dogs of the Air"

(Warners-Cosmopolitan)

SAN DIEGO, Cal., Jan. 30.—The stars of "Here Comes the Navy," James Cagney and Pat O'Brien, again click in "Devil Dogs of the Air," new aerial film, Warners' first Cosmopolitan release, which had its world premiere at the Spreckles here last night.

The film contains spectacular photography of dare-devil flying and air and fleet maneuvers. Shots of fighting ships in action are among the best ever screened and should go big in inland cities.

Rivalry between Cagney, as Tommy O'Toole, barnstormer who joins the Marine air corps, and O'Brien, as Lieut. William Brannigan, for the hand of Margaret Lindsay, as Betty Roberts, supplies both heart interest and plot.

O'Brien, at first branded a softie who bails out of a burning plane carrying him and Cagney, eventually redeems himself by holding a torn wing in place until landing. Cocky Cagney, however, finally wins Margaret.

Plenty of laughs are supplied by Frank McHugh, as "Crash" Kelly, an ambulance driver who never gets any business.

Selling names are Cagney, O'Brien and Miss Lindsay, who turn in excellent performances. Director Lloyd Bacon got a well-deserved hand from the audience.

The Marine aviation background should be one of the biggest box-office points. The picture has thrills and entertainment value.

Production Code seal No. 514. Running time, 85 minutes. "G."

"After Office Hours"

(M-G-M)

HOLLYWOOD, Jan. 30.—As an example of interesting, exciting entertainment with magnetic names, Bernie Hyman has produced a corking picture here, congealing production forces of story, dialogue and action smoothly and hilariously.

In it are Clark Gable, editor; Constance Bennett, snooty society gal music critic; Stuart Erwin, news photographer and Gable's pal; Billie Burke, jittery mother of Miss Bennett; Harvey Stephens, socialite heavy, and Henry Armetta for comic relief.

It's all about Gable, who, in ferreting out a divorce scandal, involves himself with the upper crust, solves a murder and wins the run-around from Miss Bennett.

The backgrounds are a hectic newspaper office and swank society diggin's. Gable's flair for comedy rises again for big laughs and, although Miss Bennett is submerged, she is decoratively competent. Stephens is silky while Miss Burke, Erwin and Armetta are choice vignettes of merriment.

Robert Z. Leonard has paced his direction speedily; unessentials are eliminated and dialogue crackles in a first-rate job.

Herman Mankiewicz's screen play from a story by Laurence Stallings and Dale Van Every is taut and sparkles as gaily.

Having a good title, personalities and presenting a swell show, any audience is bound to get its money's worth. Previewed without production code seal. Running time, 71 minutes. "G."

"Wings in the Dark," which will be previewed at the Paramount tonight, was reviewed by wire from Hollywood on Jan. 11.

"Secret Bride," tonight's preview at the Roxy, was reviewed on Dec. 1.

Short Subjects

"The Lost City"

(Super-Serial-Regal)

This serial, on the basis of its opening four episodes, has a kick and a lot of thrills.

It deals with a series of electrical disturbances leading into floods and devastation in various parts of the world and the efforts on the part of Kane Richmond, young scientist, to discover who is responsible. Through a detector of his own development, the trail leads to a little known part of Africa where William (Stage) Boyd, madman of science, sits in splendor over his lost city and from it and its electrical wizardry brings down destruction as his power-swollen mind wills it.

Boyd's power actually is the result of the mechanical genius and the alert research of Josef Swickard, whose will bows to the madman's because of the latter's threats over the girl in the case, Claudia Dell, and Swickard's daughter.

The resultant thrills bounce along in lively style amid the crackling of dynamos and electrical byplay and are red meat, as well as duck soup, for those who like serials and their goings on.

"The Lost City" is very well up in its classification. K.

"Song Plugger"

(Educational)

Sylvia Froos and Brooks Adams, with Jean Lacey acting in a purely decorative capacity, are the three main characters in this one. Miss Froos and Adams sing several numbers capably, but that is about all there is to this one. The title was apparently suggested by the fact that the two main characters work at a sheet music stand in a department store. Production code seal, 0276. Running time, 9 mins. "G."

"Those Beautiful Dames"

(Vitaphone)

This Merrie Melodie cartoon, done in color, is another of the series featuring songs that have been used in Warner features. The characters are incidental and the plot negligible, but the music is well handled, however, and several sequences are very entertaining. Production Code Seal, No. 327. Running time, 4 mins. "G."

Gould Quartered Here

Walter Gould, in charge of all Latin-American countries for U. A., is now making his permanent headquarters in New York. He was formerly stationed at Panama. Gould recently returned from an 11 months' tour of exchanges under his supervision and in about five months will leave on another trip.

Perlberg Talent Hunting

William Perlberg, casting director at the Columbia studios, has arrived in town in search of talent. He will see Broadway shows and visit vaudeville houses in search of talent. Perlberg expects to remain here for another three or four weeks before returning to the coast.

"Pimpernel" at $24,690

LONDON, Jan. 30.—"The Scarlet Pimpernel," now in its fourth week of an indefinite run at the Leicester Square, has grossed $24,690.

British May Fight Sunday Charity Tax

By BRUCE ALLAN

LONDON, Jan. 30.—British exhibitors may abandon Sunday opening as a protest against the increased levy on receipts for charity recently made public. An initial step looking toward this end was a recommendation made to exhibitors at Brighton by F. Spickernell, Portsmouth exhibitor, who urged the move on the ground that if Sunday opening was at all proper, it should be free and open.

At Portsmouth, a nominal levy of £200 is made, but the Brighton figure has been set at £1,050, although there has been free Sunday opening in the town for 20 years. The levy on Sunday receipts for charitable purposes was legalized by the Sunday Entertainments Act and the annual burden on London exhibitors is 14 per cent of takings, with a guarantee of £100,000 per annum.

If the drastic protest of voluntary Sunday closing is made in one district, it will probably be adopted by others. Advocates of the fighting policy declare that the public will back up the exhibitors and that a "strike" against the charity levy, backed by propaganda, would compel the government to revise its attitude.

* * *

Under the Sunday Entertainments Act, Sunday opening in England, except for districts in which it obtained before the act was passed, is dependent on the result of voting at a town meeting or of a subsequent poll of the electors. During 1934, there were 10 polls, five of which resulted in a vote for Sunday opening and five against. The total votes were: for, 32,269; against, 38,337.

In several districts, the proposal was defeated.

* * *

Ludovico Toeplitz de Grand Ry, principal of Toeplitz Prod., sails from London for New York on Feb. 2. He will seek stars for the second Toeplitz production, to be directed by Kurt Bernhardt, and the final selection between two stories will depend on his success in signing up certain Hollywood personalities.

The world premiere of "The Dictator," the first Toeplitz feature, with Madeleine Carroll and Clive Brook, will take place in Paris on Feb. 1. It will go into the Tivoli here on Feb. 7, with a New York premiere, under G. B. auspices, probable in late February or early March.

New Academy Pact For Free-Lance, Aim

(*Continued from page* 1)

Actors' Guild is asking for through the NRA.

Highlights of the proposed changes are the "deal contract" will be absolutely abolished and only two methods of employment covering one-picture engagements will be offered. These two methods are the revised standard weekly minimum contract and the revised conditions covering consecutive employment for day players.

Cold Waves and Snow Hit Grosses in 14 Key Spots

(*Continued from page* 1)

Montreal, New York, Philadelphia, Portland, Providence, San Francisco, St. Paul and Seattle.

The week's combined gross was down around the figures that prevailed during the two weeks before Christmas.

	Week Ending Jan. 17-18		*Week Ending Jan. 10-11*	
	No. Theatres	*Gross*	*No. Theatres*	*Gross*
Comparative weekly totals:				
Boston	6	$65,500	6	$65,500
Buffalo	5	50,300	5	57,900
Chicago	8	112,500	8	151,500
Cleveland	5	42,300	5	68,250
Denver	5	25,100	5	28,000
Detroit	6	68,000	6	63,100
Indianapolis	5	24,000	4	22,500
Kansas City	6	39,950	6	33,800
Los Angeles	10	76,120	10	85,400
Minneapolis	7	25,900	7	26,900
Montreal	5	43,500	5	45,000
New York	9	206,260	9	220,500
Oklahoma City	4	14,950	4	13,200
Omaha	3	24,700	3	41,000
Philadelphia	10	98,600	11	104,800
Pittsburgh	6	67,800	6	36,800
Portland	7	28,300	7	32,800
Providence	6	40,500	6	56,000
San Francisco	7	74,000	7	85,000
St. Paul	5	17,900	5	18,600
Seattle	7	33,150	7	41,900
Washington	6	71,800	6	63,000
	138	$1,251,130	138	$1,361,450

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18	138	1,251,130

"Lancer," $8,500, Indianapolis High

INDIANAPOLIS, Jan. 30.—"Lives of a Bengal Lancer" garnered the big money here last week by going to $8,500, up by $1,500, at the Indiana.

"Sweet Adeline" was the only other above normal attraction. It took $5,000 at the Circle. "The County Chairman" held up to $2,250 in its third week at the Apollo. "The Right to Live" and "Biography of a Bachelor Girl" were just average.

Total first run business $27,250. Average is $25,000.

Estimated takings for the week ending Jan. 25:

"THE COUNTY CHAIRMAN" (Fox)
APOLLO — (1,171), 25c-40c, 3rd week. **Gross:** $2,250. (Average, $2,500.)

"SWEET ADELINE"
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"LIVES OF A BENGAL LANCER" (Para.)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

"THE RIGHT TO LIVE"
LYRIC — (1,896), 25c-40c. Stage: Benny Meroff. **Gross:** $7,000. (Average, $7,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,500)

"Bordertown" Gets $2,500, Okla. City

(*Continued from page* 10)

the other three days at the Liberty, took only $500.

Total first run business was $14,000. Average is $13,500.

Estimated takings for the week ending Jan. 26:

"THE COUNTY CHAIRMAN" (Fox)
WARNERS—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $5,000. (Average, $5,000)

"GAY DIVORCEE" (Radio)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000)

"BORDERTOWN" (Warners)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $2,000)

"LOTTERY LOVER" (Fox)
LIBERTY — (1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,000. (Average, $2,500)

"AGGIE APPLEBY" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average week, $2,500)

Lesser to Open in Frisco

HOLLYWOOD, Jan. 30.—Sol Lesser will open "When A Man's A Man" at the Orpheum, San Francisco, Jan. 31. George O'Brien and Dorothy Wilson will make a personal appearance opening night.

Twin Cities' Theatre Take Hit by Cold

MINNEAPOLIS, Jan. 30.—With temperatures ranging from 32 to 34 below zero, theatres found the going tough last week. Even "Lives of a Bengal Lancer" could not stir the customers away from their firesides. It took a normal $5,500 at the State here and the same amount at the Paramount in St. Paul.

"Sweet Adeline" was about $200 over the line with a $4,200 take at the Century here, but "A Lost Lady" slipped to $4,500 at the Orpheum. "Little Men" took a fine $2,200 in its second week at the Time. "We Live Again" and "Straight from the Heart" were slightly over par at the Riviera and Orpheum, St. Paul.

Total first run business in Minneapolis was $24,600. Average is $23,000. St. Paul's total was $17,200. Average is $16,500.

Estimated takings:

Minneapolis:
Week Ending Jan. 23:

"SWEET ADELINE" (Warners)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

"THE BAND PLAYS ON" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Jan. 24:

"A LOST LADY" (F. N.)
ORPHEUM—(2,900), 25c-40c, 7 days. Stage: Billy House and company. **Gross:** $4,500. (Average, $5,500)

"LIVES OF A BENGAL LANCER" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"THE WHIRLPOOL" (Col.)
PALACE—(900), 15c-25c, 7 days. Five acts vaude. **Gross:** $2,500. (Average, $2,000)

"LITTLE MEN" (Mascot)
TIME—(300), 20c-25c, 7 days, 2nd week. **Gross:** $2,200. (Average, $1,500)

"POWER" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,000. (Average, $3,000)

St. Paul:
Week Ending Jan. 24:

"LIVES OF A BENGAL LANCER" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

"WE LIVE AGAIN" (U.A.)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"STRAIGHT FROM THE HEART" (Univ.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

"HELLDORADO" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"JACK AHOY" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

"Gilded Lily" at $17,300, Buffalo

(*Continued from page* 10)

& Dorothy Dixon; Five DeGuchis; Kay Picture. **Gross:** $17,300. (Average, $14,300)

"THE SILVER STREAK" (Radio)
"OUR DAILY BREAD" (U.A.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,500. (Average, $6,000)

"BORDERTOWN" (Warners)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $8,000)

"THE GAY BRIDE" (M-G-M)
"BABBITT" (Warners)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,400. (Average, $8,000)

"CHU CHIN CHOW" (Gaumont British)
"I'LL FIX IT" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,500. (Average, $6,500)

CHAMPION KEATON
WINS IN STRAIGHT LAUGHS



The champ is back for his first appearance of the season. And it's a laugh-to-a-finish bout that will throw any audience. Buster has never made a featurette that licks this one for real belly laughs. A regular rib-wrecking riot of hill-billy rasslers.

BUSTER KEATON

in

"Palooka from Paducah"

with the whole Keaton family—Pa, Ma and Sister Louise—together for the first time on stage or screen.

Directed by Charles Lamont

Very good... A Comedy of unusual quality, replete with real laughs... It is forthright, straight comedy, and funny.
—Motion Picture Herald

This looks like the funniest short that Buster Keaton has made in some time ... The wind-up is a wrestling match. This should have audiences roaring.
—Motion Picture Daily

Very amusing. This is a hilarious two-reeler about a mountaineer family which decides to abandon moonshining and exploit the strength of Dewey Robinson, one of the sons, who is pitted against Bull Montana in a wrestling match. The family life of the mountaineers is a funny travesty and the antics in the wrestling ring are on a par.
—Film Daily

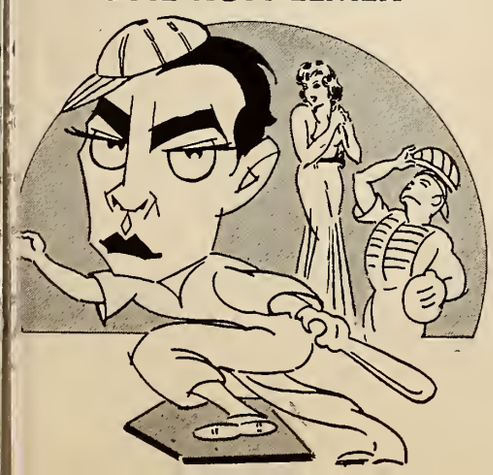
Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A.

PRESENTED BY
E. W. Hammons

and here's another home run laugh
ockdolager coming soon.....

"ONE RUN ELMER"



"Lancer" Is $15,000 Hit In Cleveland

CLEVELAND, Jan. 30.—"Lives of a Bengal Lancer" garnered the heavy takings here last week with $15,000 at Loew's State. This is $5,000 over normal.

"Bordertown" was also a heavy grosser. It took $9,000, up by $3,000, at Warners' Hippodrome. "One Hour Late" was above the line by $500 on a $4,500 take at Loew's Stillman.

The weather for the first half of the week was fair, but the mercury went down around the zero mark for the second half. Total of first run grosses was $44,000. Average is $38,000.

Estimated takings for the week ending Jan. 25:

Week Ending Jan. 25:

"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)

ALLEN—(3,300), 20c-30c-40c, 2 days. **Gross:** $600. (Average for 7 days, $3,000)

"THE WHITE COCKATOO" (Warners)

ALLEN—(3,300), 20c-30c-40c, 5 days. **Gross:** $1,900. (Average for 7 days, $3,000)

"BORDERTOWN" (Warners)

WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $9,000. (Average, $6,000)

"THE ENCHANTED APRIL" (Radio)

RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: "Live, Laugh & Love." **Gross:** $13,000. (Average, $15,000)

"LIVES OF A BENGAL LANCER" (Para.)

LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $15,000. (Average, $10,000)

"ONE HOUR LATE" (Para.)

LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

"Lancers" a Smash Omaha Hit, $8,200

OMAHA, Jan. 30.—"Lives of a Bengal Lancer" was the big noise here last week at the World and it went to $8,200, over par by $4,200.

"Kid Millions" kept up a swift pace in four and one-half days of a second week at the World, ending Jan. 21, by grabbing $4,000. "Broadway Bill" took a par $3,800 in its second week at the Brandeis.

Total first run business was $24,000. Average is $18,600.

Estimated takings:

Week Ending Jan. 21:

"KID MILLIONS" (U.A.)

WORLD—(2,200), 25c-40c, 4½ days, 2nd week. **Gross:** $4,000.

Week Ending Jan. 27:

"LIVES OF A BENGAL LANCER" (Para.)

WORLD—(2,200), 25c-40c, 7 days. **Gross:** $8,200. (Average, $4,000)

Week Ending Jan. 24:

"BROADWAY BILL" (Col.)

BRANDEIS — (1,200), 25c-35c-40c, 2nd week. **Gross:** $3,800. (Average, $3,800)

Week Ending Jan. 24:

"THE COUNTY CHAIRMAN" (Fox)
"THE GAY BRIDE" (M-G-M)

ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $8,000)

Showman Floor Leader

LINCOLN, Jan. 30.—William Haycock, Calloway, Neb., showman, is the Democratic floor leader in the House of the Legislature, which is a comfort to the state's showmen. The floor leader carries weight.

Variety Club Chatter

Buffalo

BUFFALO, Jan. 30. — Barkers of Variety Club rallied for the annual election and opening of the new headquarters at 627 Main St. Luncheon will be served daily.

EDWARD K. (TED) O'SHEA, interim chief barker since the resignation of DAVE MILLER, was elected chief barker for a full term. MILLER has gone to Warner theatres in Philadelphia as film buyer. O'SHEA is manager of the M-G-M exchange.

Other new officers are: SYDNEY SAMSON (Fox), first assistant chief barker; JACK L. KAPLAN (United Artists), second assistant; NICHOLAS J. BASIL (Basil Bros. Theatres), wagon man, and W. E. J. MARTIN, *Courier-Express* critic, property man.

Directors are: KENNETH G. ROBINSON, RALPH MAW, MURRAY WHITEMAN, ROBERT T. MURPHY, JOHN SITTERLY and MATTHEW SULLIVAN. On the board of governors are A. CHARLES HAYMAN, VINCENT R. MCFAUL, I. R. LOUNSBERRY, SIDNEY B. PFEIFER, HERBERT T. SILVERBERG, AL BECKER, CARL W. KEMPKE, WILLIAM H. CADORET of Rochester and SIDNEY KALLET of Syracuse.

Plans are being made, including a ball, a raffle and an entertainment.

Cincinnati

CINCINNATI, Jan. 30.—The big noise of last week was the inaugural dinner for the new official family headed by ALLAN MORITZ, chief barker, held at the Netherland Plaza. Approximately 100 barkers and guests were on hand. Out-of-town barkers glimpsed around the table included, MARC WOLF, chief barker Tent No. 10. Others from the same tent were, V. U. YOUNG, Gary, Ind.; RAY BAIR, LADDIE HANCOCK, FLOYD BROWN and AL. LACHNIT, Indianapolis. LAURENCE BURNS and JACK NEEDHAM were here from Tent No. 2. MORITZ was presented a "loving cup."

Entertainment was provided by DUKE ELLINGTON, JACK SPRIGG and MEL SNYDER, filling separate local engagements, also by BILL FARRAR and his dog, together with a host of talented kiddies from a local vocal and dancing school. An added feature consisted of "Joan," plus JEAN CARTER, MARTHA DEVEAUX and HELENE DEVIERLE, here from Hollywood doing cosmetic demonstrations and style shows at a local department store.

DAN HELBIG, manager of the Andulus, a suburban house, is the latest recruit into barker membership.

NOAH SCHECHTER is acquiring a sun tan on the Florida beaches, while the thermometer here hovers near zero.

Tent No. 3 held "open house" today in honor of President Roosevelt's birthday.

BILL ONIE, second chief barker, is suffering from an attack of tonsilitis, with his neck swathed in bandages.

A talent hitherto unsuspected has been revealed by MIKE SPANAGEL, who swings a neat set of digits across the piano keyboard.

Cleveland

CLEVELAND, Jan. 30. — All efforts are being bent on the inaugural dinner to be staged in one of the parlors of the Netherland Plaza Jan. 25, and which promises to be one of the real highlights of this season's fraternity shindigs.

H. J. ("Pop") WESSELL, whose son suffered the loss of a leg in an auto accident several months ago, reports that the boy has recovered and will go to Florida to rest up.

MANNY SHURE, first assistant chief barker, is fighting a cold, although still able to watch the lineups in front of the RKO Palace.

Philadelphia

PHILADELPHIA, Jan. 30.—A testimonial luncheon to DAVE MILLER, former chief barker in Buffalo, served as the first get-together of the members. MILLER recently joined Stanley-Warner here as buyer and booker.

Kings for the day were AL DAVIS, Fox, and CHARLES SEGALL. Chief Barker EARLE SWEIGERT took charge of the proceedings, explained the business of the session and turned over the reins to the former two.

Seated on the dais were MILTON ROGASNER, JAMES CLARK, JAY EMANUEL, JACK GREENBERG, SWEIGERT, DAVIS, MILLER, CHARLES SEGALL, LEONARD SCHESINGER, LEWEN PIZOR and HARRY WEINER.

Announcement was made of an entertainment to be held at the Penn A. C., Feb. 18. A premiere of a picture as well as many acts have been scheduled.

A special showing of "Lives of a Bengal Lancer" was given Sunday night for Governor EARLE and party at the Karlton.

Pittsburgh

PITTSBURGH, Jan. 30.—Ticket sales for the President's birthday ball were ahead of last year, and the daily papers gave it a big plug. DOROTHY STONE, J. HAROLD MURRAY and ETHEL WATERS of "As Thousands Cheer," EDDIE LOWRY and MITZI GREEN, at the Harris-Alvin; POLLY MORAN at the Stanley and others volunteered their services. JOHN H. HARRIS was in general charge with M. J. CULLEN as chairman of the entertainment committee. Assisting him were HARRY KALMINE, HARRY BROWN and GEORGE TYSON.

ROY ATWELL is a daily visitor to the club with his "On to Fortune" company now at the Nixon. WILL ROGERS' daughter, MARY, also a regular visitor and a regular fellow.

Former Chief Barker of Tent No. 1, HARRY GOLDSTEIN, now in Cleveland, a visitor the other eve. Keeping DAVE KIMMELMAN busy hitting the territory.

BILL TILDEN, VINES, LOTT, MR. and MRS. BILL O'BRIEN all supper guests this past week after the tennis match.

Barker BILL BENSWANGER rushes in for luncheon and out again. His baseball team goes south to train soon.

AL BARNETT's Florida trip out for the time. Too much business.

BENNIE AMDUR of the Garden now "a puzzle and problem enthusiasts"—House Committee insists he pay a cover charge at dinner time, or carry stationery. Too hard on the laundry.

"Sequoia" Is Only Seattle Draw in Cold

SEATTLE, Jan. 30.—"Sequoia" was the only attraction in town to withstand the coldest weather and heaviest snowfall of the season. The forest picture, helped by Jean Parker and Russell Hardie on the stage, ran up to $9,700, over par by $2,700.

All the other grosses hit the skids with the total only $32,950. Average is $37,000.

Estimated takings for the week ending Jan. 21:

"SWEET ADELINE" (Warners)

BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $2,900. (Average, $4,000)

"SEQUOIA" (M-G-M)

FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. Jean Parker and Russell Hardie in person. **Gross:** $9,700. (Average, $7,000)

"MEN OF THE NIGHT" (Col.)
"FUGITIVE LADY" (Col.)

LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,100. (Average, $4,000)

"MAN WHO RECLAIMED HIS HEAD" (Univ.)

MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $2,850. (Average, $4,000)

"ROMANCE IN MANHATTAN" (Radio)

MUSIC HALL—(2,275), 25c-40c-55c, 7 days. Stage: Perry Askam in concert. **Gross:** $4,700. (Average, $6,500)

"WEST OF THE PECOS" (Radio)

ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Three Waltons. **Gross:** $4,800. (Average, $5,500)

"THE PRESIDENT VANISHES" (Para.)

PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Candreva Brothers. **Gross:** $4,900. (Average, $6,000)

"Kernels" Grosses $11,500, Montreal

MONTREAL, Jan. 28.—Cold weather kept good pictures from going ahead at first run houses during the week, although the general result was quite acceptable. Loew's went to $11,500 with "Kentucky Kernels" and a vaudeville show headed by Mae Murray while the Capitol grossed $10,000 on "Imitation of Life" with "Dizzy Daffy" added.

Total first run business was $42,000. Average is $40,500.

Estimated takings for the week ending Jan. 26:

Week Ending Jan. 23:

"IMITATION OF LIFE" (Univ.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. Added: "Dizzy Daffy." **Gross:** $10,000. (Average, $9,500). The Capitol went back to an exclusive film bill this week.

"FATE DECIDES" (Indep.)
"WAR OF THE RANGE" (Indep.)

IMPERIAL—(1,914), 25c-30c-40c, 7 days. **Gross:** $3,000. (Average, $3,500)

"KENTUCKY KERNELS" (Radio)

LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Mae Murray, Gaudsmith Bros.; 3 Queens; Charles Carrer; Roberto & Maree; Camryn & Jeanne Proper, **Gross:** $11,500. (Average, $10,500)

"FLIRTATION WALK" (Warners)

PALACE—(2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

"THE MIGHTY BARNUM" (U. A.)
"WHITE LIES" (Col.)

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $6,000)

Ford, Stone to New York

HOLLYWOOD, Jan. 30.—John Stone, Fox producer, and Eugene Ford, director, leave for New York via New Orleans next Saturday night. They will look at plays, and shop for stories. Ford, who is at present directing "Recipe for Murder," will finish Thursday night.

"The Agent of the People"



FREDERIC J. HASKIN
Washington, D. C.
Director of the World's Greatest Information Bureau

"In answering the questions of readers of the long list of daily newspapers I represent we have had numerous occasions to cite Motion Picture Almanac. We answer a great many motion picture questions and have found the Almanac indispensable in our work."

MOTION PICTURE ALMANAC



I am an author . .

JO SWERLING

Noted Hollywood writer who co-authored with Robert Riskin in the writing of "THE WHOLE TOWN'S TALKING", based on a story by W. R. Burnett.

To My Master, the Audience: You will find in "THE WHOLE TOWN'S TALKING", your money's worth of chills, thrills, chuckles and occasional laughs abdominal.

I bow to JOHN FORD who knows how wonderful laughter is and by his inspired direction of this picture proved it –

To BILL BURNETT whose story originally hurled me into this pleasant adventure –

To EDDIE ROBINSON who is Hamlet in every part he plays, like every other great actor; that being the only part there really is –

And to as swell a supporting troupe as any producer, director, star or author could possibly pray for.

J. Swerling

A
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PICTU

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 27 NEW YORK, FRIDAY, FEBRUARY 1, 1935 TEN CENTS

Court Favors Paramount Plan with Minor Changes

Paramount Board May Go to 18 With Frank C. Walker Included

Paramount's initial board of directors may number 18 members instead of the 16 now agreed upon by creditor groups, it was disclosed at yesterday's reorganization hearing before Federal Judge Alfred C. Coxe, at which it was stated that Frank C. Walker, vice-president of Comerford Theatres, may have a place on the board if he desires it. All creditor groups were said to be in accord on this.

If Walker accepts, a second new director would probably be added to the board to facilitate the election of an even numbered group of directors as terms expire. Judge Coxe ruled yesterday that the initial board should serve for three years with annual board elections to be held thereafter. This would mean that of a board of 18, six would be elected for one year; at the end of the first year, six would be elected for two years; at the end of the second year, six would be elected for one year. In the third year and annually thereafter, 18 would be elected.

Wants Three-Year Term For Initial Board Of Directors

Preliminary approval of the Paramount Publix plan of reorganization, with only two minor changes recommended, was given yesterday by Federal Judge Alfred C. Coxe at the conclusion of hearings for and against the plan.

The modifications recommended by Judge Coxe will be incorporated in a new draft of the plan which will be returned for the court's formal approval on Feb. 14. Thereafter, the plan will be sent out to creditors for their approval and if sufficient assents are obtained it will be submitted to the court to be placed in effect.

The changes in the plan recommended by Judge Coxe were a reduction from six to five per cent interest on the company's old bank debt and a revision of the management section of the plan to give the court the right of directors; substitute an initial three-year term for board members for the proposed four-year terms, with annual elections of directors after the first three years, and with the cumulative voting of stock authorized after the same period.

"I consider the plan in the main to be a fair and equitable one," Judge

(Continued on page 13)

Asserts RKO Bankers Are Buying Paramount's Stock

A charge that "a bank interested in RKO and with representation on the RKO board" had been buying large blocks of Paramount bonds and certificates during the past few months, presumably to obtain control of reorganized Paramount and perhaps with the intent of endeavoring to effect a merger of the two companies, was made by Alfred A. Cook, counsel for Paramount, at the hearing on the latter's reorganization plan before Federal Judge Alfred C. Coxe yesterday.

The charge appeared to be directed

(Continued on page 13)

Philadelphia Contract Dual Bans Enjoined

Perelman Wins Ruling; Appeal to Be Taken

PHILADELPHIA, Jan. 31.—U. S. District Judge George A. Welsh today granted an injunction to Harry Perelman which prevents nine major distributors from enforcing a dual ban in contracts.

The ruling was directed against Warner Bros. Pictures, Inc., First National Pictures, Inc., Vitagraph, Inc., RKO Distributing Corp., Paramount Publix Corp., Paramount Pictures Distributing Corp., M-G-M Distributing Corp., Fox Film Corp. and United Artists Corp.

The decision, which held that producers and distributors had conspired to violate the Sherman and Clayton anti-trust laws, resulted from a test suit brought by a group of independent theatre owners headed by Perelman.

The defendants are expected to ask for a supersedeas writ withholding

(Continued on page 13)

Leading Exhibitors Planning N. O. Trip

Important first run operators from practically all sections of the country having indicated their intention of attending the M. P. T. O. A. convention in New Orleans Feb. 25-28, the exhibitor association is now seeking to line up on its speakers' list advertising heads of the major distributing

(Continued on page 2)

No Changes Planned Here, Says Bernerd

Declaring everything is satisfactory after looking over the American situation, Jeffrey Bernerd, general manager for Gaumont British, stated yesterday that no changes in the personnel will be necessary.

When he arrived from London several weeks ago, Bernerd said he might

(Continued on page 2)

Hearing Delayed on M. & S.-RKO Dispute

Hearings of the Meyer & Schneider breach of lease charges against RKO involving film playing policies at the Hollywood and Apollo were adjourned yesterday until Tuesday, due to the inability of the board of

(Continued on page 2)

Academy Move On Contracts Stirs Talent

HOLLYWOOD, Jan. 31.—Reactions to the Academy's flank attack on the Actors' Guild by reaching a general agreement on a new form of standard contract were varied here today.

Emotions have run high on the subject for many months. Back of the guild's efforts was an effort to get it recognized as the bargaining agent for talent. This was one of its reasons for affiliating with Equity.

When Compliance Director Sol A. Rosenblatt came here in December producers were adamant, and they have remained adamant during all the subsequent exchange of briefs with the

(Continued on page 12)

Campi Adopts L. A. Plan on Price Basis

Distributors relented yesterday on their stand against admission prices as the guiding factor in clearance and zoning schedules when Campi adopted the Los Angeles plan in principle. Because of four individual appeals from theatres in zones which overlap, Code Authority next Thursday will decide these cases and approve the schedule in toto. It marks the first plan to get official sanction from Campi.

MOTION PICTURE DAILY exclusively reported yesterday that there would be a showdown on the schedule and that sentiment in favor of adopting

(Continued on page 12)

Census Figures on Films Questioned

WASHINGTON, Jan. 31.—The accuracy and value of the U. S. Census Bureau's amusement survey last year is challenged by new figures coming in in connection with studies now being made by another branch of the government.

Data which have been secured indicate that the bureau was low in practically all its totals, an estimate

(Continued on page 6)

Film Men Off for NRA Booth Hearing

Numerous exhibitors, circuit officials, operators and members of the NRA fact-finding committee left for Washington yesterday for the public hearing today on the basic operators' wage scale for greater New York.

The session will be held at the Raleigh Hotel with Compliance Di-

(Continued on page 12)

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Leading Exhibitors Planning N. O. Trip

(*Continued from page* 1)

companies for addresses on merchandising. Definitely planning to attend already is Robert Gillham of Paramount.

On the anticipated roster of theatre men are the following:

John Balaban, Chicago; W. S. Butterfield, Detroit; A. M. Bowles, San Francisco; A. H. Blank, Des Moines; C. H. Buckley, Albany; E. C. Beatty, Detroit; M. E. Comerford, Scranton; Fred J. Dolle, Louisville; Frank R. Durkee, Baltimore; Ed Dubinsky, Kansas City; Ed Fay, Providence; John Ford, Boston; H. J. Fitzgerald, Milwaukee; George A. Giles, Boston; Sol E. Gordon, Beaumont; L. C. Griffith, Oklahoma City; Harry E. Huffman, Denver; John Hamrick, Seattle; Karl Hoblitzelle, Dallas; Walter Immerman, Chicago; H. F. Kincey, Charlotte; A. D. Kvool, Milwaukee; M. A. Lightman, Memphis; L. J. Ludwig, Minneapolis · Arthur Lucas, Atlanta; Ike Libson, Cincinnati; Vincent McFaul, Buffalo; R. A. McNeill, San Francisco; M. J. Mullin, Boston; George Mann, San Francisco; E. J. Myrick, New Orleans; George Nasser, San Francisco; Ben Pitts, Virginia; J. J. Parker, Portland; Al Rosenberg, Seattle; Louis Reinheimer, Chicago; Harold Robb and Ed Rowley, Dallas; E. C. Rhoden, Kansas City; E. V. Richards, New Orleans; Albert Sotille, Charleston; Ed Sparks, Jacksonville; Edwin Silverman, Chicago; Charles P. Skouras, Los Angeles; Tony Sudekum, Nashville; George W. Trendle, Detroit; Morton G. Thalheimer, Richmond; Ralph Talbot, Tulsa; Walter Vincent, New York; R. B. Wilby, Atlanta; Frank C. Walker, New York; Morgan A. Walsh, San Francisco, and Mitchell Wolfson, Miami.

Illinois House Burns

TAYLORVILLE, Ill., Jan. 31.—The Ritz here was destroyed by fire yesterday. The loss is estimated at $100,000.

Insiders' Outlook

By RED KANN

THOUGH for such a veteran is the status quo of Senior Laemmle. For eighteen days he has been in agony; a tormenting, but not necessarily dangerous eye condition, explains why. On Wednesday he was slated to leave Hollywood for San Francisco for special treatment. The trip was called off, Laemmle's doctor forbidding the journey. They went further, however, and ordered him home. He can see no members of his family. He can read or write no letters. He must answer no phones, send no wires. In solitary confinement for the first time in his 29 years in this business, Laemmle's road is a hard one for him to travel. . . .

▼

The studio, of course, knew what's been going on. The sales crew scattered all over the land wasn't far behind. News has a manner of spreading like the well known prairie fire in this business. This, as a result, is happening: At the studio, the gang from top man to low man, is combining in a display of loyalty and a spirit of do, all for the purpose of dedicating its best to their absent president. In the field, the selling boys are following in, determined to show Laemmle that a job can and will be performed whether he's around to check up or not. This is no empty ballyhoo, nor is it hooey. And so thrilled beyond words is Bob Cochrane. So are we. So should you be. . . .

▼

John E. Otterson, this department learns from a source completely authoritative, has turned down the presidency of Paramount. This, only in the last couple of days. The post could have been his. After twenty-four hours' deliberation, he declined. The name of Charles E. Richardson, one of Paramount's three trustees, is not to be wiped off your dope sheets, if you're figuring, as who is not? Eugene W. Leake, another of the trustees, seems headed for the chairmanship of the finance committee, an important post in any company. In the meantime, the studio job, not to be slighted by a helluva sight, is shuttling back and forth with these men mentioned most frequently: Ben Schulberg, Watty Rothacker, Manny Cohen, J. Boyce Smith. . . .

▼

What's this? Two legal bouts, both looking a good deal like a real something, are creeping up on the horizon. One will aim at the vitals of the local clearance and zoning board. The other will swirl around Campi's already sorely tried heads. The names of two outstanding attorneys have been mentioned as counsel for the exhibitors who contemplate the actions. If all of this sounds mysterious, then this typewriter actually is functioning to no one's greater surprise than our own. . . .

▼

A. C. Blumenthal's financial mentor in deals stewing and brewing but still on paper is reported to be Sir William Wiseman, partner in Kuhn, Loeb & Co. Wiseman is the man who long fanned fires for a Paramount managed by N. L. Nathanson. That, however, is all over now. "Nate" likes Canada, his Famous Players Canadian setup and his close affiliation with the Royal Bank Holts. . . .

▼

Warners are servicing their own sound equipment. That's common knowledge. Paramount partners are dickering for a reduction in their servicing agreement with Erpi. That's known, too. Loew is next in line. In the interim and for reasons not entirely clear, the latter outfit has ruled Erpi men out of its theatres. The order applies to all houses, no exceptions. . . .

▼

"It's easy to see, but hard to foresee," runs the slogan of the M.P.T.O.A. of Eastern Pennsylvania. Astigmatism is almost as great a problem in this business as clearance. Or greedy circuits. Or exorbitant negative costs.

There ought to be a campaign. . . .

▼

Charles Cochran, the London producer who does very well by himself, publicity-wise, is extremely obliging in denying stories linking his activities with Mae West. Says he has not signed her. Who said he was negotiating? . . .

▼

Ben Goetz sat through lunch with some of the Metro higher-uppers at the Motion Picture Club yesterday, but don't draw any conclusions. That does not mean he is joining Leo, as reports have indicated. Not at all. . . .

▼

Did you notice "Al Lichtman presents" Leon Garganoff's "The Battle" which U. A. will release as "Thunder in the East"? A very swell picture, this, and in it a new star. His name is Charles Boyer. Remember it. . . .

"Bordertown" Gets $33,000 at Strand

The rehabilitated Strand came back to life with $33,000 on the first week of "Bordertown." "Clive of India" at the Rivoli was not shy at the box-office, the first week's tally being $41,500. "The Iron Duke" at the Music Hall did much better than "Romance in Manhattan" the previous week, garnering $58,000 during its tenancy. The second week of "The County Chairman" ended with a fair $22,000.

Columbia's "The Whole Town's Talking" is tentatively slated to open at the Music Hall on Feb. 14, following "The Scarlet Pimpernel."

Hearing Delayed on M. & S.-RKO Dispute

(*Continued from page* 1)

arbitrators to resume the hearings today or Monday.

David Loew was the only witness called yesterday by Max D. Steuer, counsel for M. & S. Loew was questioned on various phases of the RKO-Loew's product agreement of last September, under which Loew's made Fox, Universal and Columbia product, contracted for by it, available to RKO which was threatened with a product shortage in its metropolitan houses.

No Changes Planned Here, Says Bernerd

(*Continued from page* 1)

make a number of changes and that he was first going to look into things. He expects to sail for England in about two or three weeks.

On Saturday, Arthur Lee will accompany Bernerd on a week's trip to Atlanta and Charlotte, returning by way of Chicago. Earlier in the week, Bernerd was in Philadelphia where Al Boyd tendered him a dinner.

Court Holds Operator

Ernest Hammett, film operator arrested several days ago with explosives in his possession, was held today in $100,000 bail in First Criminal Court. Newark, Fall River and Boston police are checking Hammett's activities on the theory that he has had something to do with theatre explosions in recent months.

RKO Gets G. B. Here

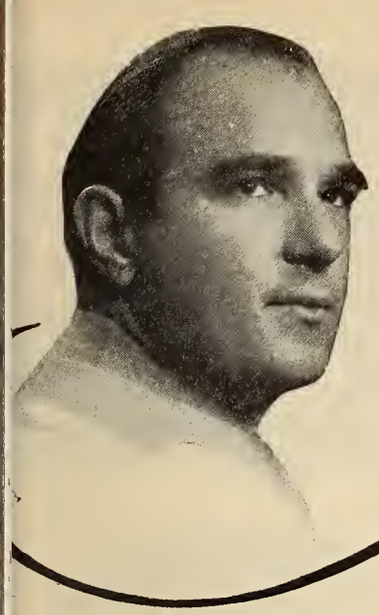
Gaumont British has closed a product deal with the RKO metropolitan circuit, involving 45 theatres in Greater New York. The first picture to be shown will be "Evergreen," which will start a tour of the circuit Feb. 12. Phil Meyer, New York branch manager, represented Gaumont British.

Hopper Planes to Coast

Harold Hopper, assistant to Larry Darmour, production head of Majestic, left for Hollywood by plane yesterday. Darmour left last Saturday and plans to be back again in two weeks for home office conferences on the 1935-36 schedule.

Columbia Pays 75 Cents

Columbia has declared the regular 75 cents dividend on its preferred stock, payable March 1, to stockholders as of Feb. 14. This is the twenty-fourth consecutive dividend.



I write screenplays..

ROBERT RISKIN

Celebrated scenarist and writer of hits whose successes include:

BROADWAY BILL

IT HAPPENED ONE NIGHT

LADY FOR A DAY

•

I adapted "Lady For A Day", "It Happened One Night" and "Broadway Bill", but I've never worked on a more timely story than "The Whole Town's Talking". It actually gives Edward G. Robinson an entirely new screen personality. For sheer novelty and wildfire audience appeal, it surpasses anything he has ever done.

Robert Riskin

WORLD PREMIERE
Radio City Music Hall
February 21

A COLUMBIA PICTURE

"One of the most interesting of the Mr. and Mrs. Martin Johnson series. No lover of jungle thrillers should miss it."
—N. Y. Mirror

"Fascinating...startling...breath-taking. None of the films dealing with the Dark Continent has seemed to me more continuously interesting."—N.Y.World-Telegram

"'Baboona' is lively, entertaining and surprisingly well-photographed."
—N.Y. Herald-Tribune

"Fine entertainment . . . novelty, thrills, pathos, humor. Shots that have never been seen before on the screen."
—Motion Picture Daily

"★★★! Mr. and Mrs. Martin Johnson have never made a more entertaining record. Something new under the African sun."
—N.Y. Daily News

"Certainly the most captivating picture the Martin Johnsons have brought back from Africa. Novel, exciting . . . highly amusing."
—N.Y. Post

"Unusual, remarkable, interesting achievement. There's a new kick in viewing the man-conquering continent from god-like heights."
—N.Y. American

"Possesses fascination. Striking scenes of elephants, rhinos, flamingoes, giraffes and other wild game."
—N. Y. Times

"Consistently absorbing . . . frequently fascinating...refreshingly different from most pictures of this type."
—Film Daily

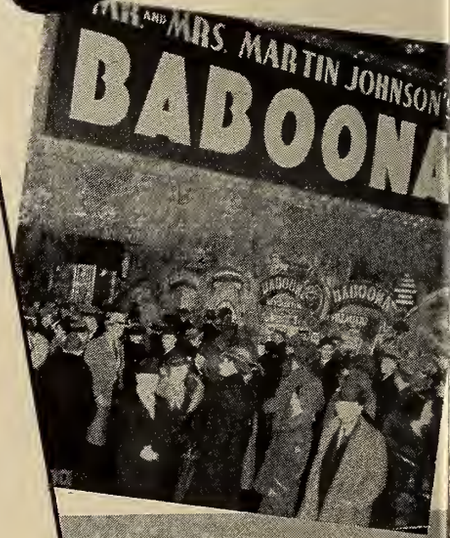
"Unquestionably best of big game expedition films. Plenty of box office appeal for all. Get behind it."
—Showmen's Trade Review

"NOT ONLY THE . . . THE BEST A CORKING



MR. & MRS. MARTIN JOHNSON'S

BA



FOX

BEST OF THE MARTIN JOHNSON FILMS
OF ALL EXPEDITION FILMS
GOOD SHOW! . . . states New York Sun



BOONA

AN AERIAL EPIC OVER AFRICA

—and it's HELD OVER

Supervised by
Truman Talley



Census Figures on Films Questioned

(*Continued from page 1*)

by the M.P.P.D.A. indicating 13,736 film houses in operation in 1933, whereas the bureau figured only 10,133.

Ignored for more than a year, there was dug out of the files of the U. S. Senate today a report on national income made by the Department of Commerce in January, 1934, in response to a Senate resolution, in which are given figures on the amusement industry far in excess of those indicated by the Census Bureau survey.

That report placed the number of persons employed in film theatres throughout the country in 1932 at 225,400 as compared with the Census Bureau report of less than 63,000 in 1933. The department report estimated that $289,188,000 was paid those employes in wages, compared with the bureau estimate for the following year of some $85,000,000.

The box-office receipts of film houses in 1932 were placed by the department at $700,000,000, while the bureau estimate for 1933 was $406,000,000.

In issuing its report of the 1933 survey the Census Bureau admitted that its figures were not complete, citing Pennsylvania as an outstanding state in which the canvass was inaccurate. The difficulty in Pennsylvania, it has since been revealed, was due to a fight between political factions as to which should control the giving out of jobs created by the survey.

On the other hand, it is freely admitted that the figures in the report on national income are probably too high. The question, therefore, is what changes should be made in both the census and the report to arrive at a fairly accurate figure.

Can't Afford West, C. B. Cochran Says

Charles B. Cochran, English theatrical producer, yesterday again denied reports he had signed Mae West for a show to be produced in London. As one of the leading guests of Ampa, Cochran said he would like to have Miss West in a show, but could not possibly pay her the money she was making in pictures.

Freddie Bartholomew, young star of "David Copperfield," was bewildered facing the large gathering, but managed to recite a poem that took the assemblage by storm. Gene Raymond told a few stories and Rachael Carlay sang two numbers, one in French and the other in English. Rosita Ortega danced two of her Spanish routines from "Revenge with Music." Irving Jaffee told of his skating experiences and Jerry Mann gave an impersonation of George Givot, Greek ambassador. Emil Boreo told two smutty stories and sang one song, while Mike Romanoff limited his speech to three short sentences. Monroe Greenthal acted as chairman.

Z. E. Woodall Is Dead

RICHMOND, Jan. 31.—Zacharias E. Woodall, former publicity director for Wilmer & Vincent in the Richmond district, is dead here. At his death he was head of the copy desk of the *Richmond News Leader*.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"One More Spring"

(*Fox*)

HOLLYWOOD, Jan. 31.—As quality entertainment, yet with mass punch packed with down-to-earth comedy plus drama, this production rates all around plaudits. The picture should be music to showmen's ears, paralleling "Daddy Long Legs." The plot is timely and unique in its simplicity.

Warner Baxter's business fails, leaving him with nothing but an antique bed. Walter King's main asset is a coonskin coat, a genius for the fiddle and his debit, a tremendous appetite. The duo joins forces, moving the bed into a park. While King rehearses on the street and coins jingle in his cup, Baxter promotes Roger Imhoff's street cleaning stable for a residence. Janet Gaynor, an actress tired of sleeping in subways, opportunely meets Baxter moving in for the winter. Comedy and drama mount consistently from here and hit a hilarious climax when the happy-go-lucky trio takes in a harassed bank president, Grant Mitchell, whose bank had failed. The windup has King getting a symphony job and Mitchell returning to face the music and giving financial aid and jobs to Baxter and Miss Gaynor, between whom romance has blossomed.

Henry King's direction is superb throughout. Robert Nathan's popular novel receives sympathetic handling in Edwin Burke's screen play. All performances are topnotch, particularly Jane Darwell, Rosemary Ames, John Qualen, Nick Foran, Astrid Allwyn and Stepin Fetchit. John Seitz's photography is fine.

Keynoted by optimism and human appeal and played by box-office personalities, this production should line and pack ticket windows. Production Code Seal No. 530. Running time, 90 minutes. "G."

"The Nut Farm"

(*Monogram*)

HOLLYWOOD, Jan. 31.—This picture is good average fare.

The story, a comedy, concerns a man and his wife seeking their fortunes in California after coming from a jerkwater town in the east. Instead of investing in a nut farm they fall for a phony motion picture deal to the tune of $40,000. The matter is finally straightened out by Wallace Ford, who turns the deal into a million dollar asset.

Melville Brown aimed his direction for good laughs and hit the mark. Ford does smart trouping. Oscar Apfel, as the husband, and Florence Roberts, as the wife, contribute humor. Spencer Charters is outstanding as a deaf landlord. The photography by Harry Neuman is good.

Production Code Seal, No. 562. Running time, 70 minutes. "G."

Looking 'Em Over

"The Good Fairy"

(*Universal*)

A mixture of moods—wistful, romantic, gay to the point of being explosively funny, tender, and with an occasional tear; a gorgeous choice of ingredients so skillfully blended that the opening day Music Hall audience took it laughing and applauded at the finish.

"The Good Fairy" is human and so well done that it seems real. What more can be said of a picture sketched deftly by a master hand—or hands? Whether it was Ferenc Molnar's original play, or Preston Sturges' adaptation or William Wyler's direction is immaterial so far as the public is concerned. The product is delightful.

Alan Hale, a Budapest theatre owner, plucks a pretty orphan, Margaret Sullavan, from an asylum to become an usher, because he wants at least one unsophisticated girl who won't flirt. The complications move swiftly. She tells a stage door johnny she is married and hurries toward an unsuspecting waiter whom she indicates is her husband. The waiter gets her a ticket to a party in a hotel and Frank Morgan, wealthy head of a meat importing company, goes after her. Again she says she is married and makes a blind pass at a page of the telephone book to pick up her husband.

Hoping to gain her favor, Morgan goes to this new phantom husband,

(*Continued on page 7*)

Wall Street

Most Gain on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc (cl)	36¼	35⅞	36¼	+ ½
Consolidated Film Industries	6½	6¼	6¼	— ¼
Consolidated Film Ind. pfd. (½v)	21⅛	21	21⅛	+ ¼
Eastman (4a)	112¾	112	112½	+ ¾
Eastman, pfd. (6)	14½	145½	145½	+ ½
Fox Film "A"	11	10⅞	10⅞	.....
Loew's, Inc. (1a)	33	32¼	32¾	+ ⅝
Param'nt Publix.	4	3⅞	4	+ ⅛
Pathe Exchange	1⅛	1⅛	1⅛	.....
RKO	2⅛	2	2	.....
Warner Bros.	4	3⅞	4	+ ⅛
Warner Bros., pfd.	23	22¾	23	+ ¾

Trans-Lux Up ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅜	12¼	12¼	.....
Trans-Lux (.20b)	3	3	3	+ ⅛

All Gain on Bond Market

	High	Low	Close	Net Change
General Theatre, 6s '40	8½	8½	8½	+ ⅛
General Theatre, 6s '40 ctf.	8⅜	8⅜	8⅜	+ ⅛
Loew's 6s '41, ww deb rights.	105¾	105	105¾	+ ½
Paramount B'way, 5½s '51	45	45	45	+1
Paramount F. L., 6s '47	67	66	67	+1½
Paramount Publix, 5½s '50	67	65½	67	+1½
Pathe 7s '37, ww.	102	101½	102	+ ½
Warner Bros., 6s '39, wd.	56½	56	56½	+ ⅜

(*a*) *Plus cash extras.* (*b*) *Paid last year.* (*c*) *Plus stock extras.* (*v*) *Defaulted in principal but not in interest.*

(Quotations at close of Jan. 31)

Grainger to Return; Sets Release Dates

HOLLYWOOD, Jan. 31.—James R. Grainger leaves for New York Sunday. While here he set release dates on future Universal product. The schedule:

"Transient Lady," Jan. 25; "The Mystery of Edwin Drood," Feb. 4; "Rendezvous at Midnight," Feb. 11; "The Good Fairy," now playing the Music Hall in New York, Feb. 18; "Night Life of the Gods," which plays the Roxy, New York the week of Feb. 22, goes out March 4; "It Happened in New York," March 11; "Princess O'Hara," March 18 and "Mr. Dynamite," March 25.

"Copperfield" Book Out

William R. Ferguson, M-G-M exploitation head, and his staff, have put together an unusual press book on "David Copperfield." It is 20x 14 inches, filled with a wealth of exploitation suggestions. Particularly, it is lavish in its suggestion of publicity angles. Other features are a serialization, a picture strip series and a wide assortment of ads, posters and other displays.

Joseph Brennan Honored

BOSTON, Jan. 31.—A testimonial banquet for Joseph Brennan, new executive secretary of Allied Theatres of Massachusetts, drew a crowd of 700 to the Copley-Plaza Hotel last night. Governor Curley and Mayor Mansfield were among the state and city officials present. Brennan, who severed his connections with Loew's after 25 years to accept the Allied post, received a gift of a $1,000 check.

Order Stoppage of Films for College

CINCINNATI, Jan. 31.—Distributors were ordered by the local grievance board to discontinue serving the Morehead, Ky., State Teachers' College, on complaint of Paul M. Hooven, Trimble, Mt. Sterling, Ky. Evidence showed respondent was in competition with regular houses by advertising for public patronage at a 20-cent adult scale and 10 cents for children. It also was proved that respondent was a non-taxpaying enterprise, showing pictures in the college auditorium without expense aside from film rentals.

Decision was postponed pending checkup of information and ironing out of certain details in an overbuying complaint of Zanesville Theatres, Inc., operating the Grand, Liberty, Imperial and Quimby, Zanesville, O., vs. M. A. Shea, operating the Weller, same city.

On complaint of the Roosevelt, local colored house, United Artists was ordered to cancel "Catherine the Great," as complainant was not in default under his contract at the time the request for cancellation was made under the 10 per cent cancellation clause.

Schine Wins in Six Attacks on Smalley

ALBANY, Jan. 31.—Six charges of unfair competition brought by Schine houses against Smalley's circuit have been decided in favor of the complainant by the grievance board.

The cases were: Colonia, Norwich, against Smalley's Norwich, protesting auction nights; Oneonta, Oneonta, against Smalley's Cooperstown, selling thrift coupon books at 20 per cent discount; Oneonta, Oneonta, against Smalley's Delhi, coupon books; Oneonta against Smalley's Cooperstown, turkey lotteries; Colonia, Norwich, against Smalley's Sidney, money prizes; Rialto, Little Falls, against Smalley's Johnsville, money prizes.

Smalley has announced that he will appeal a recent decision against his Cooperstown theatre and in favor of the Oneonta and Palace, at Oneonta, to the NRA in Washington. The clearance board decided there was no competition. Campi reversed this decision and awarded 14 days' clearance between the two towns.

Pittsburgh's Board Upholds Complaints

PITTSBURGH, Jan. 31.—Four decisions have been handed down recently by the grievance board. Two of these cases were brought by one exhibitor, A. Biondi, Majestic, Ellwood City, Pa., against Monessen Amusement Co., operator of the Manos. One complaint alleged that the Monessen company was offering cash prizes at drawings and the other that copies of ads presented at the box-office were good for reduced admissions. Both complaints were ordered sustained and the practices stopped.

Dr. C. E. Herman, New Carnegie, Carnegie, Pa., was sustained in a reduced admissions complaint against the Grand, same town, and the board issued a stop order.

I. L. Butler, Rex, Masontown, Pa., charged David Trimble, Liberty, same town, was using two-for-one admissions. The complaint was sustained and a stop order was issued.

Looking 'Em Over

"The Good Fairy"

(Continued from page 6)

finds he is a young lawyer, Herbert Marshall, and offers him a big legal job. In the meantime the waiter, Reginald Owen, continues to try to protect the girl.

All the principal roles are well handled. It is one of those kind of pictures women and girls talk about in a way that reacts on box-office.

Production Code Seal No. 561. Running time, 98 minutes. "G."

"Rendezvous at Midnight"

(*Universal*)

A minimum of movement and a maximum of dialogue in a series of modernistic settings are used to unfold a mystery story involving the murder of a former New York police commissioner who is about to be investigated by his successor and a new mayor.

Plenty of names have been put into the cast and obviously plenty of money has been put into the settings—two beautiful homes, a modiste's shop and a police commissioner's office, but the entire story, with the exception of one automobile chase, could have been restored to the stage from whence it came without changing a sequence.

Valerie Hobson telephones to her admirer, Ralph Bellamy, who is police commissioner, that she has just shot Arthur Vinton, the former commissioner. It's a ruse to get him to visit her, but becomes serious when she learns Vinton has actually been shot. The subsequent action is a series of scenes in which Bellamy is questioning various suspects for the purpose of clearing his sweetheart. A model is finally found to be the guilty one.

A few flashes of Edgar Kennedy as a police chauffeur and Helen Jerome Eddy's loyalty to Miss Hobson in the role of a maid furnish the comedy touches. Christy Cabanne directed. The script was done by Gladys Unger from an adaptation of Gaetano Faxio's stage play, "Silver Fox," done by Ferdinand Reyher. Women will like the beautiful gowns and decorative backgrounds.

Production Code Seal 492. Running time, 63 minutes. "G."

"One Night"

(*Scandinavian Talking Pictures*)

This Swedish importation, turned out by A. B. Svensk Filmindustri, is tinged with red. Its propaganda, mild as it is, is likely to be resented by American audiences. Technically, photographically and in acting, it has something to offer. But there approval must end. For the rest it is a somewhat ponderous, halting and at times illogical story of a revolt in a Finnish border town in the days of the Russian revolution.

The hero of the tale, a young Finn, leaves his wealthy home to fight for the workers' cause. He is captured and sentenced to die. His brother, who is helping to put down the revolt, lets him out of prison to see his mother and sweetheart, with the understanding he return at dawn to face his doom. Returning, the youth is wounded by the Reds, who mistake him for one of the enemy, and he dies, without the ignominy of falling before a firing squad.

Into the story has been woven a touching romance between the youth and a Russian peasant girl working in Finland. The couple are played by Bjorn Berglund and Ingert Bjuggren. The film is supplied with English subtitles. Gustaf Molander directed.

No code seal. Running time, 80 minutes. "G."

Moss Urges Caution In Small Operations

Discussing possible hazards in theatres seating 600 and under, License Commissioner Paul E. Moss has warned exhibitors not to permit standees or admit children either as performers or as patrons at any time. He also talked on other precautions that should be taken for the best interest of customers.

Because the Circle at Columbus Circle permitted children on the stage, the house was ordered closed for one day yesterday as a penalty. Increases in common show license fees were not discussed, but another meeting is expected to be called for protests.

Florida Bank Night Held to Be Illegal

TAMPA, Jan. 31.—Bank night, as it has been conducted in Florida, has been given the full count of 10 by Attorney General Landis in an opinion delivered at Tallahassee.

Bank night has been very popular and apparently profitable for theatres all over the state for the past year. It has been conducted on a "you must be in the theatre to win" basis, and this brought up the question of legality. The attorney general says that bank night does not violate the state lottery laws, providing a person is not required to purchase a ticket or token in order to win.

Dubinskys Request Rehearing on Lease

KANSAS CITY, Jan. 31.—Dubinsky Bros. are requesting Campi to reopen the lease interference case involving their Jefferson City, Mo., houses. Campi last week dismissed Dubinsky's complaint against W. H. Mueller, Harry Sodini and Leo Levy without comment.

Ed Dubinsky has asked Campi for a reason for the dismissal. He believes that since Campi did not explain its action, it probably did not have a complete understanding of the case. He has requested a hearing in New York.

Regardless of the final outcome of the dispute, Dubinsky is making plans to build a theatre in Jefferson City. Cost is estimated at $70,000, exclusive of the site, which has been bought. Capacity will be 1,270, according to present plans. Dubinsky may close the Miller as soon as the new house is completed, probably next June.

St. Joseph Charge Amendment Ordered

KANSAS CITY, Jan. 31.—The local clearance and zoning board refused to admit in the record certain allegations in the complain of four subsequents in St. Joseph, Mo., against Dubinsky Bros. and 11 distributors, and the complaint is to be revamped.

It was agreed at a hearing that a new complaint will be filed, shorn of the charges to which the board objected. These included that a monopolistic agreement exists between the circuit and the distributors preventing the subsequents from playing pictures day and date with or prior to the Crystal, 15-cent second run, and therefore preventing the subsequents from raising their admission price.

Frank H. Cassil, Rialto, and R. A. Gregory, Rivoli, will file the new complaint, which will request the board to reduce Dubinsky's second run protection of 14 days and also cut the circuit's first run protection.

Mascot to Jump Its List, Levine States

HOLLYWOOD, Jan. 31.—Nat Levine of Mascot says an increase of production on the 1934-35 program over the original 14 features and four serials announced at the beginning of the season is in prospect.

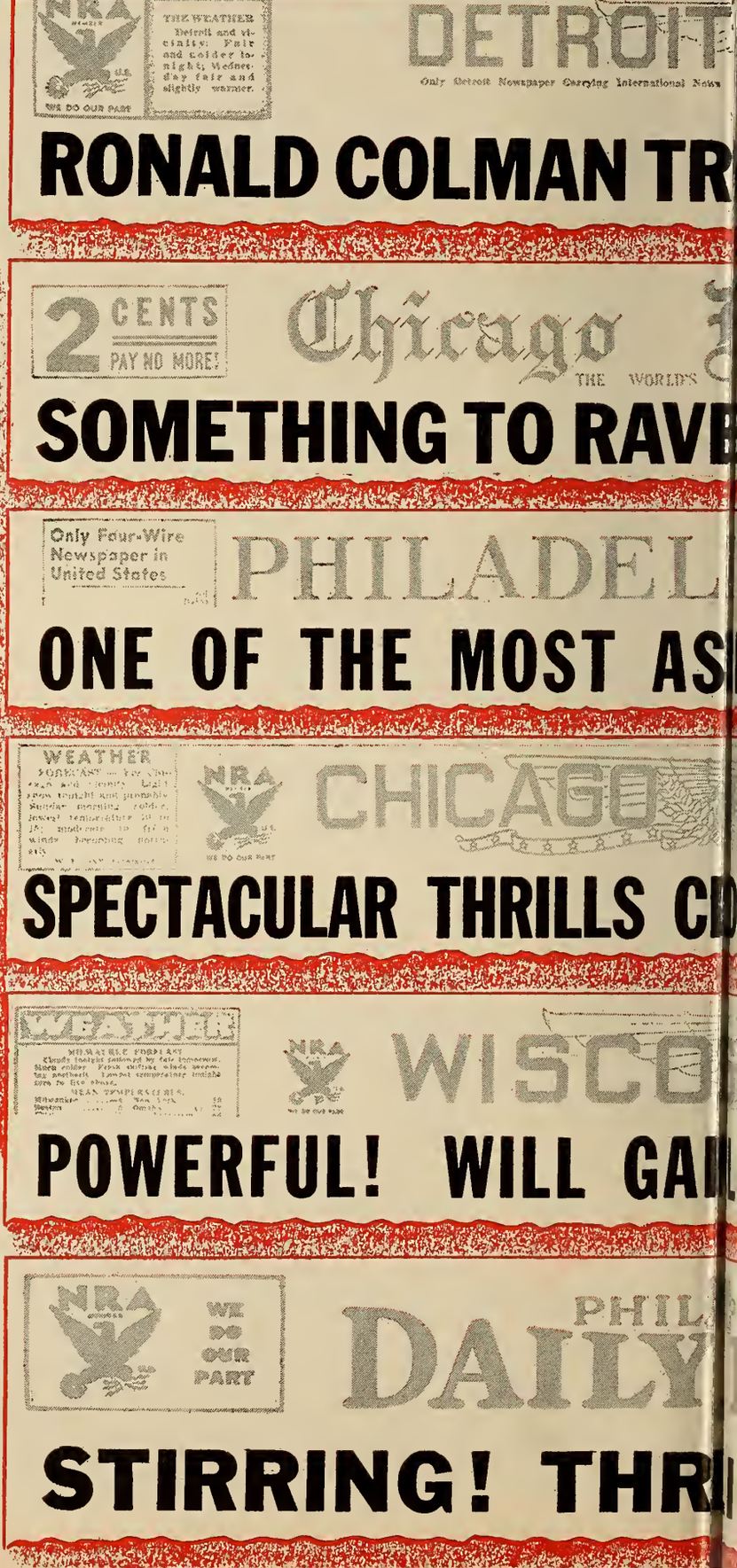
Although no definite number of features has been decided on, studio executives are now in a huddle to fix a new quota.

Pictures already completed on this year's program are: "Young and Beautiful," "Crimson Romance," "In Old Santa Fe," "The Marines Are Coming" and "Little Men." Films coming up are: "Behind the Green Lights," "One Frightened Night," "Headlines," "Waterfront Lady," "Confidential" and "Along Came A Woman." The remaining three films have not been set.

Off for a Week

On application by Louis Nizer, representing RKO in the clearance complaint by Century circuit in Long Island, the New York board yesterday postponed the hearing until next Thursday. John O'Connor, chief witness for RKO, was before an arbitration committee hearing a complaint against the circuit by M. & S.

CLIVE C



starring

RONALD COLMAN

LORETTA YOUNG

Directed by

RICHARD BOLESLAWSKI

F INDIA

TIMES
Universal Service and Complete Sport Dispatches
NIGHT EDITION
MPHS! IRRESISTIBLE!

ly Tribune
EST NEWSPAPER
FINAL
BOUT! MAGNIFICENT!

IA RECORD
NRA
WE DO OUR PART
ISHING! TREMENDOUS!

AMERICAN
7TH RACE
D "CLIVE"! STUPENDOUS!

N NEWS
FINAL
LACE AMONG 10 BEST!

PHIA
NEWS
POSTSCRIPT EDITION
.ING! EXCITING!

20TH CENTURY PICTURE

DARRYL F. ZANUCK'S
MIGHTIEST PRODUCTION

Presented by
JOSEPH M. SCHENCK

Released thru
UNITED ARTISTS



NG12

CARL LAEMMLE SR

PRESIDENT

FOR THE FIRST

HAVE BOOKED A

OUR ADVERTISIN

ROOM AFTER SEE

STOP IT IS ON

AND THIS TELE

PICTURE STOP

THE FINE DIR

OUTSTANDING

W G VA

1225

Y DIRECT WIRE FROM

ESTERN UNION

SIGNS
DL = Day Letter
NM = Night Message
NL = Night Letter
LCO = Deferred Cable
NLT = Cable Night Letter
WLT = Week-End Letter

ESIDENT J. C. WILLEVER, FIRST VICE-PRESIDENT

rams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

ORK NY JAN 30 1935

ERSAL PICTURES CORP UNIVERSALCITY CALIF=

E IN THE HISTORY OF THE MUSIC HALL WE
TURE WITHOUT PREVIEW AND BACKED IT WITH
N FAITH STOP I HAVE JUST LEFT OUR PREVIEW
A THE GOOD FAIRY WHICH OPENS TOMORROW NOON
= THE GREATEST COMEDIES I HAVE EVER SEEN
M IS SENT TO CONGRATULATE YOU ON THIS
GARET SULLAVAN AND THE ENTIRE CAST UNDER
ION OF WILLIAM WYLER HAVE ACHIEVED AN
CESS=

CHMUS MANAGING DIRECTOR RADIO CITY MUSIC HALL.

Academy Move On Contracts Stirs Talent

(*Continued from page 1*)

NRA in Washington. Now it looks as though they have not only met all the actors' demands, but have gone farther and have agreed to use the Academy for arbitration of disputes where players want it.

What happens when they don't want it has the guild members agitated. Their next move remains to be seen.

Voting on the agreement has already been started, as ballots were sent out today to actor and producer members.

The present standard contract arrangement expires March 1.

The guild has had a 14-point program that included a demand for a basic eight-hour day with a 15-hour rest period, one hour of pay added for every hour worked overtime; abolition of the call bureau, curtailment of layoffs to one week for 40-week contract players, instead of single days through the year.

The Academy agreement just announced provides for a new form of contract for one-picture engagements, a new weekly minimum contract and revised conditions covering employment for day players. Contracts with artists receiving over $40,000 a year are not affected.

Arbitration Provided For

Arbitration under the new standard contract is provided for, if the artist so elects, and decisions will be enforceable on producers. Artists cannot be compelled to submit disputes to the Academy, if they prefer other methods of settlement.

It is provided that no player can be compelled to waive a 12-hour rest period at the end of each day's work, but if he should elect to do so he is entitled to a full day's pay. No emergency shall exempt a producer from making this payment.

Provision is made for keeping records of all dismissals and return calls in order to provide means of determining whether a player has received a full 12-hour rest period.

Minimum weekly contract players will not have to work on the six principal holidays, but will receive these as holidays with full pay. Should any emergency make work necessary on these holidays, the actor will receive double pay. Producers agree to make it a policy to endeavor not to work on Sundays immediately preceding or following holidays, and if any actor is required to render service on these Sundays he will receive an extra day's salary.

In computing the 12-hour rest period the 24 hours constituting Sundays and holidays will be eliminated unless the actor works on such Sundays and holidays and receives additional compensation therefor, or unless he has had a rest period of at least 36 hours during the preceding week.

Whenever a minimum weekly contract as submitted by a producer is signed and returned by the artist by noon of the succeeding business day it will automatically be binding on the company without awaiting the producer's signature.

The "on or about" starting date of weekly minimum contracts has been reduced to not more than 24 hours before or after the date specified, instead of 48 hours before or after.

Employment for day players will be on a consecutive day basis, exclusive of any Sundays and holidays on which the actor does not work. Should the producer terminate the engagement and recall the actor within less than two weeks to make further scenes, as distinguished from retakes, the actor will be paid for any intervening time during which he has been available. Provision is made for the conversion of daily employment contracts to employment under the weekly minimum contract on terms which the committee considers fair to the actor. In addition, day players will not only continue to receive the guarantee of eight hours' pay for each day of work, but the clause of the former day player agreement allowing the studio to lay the day player off for four hours or more without pay will be eliminated.

When an actor working by the day is required to report early to have elaborate makeup or wardrobe put on by the studio makeup or wardrobe workers the time required in excess of one hour will constitute working time.

It is contemplated that the agreement will be effective for five years from March 1, with provisions for amendment. The machinery for amendment has not been fully agreed upon, but is being worked out.

The joint committee which worked out the proposed revisions for producers included Henry Herzbrun, chairman; Samuel Briskin, J. J. Gain, William Koenig and Irving Thalberg, with B. B. Kahane an ex-officio member. The actors' committee included Lionel Atwill, chairman; DeWitt C. Jennings, George Irving, Raymond Hatton and Mitchell Lewis.

Nearing '35 Peak

Pittsburgh, Jan. 31.—Territorial tents of Variety Club, which sprang into existence here some years ago, today total 16. Twelve are in operation with St. Paul, Milwaukee, Dayton and Des Moines completing organization.

Only four more tents will be accepted this year since 20 has been fixed as the limitation on expansion during 1935. In less than one year, Variety Club tents have jumped from two to 16.

Bellman Appointed To Grievance Board

Jack Bellman has been named to the New York grievance board, succeeding Harry H. Thomas, resigned.

Request of Morris Kutinsky to reopen his complaint against Century circuit on overbuying and selective contracts was referred to the grievance board committee.

Julius Charnow's clearance issue involving the Leonia, Leonia, N. J., and against Loew's and Skouras was deferred a week for possible settlement. It is understood the two circuits are trying to work out the solution without a Campi decision.

Film Men Off for NRA Booth Hearing

(*Continued from page 1*)

rector Sol A. Rosenblatt presiding. Rosenblatt has taken a personal interest in the local union situation and is hopeful that a plan will be worked out to the best interests of all.

Several Monday sessions have been held by the fact-finding body within the last few weeks, but up until last Monday no agreement on a schedule could be reached. Local 306, at the last session, submitted modifications of the plan originally set up. According to independent exhibitors, objections will be raised on the minimum 75-cents-an-hour and $60-a-week booth cost, the contention being that many small exhibitors cannot afford to pay increases at this time. Many houses seating under 600 have a booth cost from $35 to $45 a week. The I.A.T.S.E., representing Local 306, will oppose the 30-hour week minimum. Springer & Cocalis will battle any attempt of the international union to bring Empire State operators into Local 306.

Among those leaving yesterday were: Charles L. O'Reilly, Milton C. Weisman, Tom Murray, Laurence Bolognino, Leslie E. Thompson and Charles C. Moskowitz.

WASHINGTON, Jan. 31.—With the local stage set for a hearing on booth costs in the Metropolitan New York area tomorrow, officials of the NRA tonight were dubious of their chances of disposing of the subject without carrying the meeting over a second day. Wherever possible, a one-day hearing is preferred because of the expense and time entailed to business men who must hang around when the hearings are longer.

It is anticipated that the meeting tomorrow will bring several controversial questions to the fore, but hope was expressed that an amicable settlement could be reached without delay.

Tyree Dillard, Jr., legal representative of Campi, arrived late tonight to attend the hearing.

Burr-Darmour Case Returned to Coast

After studying C. C. Burr's complaint against Larry Darmour in connection with the signing of Ken Maynard after he had entered a deal with the complainant, Campi yesterday referred the matter to the coast office where a committee will hear and decide the case.

Because the committee consisting of Austin C. Keough, Joseph Seider and Paul Burger needed additional testimony, decision on the complaint of Jack Bellman against Ken Goldsmith and Mascot was held up pending depositions from Nat Levine and Goldsmith on the contract for "Little Men." Bellman claimed that some time ago he entered into a contract with Goldsmith Prod., Ltd., for the picture, but failed to get it. Mascot is handling it.

Union Appeals to NRA

NEW ORLEANS, Jan. 31.—The local operators' union has appealed to the NRA compliance board asking that exhibitors paying less than union wages be ordered to pay back salary and abide by the union scale in the future.

Campi Adopts L. A. Plan on Price Basis

(*Continued from page 1*)

the coast plan was growing and that it might go through. This publication also stated that there was a possibility that geographical areas and prices will be considered as the basic features of the schedule with the proviso that theater men can go into the market and buy protection where admissions are the same.

This has actually happened. Campi predicated the schedule on admissions with the understanding that distributors can sell seven days' protection in second run situations where admissions are identical.

Campi all along has voted down schedules with the price factor as a basic principle. However, in adopting the coast plan distributors are incorporating a clause which will not permit exhibitors to make unreasonable demands on prints. This applies to theatres with same admissions and like availability. The vote was not unanimous.

29 Zones in Territory

There are 29 zones in Los Angeles covering 450 theatres in Long Beach, San Diego, Los Angeles, Pasadena, Alhambra, Whittier, Glendale, San Pedro, Santa Monica, Independence and Palm Springs, in addition to other smaller cities.

Theatres charging 40 cents evenings will play 21 days after downtown first runs under the schedule; houses with 35-cent admissions will play 28 days after first run, and theatres charging 30 cents can play 35 days after downtown houses. For houses charging 25 cents, showings are set back 49 days after first run.

Code Authority is expected to hand down an official order within two weeks, when the plan will go into effect. New Haven's schedule is on tap for next Thursday's session. It is in pretty good shape and will most likely be passed then. Campi will attempt to dispose quickly of Kansas City, Boston and Detroit plans at future meetings. Because Buffalo exhibitors withdrew their schedule in favor of individual protests, this territory will not have a plan.

Ed Kuykendall acted as chairman of the session with George J. Schaefer, Charles L. O'Reilly, Nathan Yamins, E. T. Gomersall, Robert Youngman, Felix A. Jenkins, Felix Feist, Harold S. Bareford and Edward Golden present. W. Ray Johnston will preside at the Feb. 7 session.

LOS ANGELES, Jan. 31. — Campi's adoption of a clearance schedule for Los Angeles based on admissions was hailed by the I. T. O. of Southern California today as a great victory for the organization. Campi's action is expected to prevent any future anti-trust complaints.

Reeves Espey, speaking for Fox West Coast, decribed the event as the healthiest and most sensible thing that has ever happened in the interest of theatre operators, both large and small.

Court Favors Para. Setup With Changes

(Continued from page 1)

Coxe concluded his opinion, "and with the changes enumerated I will sign an order so stating."

The change recommended in the interest rate on the bank debt would involve a reduction of only $84,000 in the approximately $500,000 of interest to be paid the 15 bank creditors under the proposed settlement advanced in the plan, or a reduction of approximately $5,500 to each creditor bank. This change is not expected to meet with any serious objections from the bank group.

Exceptions to the court's opinion on the changes in management provisions were taken by George Z. Medalie, representing an important consolidated creditor group with claims aggregating $14,000,000, and by Archibald Palmer, attorney for a small group of stockholders. Medalie's group had advocated annual elections of directors to eliminate those whose stock interest in the company might be disposed of during any year. Palmer had urged to the appointment by the court of a board of voting trustees to direct the company at the outset in place of a board of directors elected by the creditors.

Decision Given Orally

In his opinion, given orally from the bench immediately following the completion of argument yesterday, Judge Coxe reiterated statements he had made earlier to the effect that he did not believe the court could be asked to assume responsibility for a company's management or to impose upon it a divided control of its future.

"Those who own the principal equities in the company should be permitted to operate it free of court fetters," Judge Coxe said. "However, I do believe the court has a right to veto members of the first board without implying that their nomination was improper. I concur," he said, "in the belief that a change should be made from the provisions for four-year terms for directors to three-year terms, and at the end of three years elections should be held annually, and from that time on there should be cumulative voting. However, the company needs some assurance of permanency in management at the outset, and I do not believe that initial terms of less than three years are advisable."

Referring to the plan as a whole, Judge Coxe said he believed it had been arrived at "by interested groups trading at arm's length."

"The court must consider that as of first importance. It can't be too censorious or search for trivial faults when its first consideration is whether or not the plan is fair and equitable to all concerned."

Judge Coxe then took up the major claim settlements included in the plan one by one, pronouncing the Paramount Broadway reorganization plan, which is a part of the Paramount Publix plan, to be reasonable and fair. With this pronouncement he dismissed objections to the Broadway plan which had been made with a view to obtaining the separation of the Paramount Building and theatre from the company after reorganization. He said he recognized a real value in Paramount retaining possession of the properties under the terms of the plan and, feeling that the provisions for Broadway bondholders were fair, stated he believed the settlement should be carried out as provided.

Judge Coxe gave the same opinion of the Allied Owners' settlement which, he said, represented months of negotiations on the part of the Paramount Publix trustees and impressed him as being "reasonable and fair." Except for the interest rate specified in the bank settlement, the court viewed that provision as "fair and proper," since, Judge Coxe said, the need of a settlement to avoid lengthy delay in reorganization was clear.

The cash requirements of the company, including $6,500,000 of new money, were not questioned.

"I am not sure that more than $6,500,000 is needed," Judge Coxe remarked, "but I am sure that that much, at least, is needed."

Treatment of debenture holders and the allowance of interest on their claims to Jan. 1, 1935, was approved by the court with the comment that the provisions were fair "because this is a reorganization and not a liquidation." The conversion of preferred stock into common at the rate of one for seven was held to be entirely fair on the ground that creditors receiving the preferred in settlement of their claims should be able to have a voice in control through an exchange for voting stock.

Treatment of common stockholders and the provision for a $2 subscription warrant for new common was held to be "entirely fair and reasonable."

Asserts RKO Bankers Are Buying Paramount's Stock

(Continued from page 1)

at George Z. Medalie, counsel for creditor groups among whom are banking and investment houses which appeared in the Paramount reorganization proceedings only recently. Medalie, in any event, responded to the charge with the statement that "I can't meet mysterious insinuations. Let's have evidence and testimony to support the charge."

Medalie admitted earlier that Lehman Bros., former RKO bankers, was one of the creditors he represented. John D. Hertz, a vice-president of that bank, has been agreed upon for the new Paramount board.

The charge created a furore in the courtroom, with Robert Szold, Monroe Goldwater, Archibald Palmer and Samuel Zirn, all of whom are counsel for various creditors, demanding that the charge be fully investigated.

Medalie looked over the clamoring attorneys and turning to Cook, remarked smilingly, "See what you started."

Goldwater, who is counsel for Allied Owners' trustees, interpreted Cook's charge as a declaration that "Paramount securities are private ground, not to be trespassed upon by outsiders."

"Why should he object to some one else buying in?" Goldwater asked. "Just who is it wants the control? Let's go into this."

A check-up of sales and transfers of Paramount bonds within recent months showed Lehman Bros. purchasing approximately $300,000 worth; Lazard Freres, $500,000; Belden Co., $550,000; Kuhn, Loeb, $250,000, and smaller amounts to Hallgarten & Co. and Newborg Co., both of whom, however, have been active purchasers in recent months.

Sock Newsreel

All the stark, vivid and gripping drama of the Hauptmann trial is effectively and sensationally presented in the current issue of Universal Newsreel. No written scenario could have produced the effect of this drama of real life.

The reel opens with shots of Colonel Lindbergh, Mrs. Lindbergh and Dr. Condon on the stand. These are doubly effective in their brevity, but it is the cross-examination of the defendant by Attorney General Wilentz that will grip and hold audiences. The two fence with each other in a duel of wits as the camera catches words and gestures. This is a subject that probably will long be remembered.

BAEHLER

Nazis Bar Pola Negri

BERLIN, Jan. 31.—Pola Negri, who came here to play in a proposed German production, was informed by the Propaganda Ministry that she will not be allowed to act in Germany.

Court Approves Plan For Northwest Group

An order approving the plan for ending the receivership of Minnesota Amusement Corp., Paramount subsidiary operating approximately 70 theatres in Minnesota, Wisconsin, North and South Dakota, was signed yesterday by Special Master John E. Joyce.

The plan makes William Hamm, Jr., one of the receivers for Minnesota, who was also an executive of the Finkelstein and Rubin circuit prior to its acquisition by Paramount, operator of Minnesota under a short term contract expiring next June 27. It also provides for a five-year extension of a $500,000 mortgage against Minnesota, held by the Hamm interests, and for the settlement of other claims against the estate.

Campi Gets Amendments

Recommendations by the NRA on Campi amendments to the lease and vaudeville sections of the code were presented to Campi yesterday by Deputy Administrator William P. Farnsworth, who requested members to review the suggestions before a final official order is handed down in Washington.

Philadelphia Contract Dual Bans Enjoined

(Continued from page 1)

the enforcement of the injunction pending an appeal.

Judge Welsh contended the clause prohibiting the showing of two features restrained interstate trade and commerce, reduced the number of features that might be produced by independents and gave the nine major companies a monopolistic grip on the industry. The decision suggested the defendants conspired to violate the anti-trust laws, although conspiracy may not have been achieved by unlawful means.

As several independent exhibitors had complained that films of the majors were needed to fill out programs, Judge Welsh stated that "the situation places defendants in a peculiarly strategic position to dominate the whole situation. If the restraints of trade and commerce practiced by the defendants in their contracts now complained of were permitted to continue, the independent producer and independent exhibitor would be greatly injured and interfered with and the public welfare impaired."

Holding this to be dangerous, the judge stated, "this is particularly true just at this time when economic conditions are such that if the independent producers and exhibitors are permitted to be handicapped they will not be able to survive and if destroyed it might be a long tme before monopolistic control and domination would be challenged or broken."

Suit Filed Last Summer

The suit was filed in the U. S. District Court in Philadelphia late last summer by Harry Perelman, leader of a group of Philadelphia independent operators, who contended the double feature ban placed on them by the major companies was in violation of the anti-trust laws.

The hearings reached a climax in late November and early December and were featured by the testimony of local executives who were subpoenaed. Among those who testified were J. Robert Rubin and William F. Rodgers representing M-G-M; Ned Depinet and William Youngman, RKO; Earle W. Hammons, Educational; Al Lichtman and Edward Raftery, U. A.; A. W. Smith and Harold Bareford, Warners; E. C. Grainger, Fox and Ed Kuykendall, M. P. T. O. A. president. Walter Vincent of the Wilmer & Vincent circuit also appeared for the defense.

The hearings were concluded Dec. 6 and both sides were given until Dec. 21 to file briefs.

WASHINGTON, Jan. 31.—The appeal granted Harry Perelman yesterday in the much-discussed Philadelphia duals case may have repercussions in this territory. The newly-formed Allied Theatre Owners of the District of Columbia has been awaiting the decision before formulating a course of action of its own on dual clause restrictions in contracts.

The unit proposes to meet twice a month and is headed by C. H. Olive as president.



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THE IRON DUKE

Rogers Grabs $24,200, Top Detroit Gross

DETROIT, Jan. 31. — "The County Chairman" was the outstanding attraction here last week at the Fox, with six acts of vaudeville on the stage. The gross of $24,200 was over normal by $9,200.

Total first run business was $71,600. Average is $65,000.

Estimated takings for the week ending Jan. 25:

"BROADWAY BILL" (Col.)
ADAMS—(1,770), 10c-40c, 2nd week, 7 days. **Gross:** $5,100. (Average, $5,000)

"COUNTY CHAIRMAN" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Six acts vaudeville. **Gross:** $24,200. (Average, $15,000)

"FLIRTATION WALK" (Warners)
"PRESIDENT VANISHES" (Para.) (Second Run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $4,100. (Average, $10,000)

"LIVES OF A BENGAL LANCER" (Para.)
MICHIGAN — (4,100), 15c-55c, 7 days. Stage: six acts vaudeville. **Gross:** $23,600. (Average, $20,000)

"MURDER IN THE CLOUDS" (F. N.)
"ONE HOUR LATE" (Para.)
STATE—(3,000), 15c-40c, 7 days. **Gross:** $4,400. (Average, $5,000)

"FORSAKING ALL OTHERS" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 2nd week, 7 days. **Gross:** $10,200. (Average, $10,000)

Coast Studios Lose Property Tax Writ

LOS ANGELES, Jan. 31.—Universal, M-G-M, Paramount and Fox today were denied an injunction in Federal court to restrain Los Angeles County from assessing what were claimed to be excess taxes on front footage bordering their studio properties.

The court held that only in extraordinary cases could it issue a writ in a matter interfering with government operation, adding that the case should have gone through the state courts first. The plaintiffs said they would do this, meanwhile paying the assessments.

A victory for the studios is expected to save them about $120,000.

FWC Chiefs in Meeting

LOS ANGELES, Jan. 31.—Spyros Skouras presided today at a meeting of Fox West Coast division managers at the Beverly Wilshire at which future theatre operations and means of increasing business were discussed. There was no discussion of drastic changes or of reorganization moves.

See "Hei Tiki" on Rex

More than 500 persons attended a showing of "Hei Tiki" on the *Rex* last night. The program was delayed about two hours by the late arrival of the ship and by projection trouble.

Flash Review

Hei Tiki—Mildly entertaining story of tribal legend acted by natives of the Isle of Ghosts in New Zealand.

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Purely Personal

HENRY GINSBERG pulled out for the coast yesterday, but not before he found a sort of place of honor at Metro's daily round table at the Empee Club. Present were LEO LUBIN, ED SAUNDERS, WILLIE RODGERS, JOE VOGEL, MORT SPRING, JACK GOETZ, LOU BRECHER, BEN GOETZ, MILT BLUMBERG and OSCAR DOOB. GINSBERG almost got the check, this being his farewell, when SPRING stepped into the breach.

•

HOWARD DIETZ shakes New York cold weather from his heels on Sunday. He's after 10 days of sunshine at Palm Springs which a few Easterners may not know is in California. On the desert.

•

MARK OSTRER and MICHAEL BALCON are considering leaving London next week for New York. That's provided they can get away.

Quips of the Day

Alfred Cook, counsel for Paramount in the reorganization proceedings, has displayed a weakness for quoting from poems and popular songs in the courtroom. One reference had to do with the current ballad, "You're the Top."

"He'd better watch out," a listener commented yesterday, "Nathan Burkan is here and may bring an action against him on behalf of Ascap for giving an unlicensed public performance for profit."

Saul E. Rogers, former counsel for Fox Film and active in the Paramount reorganization proceedings as counsel for bondholders of the latter company, identified himself to the court yesterday as one who had had 20 years experience in the film industry.

"Well, he can speak freely," commented a court fan. "No one else in the room knows anything about the industry."

MAX STEUER and JUDGES WALLACE and PECORA will be principal speakers at the M. P. Club forum next Tuesday.

•

JEFFREY BERNERD denies JESSIE MATHEW has been signed by M-G-M. He says she is under contract to G. B. for three years.

•

JACK TROP said yesterday LUDOVICO TOEPLITZ, ALEXANDER KORDA's former partner in London Films, is due about the end of next month.

•

S. N. RAPHAELSON's "Accident of Youth" has been purchased by Paramount.

•

FRANK MCGRANN of Columbia was home yesterday attending to his tender gums after the pulling of a tooth.

•

JACK SCHLAIFER is back from a tour of Gaumont British exchanges.

•

PAT CASEY is in Washington on labor matters.

•

CHARLES B. COCHRAN sails for London tomorrow.

•

BEN GOETZ, Consolidated vice-president, leaves for the coast tomorrow.

JACK SKIRBOLL of the Palace, Toledo, yesterday dropped in to see F. J. A. MCCARTHY, Universal eastern sales manager. He had his brother with him. It must have been a happy occasion, for the showman brought news that "Imitation of Life" was entering its fifth week at his theatre.

•

SOL SHERNOW of the Warner home office objects to references in this column to the ping-pong abilities of HOWARD DIETZ and MORRIS KUTINSKY. He challenges the two to prove how good they really are by trying their stuff against him.

•

SAM RINZLER hies to Miami on Feb. 10. He says he won't pull a LOUIS FRISCH act. FRISCH the other day returned from a week's rest in Atlantic City, but in one night took in four different shows.

•

CROSBY GAIGE declares the talker rights to "Accent on Youth" with CONSTANCE CUMMINGS in the lead, have been sold to Paramount. He further adds $60,000 was the price.

•

ARTHUR DREIFUSS, formerly of the Broadway producing team of DREIFUSS and GERNHARDT, is on his way to the coast. He may enter production there.

•

GARY COOPER, accompanied by MRS. COOPER, arrives here early next week for a vacation. He plans to spend most of the time on Long Island visiting friends.

•

ANDY SHARICK today gets back from a visit to the Universal exchanges in Boston and New Haven, where he made a checkup on accessories.

•

JOHN CONSENTINO, special representative for Amity Pictures, is on his way to Buffalo and from there he will head for the south.

•

DAVE LOEW has set back his trip west until Feb. 15, at which time Brother ARTHUR and their respective wives will join.

•

AL SHERMAN has returned to this city after a few months spent in London visiting the various studios.

•

CHESTER BEECROFT's and HARRY OPPE's "Three Kids and a Queen" has been purchased by Universal.

•

SAM DEMBOW's ensemble yesterday was a treat and a delight.

•

MAXWELL ANDERSON's "Valley Forge" has been acquired by Columbia.

•

ED LEVIN flew back to Chicago yesterday. He spent a few days in town.

•

HAL LEROY finishes work today on his third two-reeler for Vitaphone.

Ticket Suit Dismissed

Suit brought by five ticket agencies to prevent enforcement of the ticket provisions of the legitimate theatre code was dismissed by Supreme Court Justice John E. McGeehan yesterday. The plaintiffs were Beckhardt's Theatre Ticket Office, Louis Cohen's Theatre Ticket Office, Kiesele Theatre Ticket Service, Acme Theatre Ticket Office and Newman's Theatre Ticket Office.

"Old Girl" Is Kansas City's High, $12,000

KANSAS CITY, Jan. 31.—"Grand Old Girl" with Weaver Bros. on the stage rolled up $12,000 for the Mainstreet, $3,000 up for combination shows. "Biography of a Bachelor Girl" was an outstanding attraction at the Midland, garnering $10,000, which is $1,000 above the line. "Lives of a Bengal Lancer" held up well in a second week at the Newman.

Sub-zero temperatures hit box-offices hard.

Total first run business was $35,900. Average is $33,750.

Estimated takings:

Week Ending Jan. 23:
"LIVES OF A BENGAL LANCER" (Para.)
NEWMAN—(1,800), 25c-40c, 5 days, 2nd week. **Gross:** $5,000. (Average, $4,250)

Week Ending Jan. 24:
"GRAND OLD GIRL" (Radio)
MAINSTREET — (3,100), 25c-35c-40c, 7 days. Stage: Weaver Bros. & Elviry and their "home folks." **Gross:** $12,000. (Average, combination bills, $9,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $10,000. (Average, $9,000)

"I'VE BEEN AROUND" (Univ.)
TOWER—(2,200), 25c, 7 days. Stage: Gruber's Jungle Oddities, Hatt & Herman, Mills & Cappy, Don Galvin. **Gross:** $5,700. (Average, $8,000)

Week Ending Jan. 25:
"IMITATION OF LIFE" (Univ.)
UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $3,200. (Average, $3,500)

Ohio League Washed Up

CINCINNATI, Jan. 31.—The Ohio Valley Independent Exhibitors' League, organized about two years ago, and affiliated with the Ohio I.T.O., has become non-existent, due it is said, to failure of members to pay dues. Willis Vance was president. Plans are understood to be under way to organize another independent unit for the Cincinnati territory.

Burkhardt to Providence

NEW HAVEN, Jan. 31.—Howard C. Burkhardt, recently appointed manager of the Poli-Palace, goes to Loew's State, Providence, this week, and Harry Black will succeed him here.

Black has been associated with Schine Enterprises at the Palace, Albany and Proctor's, Troy, for the past six years. He is the brother of Maurice Black, the screen actor.

Oldknow Home Burns

ATLANTA, Jan. 31.—The $25,000 residence of Oscar S. Oldknow of National Theatre Supply Co., was destroyed here by fire Saturday morning. Three members of the Oldknow entourage narrowly escaped serious injury. Loss is partially covered by insurance. The home was located in a fashionable section of the city.

Missouri to Drop Shows

ST. LOUIS, Jan. 31.—The Missouri will drop its stage shows within two weeks and return to double features. The customary two weeks' notice to musicians and stagehands has been posted. The change will be made on Feb. 8. The house had been offering 10 acts of vaudeville and two features prevailing among the local first runs.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 29 NEW YORK, MONDAY, FEBRUARY 4, 1935 TEN CENTS

L. A. Schedule Clears Sky in Clearance Row

Kansas City Is Next on List; Others Coming

Now that the Los Angeles plan has been accepted by Campi, steps are being taken to set up clearance and zoning schedules in other key cities which have submitted plans for official approval. The stumbling block all along has been distributors' opposition to admission prices as a basis for clearance. The argument was that sales heads had the right to sell protection; further, that if theatres with like admissions were given the same availability, a print shortage would ensue in every exchange center. Kansas City is the next schedule up for disposition Thursday.

Campi overcame both distributor objections at its last meeting when it

(*Continued on page 3*)

New Trust Suit Vs. FWC Filed in L. A.

Los Angeles, Feb. 3.—Colcata Corp. of Pasadena and H. L. Gumbiner, local theatre operator, joined hands yesterday and filed a conspiracy suit under the Sherman anti-trust law against Fox West Coast, Downtown Theatres, Inc., Fox-Cosmopolitan Theatres Co., Ltd., and several major distributors. The plaintiffs are seeking $6,080,000 in damages.

Subsequents Irked By Pittsburgh Cuts

Pittsburgh, Feb. 3.—As an aftermath of the price-cutting started here by the Penn, and followed up by the Fulton, independent exhibitors have been squawking to the distributors, demanding reductions in film rentals.

In addition, the independents threaten to double feature every picture the Penn and Fulton play. The Penn here gets M-G-M, United Artists and half of Paramount, while the

(*Continued on page 2*)

Reinhardt Studies Met Opera Proffer

Hollywood, Feb. 3.—Max Reinhardt admits that he is considering the proffered post of managing director of the Metropolitan Opera Co. to succeed Giulio Gatti-Casazza. He

(*Continued on page 8*)

Cohen Is Rumored Through at Para.

Hollywood, Feb. 3.—Emanuel Cohen is understood to have left unexpectedly for New York by 'plane yesterday on a quick summons of the new board of directors at Paramount who, it is reported on unimpeachable authority, will ask his resignation as head of production at a meeting to be held in the east Monday.

It is not believed Cohen holds a contract.

Coincident with this development, inside talk credits reports that Henry Herzbrun, for some years the company's attorney at the studio, is to be moved up into a more important post on the lot.

Federal Attorney To Aid L. A. Board

Los Angeles, Feb. 3.—Following application to the Federal Court by the Oxnard, Oxnard, for an injunction restraining distributors from cutting off his film supply due to failure of the theatre to stop bank nights, the Department of Justice in Washington has assigned the local district attorney to defend the Los Angeles board in the case. Compliance Director Sol A. Rosenblatt requested

(*Continued on page 3*)

German Television In Year Predicted

Television in the German home will be an actuality within one year, says Dr. Fritz Schroeter, director of the laboratories of the Telefunken Co., leading radio system in Germany.

Dr. Schroeter, who is here to confer with experts of the Radio Corp. of America, said:

"With a television station already operating in Berlin, we can transmit clear images in black and white, either

(*Continued on page 8*)

Rosenblatt, Flinn Invited by MPTOA

Compliance Director Sol A. Rosenblatt and John C. Flinn, executive secretary of Code Authority, have been invited to address the M.P.T.O.A convention to be held at New Orleans, Feb. 25 to 28.

Others invited to speak include Roy L. Smart of Charlotte, N. C., who

(*Continued on page 8*)

HEAVY CUTS MADE IN DUBBING FEES

England Now Talking New Selling Pact

By BRUCE ALLAN

London, Jan. 22.—The Cinematograph Exhibitors' Ass'n is considering the possibility of asking the Government to impose a standard contract on the industry. Main clauses would confer a right of cancellation and restrict the percentage of receipts payable for films.

It is known that the Cinematograph Films Act is likely to be amended by new legislation providing, among other things, for control of the quota quickie and a more rigid restriction of block booking. C.E.A. demands are new going much beyond these matters.

Resentment against film costs and alleged arbitrary methods on the part

(*Continued on page 8*)

Foundation to Form Distribution Branch

Formation of a distribution division of the M. P. Foundation of America to make arrangements with established companies for distribution of films sponsored by the foundation is being undertaken, according to a publicity release from the organization.

The new distribution division, it was said, will also prepare advertising, publicity and exploitation, and furnish general advisory services on films for established companies. The Foundation will not itself engage in production, distribution or exhibition, it was said.

Zeidman Resigns as Universal Producer

Hollywood, Feb. 3.—B. F. Zeidman, Universal producer, resigned yesterday, ending a three-year association with the studio. He said he was considering three offers, which he asserted he would be unable to announce at present.

Zeidman declared his resignation was on his own volition and was due to his dissatisfaction with an offer by Universal involving a three-month extension of his recently expired option.

Paramount, Warners Get 80% Slashes; Other Deals Coming

New recording license agreements providing for drastically reduced rates for domestic recordings of dubbed versions, foreign versions and trailers have been made by Erpi with Paramount and Warners and negotiations for similar agreements will be opened with Erpi's other principal licensees in the near future, it was learned Saturday.

The amended rates represent, in some instances, reductions of 80 per cent as compared with the former rates. The royalties now established for dubbed versions and foreign versions are entirely new. They were not covered specifically in the old Erpi contracts, but were charged for on the basis of the standard rate of $500 per reel. Under the new contracts the recording rates for dubbed

(*Continued on page 2*)

Ask Theatres' Aid Upon Housing Film

Washington, Feb. 3.—Cooperation of exhibitors throughout the country is being asked by James A. Moffett, Federal Housing Administrator, in the showing of pictures depicting what the government is doing toward better housing. The decision to use pictures was based on the success of a trailer prepared some time ago by National Screen Service, which was

(*Continued on page 2*)

Greenblatt Named in Bellman's Code Post

Arthur Greenblatt has been appointed to the Manhattan, Bronx, Staten Island and Westchester advisory clearance and zoning board in place of Jack Bellman, who recently supplanted Harry H. Thomas on the local grievance board.

Henry Greene of Lake Amusement Co., replaces A. W. Baehr, resigned, on the Minneapolis clearance and zoning board. Mel Evidon, of Columbia,

(*Continued on page 3*)

Bonds on St. Louis Indictments Are Set

Bonds of $2,500 each for seven Warners, Paramount and RKO executives were set by the U. S. Mar-

(*Continued on page 2*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Ask Theatres' Aid Upon Housing Film

(*Continued from page* 1)

widely distributed, following the distribution through the nation's exhibitors of booklets and other literature prepared by the administration.

In a letter to exhibitors the work of the theatre men is highly commended, it being declared that "the activities of the Federal Housing Administration have had magnificent support and cooperation from the industry, and in recent weeks we have had many requests for motion pictures which could be shown in the theatres of the country and which would bring to the attention of audiences the significance of better housing and finer living.

"It is well recognized that the economic recovery which the better housing movement will unmistakably create will have an important effect on the frequency with which more and more people will patronize the motion picture theatres."

The administration is sponsoring more than 5,000 Better Housing Committees throughout the country, on which are serving mayors, civic leaders and business executives. These committees will contact exhibitors who express a willingness to show the housing films and arrange to notify residents of their communities so that each theatre will be assured an increased audience.

The movement is being heartily supported by Ed Kuykendall, president of the M.P.T.O.A., and numerous other organizations, it was said.

Insiders' Outlook

By RED KANN

MANY are the whispers that swirl about—and from—leading figures in the Paramount reorganization. And, without any commitment from this department as to their substantiality in fact or reason for being for that matter, many are interesting enough to bear passing along. The procession is now under way. . . .

▼

The reorganization, being something of a checkerboard for financial men, most of the whispers revolve about the moves and counter moves of the financial houses represented. First of all, the whisperers presuppose a sharp rivalry of investment interests exists over the respective positions each is to occupy in the Paramount of the future. The stories place Kuhn, Loeb & Co. in one corner and a combination of several other financial houses headed by Lehman Brothers and Lazard Freres in the other. Each side seems prepared to go the limit for a knockout decision. . . .

▼

In addition to the whispers there have been charges, both intimated and openly made in court, that Kuhn, Loeb holds the ends of strings that lead to men already agreed upon for the board, despite the absence of any obvious connection. Attorney Palmer actually named Frank A. Vanderlip as one of these in open court. The whisperers, by a devious route, add the name of Henry R. Luce, editor of *Time* and *Fortune,* who, they say, is related to Robert Swaine of Cravath, de Gersdorff, Swaine & Wood, the Kuhn, Loeb attorneys of many years' standing, who were introduced to Paramount by that banking house. . . .

▼

They add that Attorney Alfred Cook, monitor for the court proceedings as counsel for Paramount and for the stockholders' committee, has a son who is a junior executive of K-L. This, they say, explains Cook's veiled attack on the Lehman-Lazard group in court Thursday through an implication that Lehman, former RKO bankers, sought control of Paramount to bring about a merger of the latter company and RKO. Just how seriously Cook takes the situation may be judged, they recite, by Cook's antagonism to the Lehman-Lazard group in the face of the reputed relationship of Frank B. Altschul of Lazard to I. Howard Lehman, law partner of Cook. . . .

ALTSCHUL, it is mentioned in passing, could have had a place on the Paramount board if he had wanted it but deferred to John D. Hertz of Lehman Bros., who apparently wanted it more. This reputed gesture is also advanced as evidence of the alliance between Lehman and Lazard. . . .

▼

Cook also views as significant the active trading in Paramount bond certificates indulged in by Lehman-Lazard during the past two months, estimated to aggregate about $1,000,000 of face amount. The records of transactions on which this is based also show that K-L holds more than $250,000, while heavy transfers have gone to nominees whose banking connections are not entirely apparent. Foremost of these is the Belden Co., whose certificate assignments have passed the $500,000 mark. . . .

▼

For whom Belden is buying, and for why appears a bit uncertain all the way through the reorganization scene. Another mysterious but active purchaser is the Newborg Co., which holds perhaps $200,000 of face amount bonds. If both are acting for K-L, as some whisperers would insist loudly, the Lehman-Lazard purchasing which so disturbs Cook, would appear to have a fairly evenly matched rival. If not, as others say, the underwriting race would seem to be too far advanced to shout a feeble "halt" after the leader, name not too clearly defined as all of this perhaps has already indicated. . . .

▼

Your best Hollywood writers have never turned out a better or a more dramatic script. The drama in it and maybe the tragedy as well as the jitters a melee such as this gives the normal conduct of Paramount workers—production and sales. They have been tossed around so much and so bewilderingly that normal for them must be like a visit to the Times Square subway station at the height of the rush hour. A bit of quiet, coupled with a fair amount of assurance, is their due, long overdue. Never mind the individuals, if you prefer it that way, but for Paramount's sweet sake. . . .

"Clive" Gets $32,040

"Clive of India" tallied $32,040 during its second week at the Rivoli. For the last five days of "Baboona," the Rialto took in $5,500. "Lives of a Bengal Lancer," which switched to the Rialto from the Paramount after three weeks, pulled a swell week-end business at Arthur Mayer's emporium.

Heavy Cuts Are Made in Dubbing Fees

(*Continued from page* 1)

versions are fixed at 25 per cent of the standard reel rate, or $125. Recording rates for foreign versions are now established at rates which will range from $200 to $300 per reel, according to the language in which the recording is made. Royalties for trailer recordings are slashed from the former $500 standard reel rate to $100 per reel.

The new agreements involve no change in recording rates for features, shorts or newsreels. The amended licenses, however, are regarded by producers as being generally broader in their terms.

While the adjustments contained in the new license agreements have been before producers for the past four or five years awaiting negotiation, the first was concluded only a few months ago with Warners and was made a part of the company's settlement with Erpi last June. This was followed more recently with a similar agreement granted to Paramount as a consideration in settlement of the 1,875,000 claim which Erpi filed in the Paramount bankruptcy proceedings. Under this settlement, Erpi's claim was allowed at $1,200,000, to be paid in new Paramount securities on the same basis as other general creditors of the bankrupt.

Other companies with which negotiations on the new rate agreement will be opened soon include M-G-M, Columbia, Universal, United Artists, Fox and Educational.

Bonds on St. Louis Indictments Are Set

(*Continued from page* 1)

shal's office here on Saturday following receipt of certified copies of the personal indictments returned against the seven by a St. Louis Federal grand jury last month as a result of the investigation of film buying and selling there.

The indicted executives are Harry M. Warner, Abel Cary Thomas, Gradwell Sears and Herman Starr of Warners, George Schaefer of Paramount and Ned Depinet of RKO. Formal arraignment of the seven will take place in St. Louis, probably by appearance of counsel for those indicted. Former Senator James A. Reed of Missouri is counsel for Warners in the case, and Bruce Bromley of Cravath, de Gersdorff, Swaine & Wood will represent Depinet. Paramount has not yet selected counsel for Schaefer.

Subsequents Irked By Pittsburgh Cuts

(*Continued from page* 1)

Fulton has a split of Universal and Fox as well as first call on the M-G-M and United Artists product the Penn doesn't use.

Warner Brothers are holding their guns for the time being, sticking to their old downtown prices, since a reduction would alter the whole circuit operation.

L. A. Schedule Clears Sky in Clearance Row

(*Continued from page 1*)

provided in the coast plan a proviso which would protect exchanges in the event of an increased demand for prints under the schedule. The plan provides that where an exchange usually has a quota of six prints, and under the new schedule has eight similar second run availabilities, the distributor can sell two of the eight second runs either before or after the remaining six theatres. This covers the right to sell protection and also prevents any unreasonable demands for prints.

The Los Angeles plan will serve as a model for other schedules. For five weeks Campi worked over its various clauses and sections, finally reaching an agreement last Thursday. With the exception of three individual zoning appeals where theatres overlap, the schedule has been approved in toto. The three appeals will be disposed of next Thursday, after which the Kansas City plan will be threshed out.

In the event any part of the coast or any other plan to be adopted works a hardship on either exhibitor or distributor an appeal can be taken before the local board. If either party is still dissatisfied, another appeal can be taken to Campi.

K. C. Plan in Good Shape

The Kansas City plan is in pretty good shape and will probably be accepted without much ado. Several months ago George J. Schaefer and Edward Golden, appointed by Campi to visit Kansas City to work out a schedule with the varied interests, returned with a modified plan which seems to be the best yet for the territory. In this plan there is also a protection clause for distributors in the event an unreasonable demand is made for prints.

In many respects the Los Angeles plan is reminiscent of the Cleveland agreement with distributors and exhibitors whereby a clearance plan was put into effect for the year ending Jan. 1, 1935. A tacit agreement continues the plan and it is believed this city will not ask Campi to provide one to supplant the schedule in effect.

Kansas City I.T.O. Waits

KANSAS CITY, Feb. 3.—Members of the I. T. O. are awaiting word from Elmer C. Rhoden, Fox Midwest operating head, on the clearance and zoning schedule for this territory. Several attempts have been made by independents to have Fox Midwest agree with the I. T. O. on acceptance of the schedule submitted to Campi. Campi delayed action on the plan when the local price war broke out following reduction of admissions at the RKO Mainstreet and Tower with Loew's following suit at the Midland.

Loew's may reduce prices again. The circuit figures the Midland a consistent loser with an overhead of $8,000 a week, exclusive of salaries, advertising and film bills, before the house opens.

Under the schedule the first run protection would be cut 28 days in order to permit 25-cent spots to play 14 days after third subsequent runs charging 20 cents. Theatres charging 15 cents would play 21 days after 20-cent houses and dime houses would have to wait 133 days after first runs. The 10-cent houses under the original schedule would have to wait 171 days after downtown. Dual feature theatres are delayed 30 days after single bill houses with additional penalties for theatres distributing premiums.

Purely Personal

LESLIE HOWARD and MERLE OBERON will pour Tuesday afternoon in the suite once occupied by ROXY, but now used by W. G. VAN SCHMUS for parties atop the Music Hall. It all has to do with the impending opening at that house of "The Scarlet Pimpernel" and the pouring will be cocktails, not tea.

•

GARY COOPER, accompanied by MRS. COOPER, is set to arrive in town today or tomorrow. He is on a vacation from the studios and plans to spend all his time around Long Island visiting with friends. He may go south, but nothing definite on that as yet.

•

EDDIE GRAINGER is all for ending that M. & S.-RKO fight over the Hollywood and Apollo on the East Side. He's trying to find time to handle his normal duties at Fox.

Quip of the Day

Contributor suggests:
"A few more like 'Lives of a Bengal Lancer' will do more to extricate Paramount from the courts than all the plans thus far offered by the legal talent."

IRVING MANDEL, accompanied by the missus, has arrived in Miami for a two weeks' vacation from windy Chicago. He's the Monogram franchise holder along the lake front.

•

ED FINNEY had that long face around the Monogram office Saturday because his usual audience was absent. No one laughed at his gags.

•

JANET GAYNOR has train reservations through to the coast for tomorrow or the next day.

•

NATE SPINGOLD joins the film crowd in Florida today. He'll be at Palm Beach for a short vacation.

•

FRED QUIMBY finally made it. He's off on that deferred Miami vacation.

•

ERIC LINDEN 'planes it to the coast tomorrow.

CHARLES C. MOSKOWITZ, CHARLES L. O'REILLY, LAURENCE BOLOGNINO, TOM MURRAY, MURRAY HARSTN, JACK SPRINGER, SAM COCALIS, LESLIE E. THOMPSON, TYREE DILLARD, JR., and MATTHEW M. LEVY returned from those Washington operator conferences Saturday.

•

AL FRIEDLANDER is going wild over those 20 enthusiastic telegrams from distributors of "March of Time." The first of the series opened Friday night, and according to most of the wires, audiences applauded before and after the short.

•

SPYROS SKOURAS, who was expected back from the coast today, will delay his trip until the end of the week. WILLIAM T. POWERS, F.W.C. attorney, returned several days ago from a western trip.

•

HARRY M. WARNER, JACK L. WARNER and ALBERT WARNER will all be on hand for the opening of "Devil Dogs of the Air" at the Strand Wednesday.

•

J. J. MCCARTHY who, in blizzard time, doesn't get to see much of his Mamaroneck home, managed a week-end stay there Saturday and yesterday.

•

ED KUYKENDALL, home to Columbus, Miss., to spend a week running his theatres there, is due back here the middle of next week.

•

NATE BLUMBERG had a birthday last night, signalized by a dinner party over on East 96th St. where he lives.

•

ANNA STEN will do a scene from her latest Friday night on the Hollywood Hotel radio program.

•

HARRY THOMAS was back at his desk Saturday.

•

AL LICHTMAN returns from Miami today.

•

MARGARET SULLAVAN etherized "Peg o' My Heart" yesterday afternoon.

Labor Cases to Capital

LOUISVILLE, Feb. 3.—A number of companies have recently been in jams with the NRA State Compliance Director's office on charges of having paid wages below NRA requirements or failure to abide by code provisions in dealings with labor.

Included in a list made public by Edward F. Seiler, NRA State Compliance Director, were the Grand Theatre and the Palace, here. The cases have been forwarded to the National Compliance Council, Washington. These two cases had to do with failure to observe the labor provisions of the code.

Meet on Leonia Dispute

Executives of Loew's and Skouras will meet Wednesday to discuss clearance relief sought by the Leonia, Leonia, N. J., which filed a complaint some time ago and is now before Campi for decision. The Leonia is Julius Charnow's theatre. Although an appeal committee has made an unfavorable recommendation to Code Authority, the latter board requested the two circuits to try to settle the issue. This is being attempted.

To Pick Burr Referees

Campi's production committee meets today to name a committee in Hollywood to hear the complaint of C. C. Burr against Larry Darmour in connection with Ken Maynard's contract. The Maynard question came up last Thursday and it was decided that a coast group hear it.

Puritan Pictures Formed

Louis A. Solomon has formed Puritan Pictures, Inc., to produce and distribute. Dave Gross has joined the company as general sales manager.

Wall Street

Loew's Up ⅛ on Big Board

	High	Low	Close	Net Change
Consolidated Film	6⅜	6⅜	6⅜	.....
Consolidated Film pfd. (½v)	20¾	20¼	20¾	.....
Eastman (4a)	113	113	113	.....
Fox "A"	7⅞	7⅝	7⅞	+ ⅛
Loew's (1a)	33⅛	32⅞	32⅞	+ ⅛
Loew's pfd. (6½)	102	102	102	.....
Paramount	4	3⅞	3⅞	— ⅛
Pathe	1⅛	1	1⅛	.....
RKO	2⅛	2	2	.....
Universal, pfd.	37½	37½	37½	.....
Warner	3⅞	3⅞	3⅞	.....

Trans-Lux Lone Curb Issue

	High	Low	Close	Net Change
Trans-Lux (.2ov)	3	3	3	.....

Paramount B'way Bonds Up ⅜

	High	Low	Close	Net Change
General Theatre, Equip. 6s '40	8½	8½	8½	.....
Loew's 6s '41, ww deb rights	105⅛	104¾	104¾	— ⅞
Paramount Broadway 5½s '51	47½	47⅜	47½	+ ⅜
Paramount F. L., 6s '47	68	67⅝	57⅝	— ⅜
Paramount Publix, 5½s, 50	68⅜	67¾	67¾	— ½
Warner Bros. 6s 39 wd	56½	56½	56½	.....

(a) Plus cash extras. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 2)

Federal Attorney To Aid L. A. Board

(*Continued from page 1*)

the Department of Justice to defend the code board.

The Oxnard was brought before the local grievance board by the Mission, same town. The Los Angeles body found the respondent guilty of violating the code on bank nights and on appeal Campi sustained the local decision.

Greenblatt Named in Bellman's Code Post

(*Continued from page 1*)

is the new member of the Des Moines clearance and zoning committee. He succeeds Joseph Levy, who resigned. Charles H. Braun, of the Hartford, Hartford, Wis., replaces W. L. Ainsworth, resigned, on the Milwaukee clearance and zoning board.

Professor H. F. Whitney, of the Twentieth Century Club, is the new impartial member on the Boston grievance board. George R. Farnum, who was the government representative, resigned. Victor Morris, of Loew's Orpheum, succeeds J. H. Brennan on the same board.

La Hiff's Tavern
A chop house of exceptional merit
156-8 West 48th St., N. Y. C.

These 6 amazing facts about last Tuesday's world premiere at the

seem a clear indication that Warner Bros. have delivered anothe

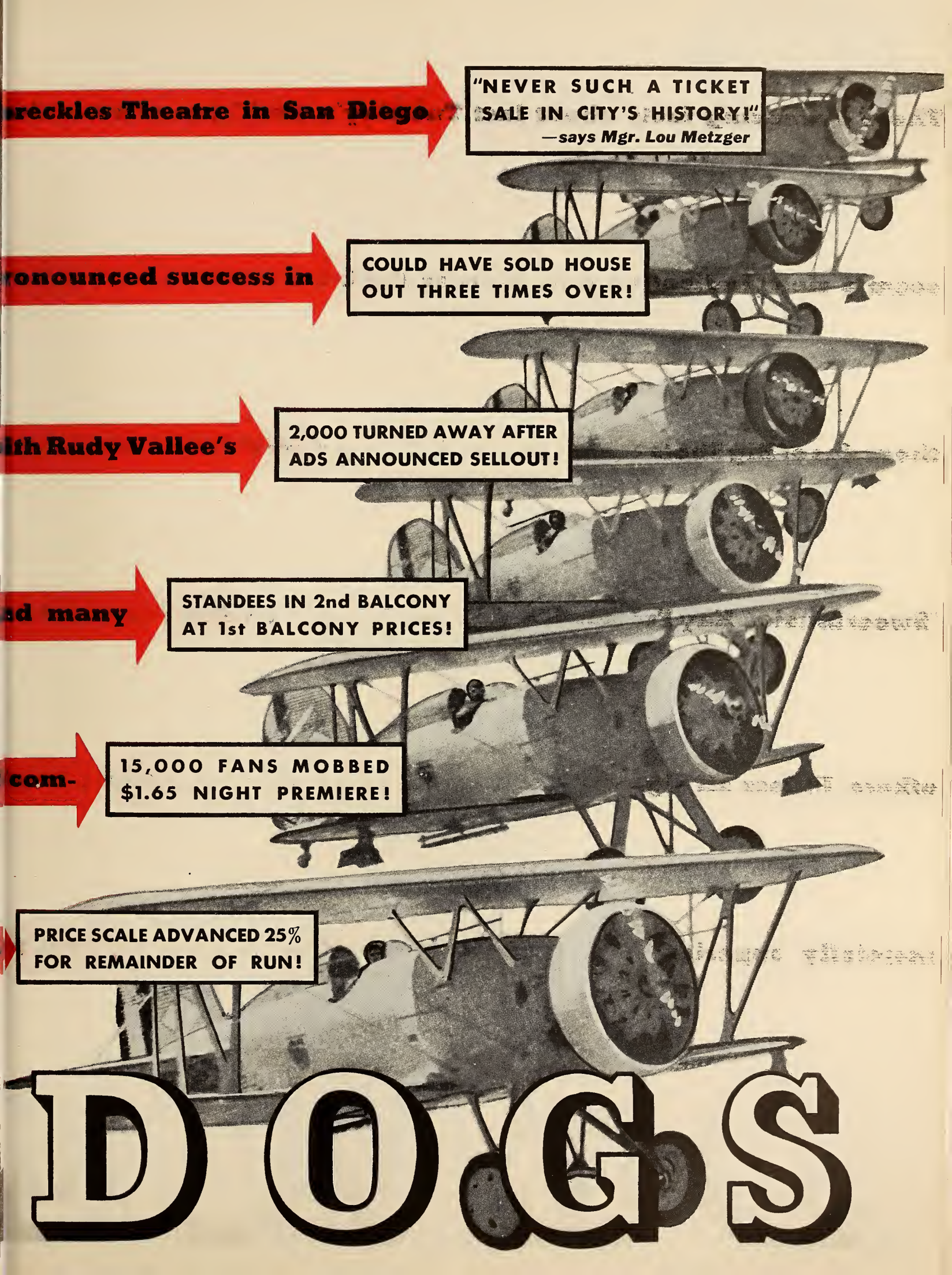
the series of Big Shots that began with "Bordertown" and will continue

"Sweet Music," Kay Francis' "Living on Velvet," "Gold Diggers of 1935

others. Unless all signs fail, "Devil Dogs of the Air" is destined to

mercially superior to its predecessor, "Here Comes the Navy.

DEVIL


reckles Theatre in San Diego
"NEVER SUCH A TICKET SALE IN CITY'S HISTORY!"
—says Mgr. Lou Metzger
ronounced success in
COULD HAVE SOLD HOUSE OUT THREE TIMES OVER!
ith Rudy Vallee's
2,000 TURNED AWAY AFTER ADS ANNOUNCED SELLOUT!
d many
STANDEES IN 2nd BALCONY AT 1st BALCONY PRICES!
com-
15,000 FANS MOBBED $1.65 NIGHT PREMIERE!
PRICE SCALE ADVANCED 25% FOR REMAINDER OF RUN!
DOGS



JAMES CAGNEY

These 6 great personalities—t

PAT O'BRIEN

for love-and-laugh inter

MARGARET LINDSAY

breathless air actio

FRANK McHUGH

Roosevelt, Chic

LLOYD BACON

other fam

Maj. RALPH MITCHELL

ings, t

OF TH

e stars and director of "Here Comes the Navy"—Lindsay and McHug

st—and the Marine Corps' own technical adviser on the filming o

scenes—explain why the owners of the Metropolitan, Boston; th

go; the Warfield, San Francisco; the Strand, New York, and many

us theatres are looking forward with keen anticipation to their open

is week and next, of this first Cosmopolitan Prod'n for Warner Bros

E AIR

England Now Talking New Selling Pact

(Continued from page 1)

of distributors are being expressed in strong language at exhibitors' meetings. It is pointed out that in Australia, where there is stringent control, the exhibitor has a 25 per cent right of cancellation and the average program cost is 20 per cent of takings. The British cost is declared to average 36 per cent, and there is no right of cancellation.

American distributors are attacked as responsible for the high-handed policy of the Kinematograph Renters' Society as shown in the credit restriction scheme and other matters, and it is asserted that legislation is necessary to control them, in view of the impossibility of getting 3,000 exhibitors to take common action.

* * *

A last minute snag has been encountered by the agreement governing wages and working conditions between London exhibitors and unions. At various times it has been announced that the agreement, engineered through a joint conciliation board, was generally accepted, accepted with reservations, and not accepted. The "nos" appear to have won for the moment.

Dominating factor in the situation is the attitude of the Electrical Trades Union, which objects to the hours schedule as opposed to their national minimum.

Some time ago it was announced that the agreement would be signed with a reservation of the E.T.U.'s dissent, but the C.E.A. finally took up the attitude that the London Trades Council must sign for all unions.

A three weeks' adjournment has been agreed to see if the E.T.U. can be brought into line.

Reinhardt Studies Met Opera Proffer

(Continued from page 1)

stated, however, that he is making no definite plans for the future until he has completed "A Midsummer Night's Dream" for Warners.

The Mexican government has also invited Reinhardt to produce his Shakespearean fantasy in the hills of Chapultepec overlooking Mexico City, but it is understood Reinhardt plans to take his production to the Center Theatre in New York following the run of "The Great Waltz" there.

Hoffman Back to Coast

M. H. Hoffman, president of Liberty Pictures, returned to the coast over the week-end after a series of conferences here with Budd Rogers and other associates. It was decided that a minimum of 12 pictures would be produced by Liberty for the 1935-36 line-up.

Mrs. Rae Lefton Buried

CLEVELAND, Feb. 3.—Funeral services were held here for Mrs. Rae Lefton, 81, mother of Nat L. Lefton, local Monogram franchise owner. Surviving, in addition to Nat, are three sons and two daughters.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Ruggles of Red Gap"

(*Paramount*)

HOLLYWOOD, Feb. 3.—A comedy of manners involving a newly rich Idaho couple, Charley Ruggles and Mary Boland, who become involved in a Paris poker game, win Charles Laughton, a gentleman's gentleman, from an impecunious Earl, Roland Young. Laughs galore are contrived from Harry Leon Wilson's story affording the cast and production contributors full outlets for their talents.

Jumping from the continent to Red Gap, Laughton, now in the service of Miss Boland and Ruggles, is mistaken for a British colonel and lionized by local climbers for pronounced effects and startling change in Laughton's newly absorbed behavior.

Confronted with the decision whether to return as a gentleman's gentleman or remain in Red Gap, Laughton determines to step out and do something for himself in the American spirit and opens an Anglo-American restaurant aided by Zasu Pitts.

Played for hilarity the production has an undercurrent of hands across the sea, blending English reserve with American expressiveness.

Arthur Hornblow, the producer, has moulded delightful entertainment which Leo McCarey directed with comedy uppermost although sentiment prevails.

Beside the leads the cast includes Leila Hyams as Nell Kenner, Maude Eburne as Ma Pettingill and Lucien Littlefield as Belknap Jackson. Alfred Gilky photographed.

After tightening, the film should be popular with Laughton, Miss Boland and Ruggles fans.

Production Code Seal, No. 537. Running time, 95 minutes. "G."

"Mystery Man"

(*Monogram*)

HOLLYWOOD, Feb. 3.—Although the film is somewhat lacking in mystery element, the picture holds interest as a newspaper reporter exposé of a police baffling murder.

Robert Armstrong, a reporter, receives a gun from the district attorney for running down a criminal and also a $50 bonus from his paper on which he gets inebriated. Armstrong, fired, goes to Detroit and meets Maxine Doyle. His former boss, Henry Kolker, double-crosses him by not giving him proper credentials and he can't find a job. Finally he gets the lowdown of a story on a master criminal, Leroy Mason, and talks a Detroit editor, James Burke, into a job on the strength of the scoop. Armstrong accidentally becomes implicated in the case through his gun and is suspected of murder. His former boss comes through finally with the proper references and Armstrong gets out of the scrape. He and Miss Doyle finally carry the romantic thread to the altar.

Comedy is the keynote of the film with a well handled element of suspense. Ray McCarey directed intelligently. All performances are okay. This one should please neighborhood patrons.

Production Code Seal, No. 571. Running time, 67 minutes. "G."

Hauptmann Films Run on; Newsreel Editors Silent

Bruno Richard Hauptmann continued to answer the questions of Attorney General Wilentz on the screens of the country all day Saturday and yesterday.

Newsreel editors wouldn't talk Saturday. They had all done a lot of discussing behind closed doors, they admitted, but beyond that they were non-committal.

Hearst Metrotone clips were ordered out of the Loew circuit on Saturday, while Paramount notified Wilentz it had withdrawn all prints.

All the reels — Fox Movietone, Pathe, Hearst Metrotone, Universal and Paramount—issue new clips twice weekly. This one came out last Thursday. Another clip will be out shortly—so the first run situation will be taken care of. In spite of the fact that the Fox Movietone clip was supposed to have been withdrawn, New Jersey officials connected with the trial saw it Friday night only a few doors from their hotel in Trenton.

There's no mystery about how the pictures were obtained. The cameras have been running since the trial started, but little of the footage made when the court has actually been in session has appeared on the screens by agreement with Justice Trenchard. The court took the stand that it would be prejudicial to the interests of the defendant and undignified to have cameras all over the courtroom, either still or moving, but had no objection to the operation of the single moving picture camera in the balcony so long as it did not make a noise. The idea was that the films would become public property after the rendition of a verdict.

Just what will happen during the rest of the trial remains to be seen. The judge is annoyed. Sheriff John H. Curtiss is non-committal.

Rosenblatt, Flinn Invited by MPTOA

(Continued from page 1)

will talk on "The Theatre's End of Better Film Bargains"; M. A. Lightman of Memphis, on his successful development of family night programs; Roy L. Walker of Lampasas, Tex., on problems in local legislation, and Elmer C. Rhoden of Kansas City, on new plans for selling the more intelligent pictures. Code subjects will be handled by committees headed by Morgan A. Walsh of San Francisco and Jack Miller of Chicago.

Identification certificates entitling holders to round trip railroad tickets for approximately one and one-third the regular one-way fare may be obtained from local offices of M.P.T.O.A. affiliates. The New Orleans Athletic Club has offered the use of its facilities to conventioneers during their visit.

German Television In Year Predicted

(Continued from page 1)

movable or still, on a frame 10 by eight inches. They are as perfect as regular motion pictures.

"It only remains to make television financially possible. This the government is eager to do."

British Television Eyes Crystal Tower

LONDON, Feb. 3. — Following announcement in the House of Commons Friday that the British Government would spend some $900,000 in the next two years to place television within the reach of the public, the British Broadcasting Corp. began work yesterday to bring the project to quick realization.

Pending the choice of a site for a television station, the Crystal Palace tower may be used for the initial broadcasts in August.

The decision of Great Britain to bring television into the homes of its people will spur efforts to put the transmission of wireless pictures on a commercial basis in this country, it was indicated Saturday. It is held that a Federal subsidy may be necessary.

Warners Promote Blyth

Sam E. Morris, vice-president of Warners in charge of foreign affairs, has promoted David Blyth, company manager of India, to supervisor of India, Straits Settlements and the Dutch East Indies. His old position will be filled by A. A. Walter, former Bombay office manager.

"Bachelor" Is Washington's Top, $23,000

WASHINGTON, Feb. 3.—"Biography of a Bachelor Girl" was Washington's smash hit last week as four days of the Capital's worst winter weather sent box-office grosses tumbling. The picture, at Loew's Fox, took $23,000, a pretty $2,500 over average.

Return engagements did second-place business, with "Forsaking All Others," at Loew's Columbia, hitting $4,500, or $1,400 above par, and "Broadway Bill," at the Metropolitan, taking an even $5,000, or $900 over par.

Total gross for the periods reported was $75,200 against a seven-day average of $71,200.

Estimated takings, exclusive of tax:

Week Ending Jan. 21:

"THE CAPTAIN HATES THE SEA" (Col.)
RKO-KEITH'S—(1,836), 25c-55c, 4 days. **Gross:** $3,500. (Average, seven days, $11,400)

Week Ending Jan. 24:

"BORDERTOWN" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Donald Novis, Senor Don Zelaya, Five Jansleys, Lee Murray & Sinclair Twins. **Gross:** $17,200. (Average, $17,600)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,500. (Average, $3,100)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Alex Hyde and His Fourteen Melody Boys, with Rita Rio, Three California Red Heads, Johnny Burke, Maximo, Lorraine & Digby. **Gross:** $23,000. (Average, $20,500)

"KID MILLIONS" (U. A.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $14,000. (Average, $14,500)

"BROADWAY BILL" (Col.)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $5,000. (Average, $4,100)

Week Ending Jan. 28:

"A GIRL OF THE LIMBERLOST" (Monogram)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $8,000. (Average, $11,400)

Ohio Posters Taxable

COLUMBUS, Feb. 3.—The state legal department has handed down a decision, just released by Edward A. Cole, examiner, that placards, billboards and similar advertising material sold or leased by Ohio exchanges to theatres within the state are subject to the three per cent sales tax which became effective last week and that it is the duty of the vendors to collect the tax on sales or rentals at the time the lease is consummated.

Wilmington Gets Vaude

WILMINGTON, Feb. 3.—The Queen, Stanley-Warner second run, resumed vaudeville yesterday. The house has been changed from a second run to first run. Stage shows will be presented on Saturdays only.

The Arcadia will be changed to a second run.

See Hartford Move Dead

HARTFORD, Feb. 3.—A group of aldermen who had promised to support an amendment to permit Sunday afternoon shows has withdrawn support of the measure, it is believed. The measure has met with attacks from the clergy.

"Lancer" Is Only Strong Frisco Draw

SAN FRANCISCO, Feb. 3.—Practically the only important draw in town last week was "The Lives of a Bengal Lancer," which grossed $26,000, over par by $3,000, at the Warfield.

Total first run business was $75,000. Average is $83,000.

Estimated takings:

Week Ending Jan. 22:

"GRAND OLD GIRL" (Radio)
GOLDEN GATE—(2,800), 25c-40c, 7 days. Stage, band. **Gross:** $12,500. (Average, $13,000)

Week Ending Jan. 23:

"MYSTERY WOMAN" (Fox)
"MAYBE IT'S LOVE" (Warners)
FOX—(4,600), 15c-40c, 7 days. **Gross:** $8,000. (Average, $11,000)

Week Ending Jan. 24:

"BEST MAN WINS" (Col.)
ORPHEUM—(3,000), 15c-40c, 7 days. Stage: Al Pearce and gang. **Gross:** $9,000. (Average, $9,000)

"THE COUNTY CHAIRMAN" (Fox)
ST. FRANCIS—(1,400), 15c-55c, 2nd week, 7 days. **Gross:** $6,000. (Average, $8,000)

"MIGHTY BARNUM" (U. A.)
UNITED ARTISTS—(1,200), 15c-55c, 5th week, 7 days. **Gross:** $3,500. (Average, $8,000)

Week Ending Jan. 25:

"SWEET ADELINE" (Warners)
"FATHER BROWN, DETECTIVE" (Para.)
PARAMOUNT—(2,670), 25c-65c, 7 days. **Gross:** $10,000. (Average, $11,000)

"LIVES OF A BENGAL LANCER" (Para.)
WARFIELD—(2,700), 25c-65c, 7 days. Stage, band. **Gross:** $26,000. (Average, $23,000)

"Lancer" Doubles Denver's Average

DENVER, Feb. 3.—"Lives of a Bengal Lancer" got off to a slow start at the first matinee in the Denham, but after that it was a sellout with standees most of the time. The take for the week was $8,000, just double average. It was held.

Total first run business was $21,450. Average is $20,500.

Estimated takings for the week ending Jan. 31:

"EVERGREEN" (Gaumont British)
ALADDIN—(1,500), 25c-35c-50c, 7 days. Gross: $1,750. (Average, $2,500)

"LIVES OF A BENGAL LANCER" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $4,000.)

"THE MIGHTY BARNUM" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. Gross: $5,000. (Average, $6,000)

"BORDERTOWN" (Warners)
ORPHEUM—(2,600), 25c-35c-50c), 7 days. Gross: $5,000 (Average, $6,000)

"COUNTY CHAIRMAN" (Fox)
PARAMOUNT—(2,000), 25c-40c, 3 days. Gross: $900.

"THE BAND PLAYS ON" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $800. (Average for week, $2,000)

Arlen Appendix Victim

HOLLYWOOD, Feb. 3.—While playing golf at the Oakmont Golf Club, Richard Arlen was stricken with appendicitis. An operation will not be necessary.

Fox Signs Hannemann

HOLLYWOOD, Feb. 3.—H. W. Hanneman, for the past two years on the Radio writing staff, has been signed by the Fox scenario department. He has no definite assignment.

Cuts to 200 Words

Hollywood, Feb. 3. — Phil Goldstone has decided to use only 200 words of dialogue in "Typee," which he will produce for M-G-M.

The unit will get away for the South Seas on Feb. 16. Mala is the only cast assignment to date.

"Lancer" Hits High $26,500 On the Coast

LOS ANGELES, Feb. 3.—"Lives of a Bengal Lancer" ran away out front here last week with a take of $26,500 at the Paramount. This tops par by $8,500. Clarence Muse was on the stage.

A return to normal weather helped business generally.

Total first run business was $89,658. Average is $91,200.

Estimated takings for the week ending Jan. 30:

"FORSAKING ALL OTHERS" (M-G-M)
CHINESE—(2,300), 30c-65c, 5 days. **Gross:** $8,906. (Average, $12,500)

"LIFE RETURNS" (Univ.)
CRITERION — (1,610), 30c-55c, 7 days. **Gross:** $3,500

"PETERSBURG NIGHTS" (Amkino)
5 Days
"MAN OF ARAN" (Gaumont-British)
2 Days
FILMARTE — (800), 40c-55c, 7 days. **Gross:** $1,950. (Average, $2,750)

"CHARLIE CHAN IN PARIS" (Fox)
"PRIVATE LIFE OF DON JUAN" (London Film)
4 STAR—(900), 30c-55c, 5 days. **Gross:** $3,457. (Average, $3,250)

"FORSAKING ALL OTHERS" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 5 days. **Gross:** $11,889. (Average, $14,000)

"THE LIVES OF A BENGAL LANCER" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Clarence Muse in person. **Gross:** $26,500. (Average, $18,000)

"BORDERTOWN" (Warners)
2nd Week, 2 Days
"HAPPINESS AHEAD" (Warners)
(5 Days)
RKO—(2,700), 25c-65c, 7 days. **Gross:** $9,300. (Average, $8,000)

"CHARLIE CHAN IN PARIS" (Fox)
"THE PRIVATE LIFE OF DON JUAN" (London Films)
UNITED ARTISTS—(2,100), 25c-55c, 5 days. **Gross:** $3,656. (Average, $3,500)

"BORDERTOWN" (Warners)
2nd Week, 2 Days
"HAPPINESS AHEAD" (Warners)
5 Days
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 7 days. **Gross:** $9,000. (Average, $14,000)

"GRAND OLD GIRL" (Radio)
"THE BEST MAN WINS" (Col.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. **Gross:** $7,500. (Average, $12,000)

"OUR DAILY BREAD" (U. A.)
PANTAGES — (5,000), 25c-40c, 7 days. Stage: Upton Sinclair. **Gross:** $4,000. (Average, $3,200)

FWC Takes Two Houses

DENVER, Feb. 3.—Fox West Coast has taken over two houses in this territory. One is the Webber, built by DeWitt C. Webber in 1918 and operated by him since then. The other is the Crown at Laramie, Wyo.

N. O. House Is Damaged

NEW ORLEANS, Feb. 3.—An explosion last night destroyed the Carrollton, a United Theatres house. Manny Jacobs, manager, estimates the damage at $40,000. He says there has been no labor trouble.

"Heart" with Benny Loop's Best Grosser

CHICAGO, Feb. 3.—Sub-zero weather hit most of the Loop grosses, but three spots pulled through the handicap.

First of these was the Chicago where "Here Is My Heart," with Jack Benny and Mary Livingston on the stage, piled up $55,000, over par by $10,400.

Total first run business was $143,000. Average is $129,600.

Estimated takings:

Week Ending Jan. 22:

"SWEET ADELINE" (Warners)
"HERE IS MY HEART" (Para.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 10 days. **Gross:** $12,000. (Average, $17,000)

Week Ending Jan. 24:

"I SELL ANYTHING" (F. N.)
"HERE IS MY HEART" (Para.)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Jack Benny, Mary Livingston, Frank Parker. **Gross:** $55,000. (Average, $34,600)

"I SELL ANYTHING" (F. N.)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Mitzi Green, Rogers & Radcliffe, California Revels. **Gross:** $17,000. (Average, $15,000)

"GRAND OLD GIRL" (Radio)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Stoopnagle & Budd, Eddie South, Cass, Mack, Owen & Topsy. **Gross:** $14,000. (Average, $22,000)

"BROADWAY BILL" (Col.)
GARRICK—(900), 25c-35c-40c, 3rd week, 7 days. **Gross:** $7,000. (Average, $5,000)

Week Ending Jan. 25:

"THE SECRET BRIDE" (Warner)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $10,000)

"LIVES OF A BENGAL LANCER" (Para.)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $20,000. (Average, $11,000)

"JEALOUSY" (Col.)
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Jazz Minstrel Revue. **Gross:** $11,000. (Average, $15,000)

Andy Tombes to Fox

HOLLYWOOD, Feb. 3.—Buddy De Sylva, who is due in from New York next Friday, is bringing Andy Tombes, musical comedian, with him to play in "Torchbearers," Will Rogers' next for Fox.

Hopkins for "Barbary"

HOLLYWOOD, Feb. 3.—Samuel Goldwyn has selected Miriam Hopkins to play the feminine lead in "Barbary Coast," to be based on the story by Herbert Asbury. Oliver H. P. Garrett has been assigned the screenplay.

"Barbary Coast" was originally announced as a starring vehicle for Anna Sten.

"Frolic" Date Delayed

DES MOINES, Feb. 3.—The "frolic" to be held here by the Allied Theatre Owners of Iowa has been postponed from Feb. 19-20 to March 13 at the Coliseum.

Gottlieb Joins Columbia

HOLLYWOOD, Feb. 3.—Eli Gottlieb has joined Columbia as an associate of J. W. MacFarland and Marvin Springer in the shorts department and will act as merchandising counsellor.

Evelyn Venable Has Flu

HOLLYWOOD, Feb. 3.—Evelyn Venable has joined the growing list of Hollywood flu victims.

DAILY NEWS, FRIDAY, FEBRUARY 1, 1935

RADIO CITY MUSIC HALL

SHOWPLACE OF THE NATION • ROCKEFELLER CENTER
where better pictures are shown



She dreamed about
ICE CREAM AND CAVIAR, FROG'S LEGS AND EVERYTHING! . . .

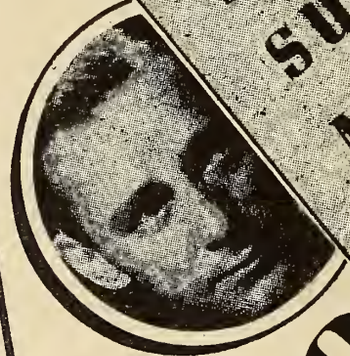




—and then she met a waiter, a meat packer, and a lawyer, and—but we haven't the heart to spoil this precious story for you.

CARL LAEMMLE PRESENTS
MARGARET SULLAVAN
HERBERT MARSHALL
in Ferenc Molnar's Masterpiece

The GOOD FAIRY





A Universal Picture with
FRANK MORGAN
REGINALD OWEN • ALAN HALE
ERIC BLORE • JUNE CLAYWORTH

Story translation by Jane Hinton
Screenplay by Preston Sturges
Directed by WILLIAM WYLER
Produced by CARL LAEMMLE, Jr.
Associate Producer: Henry Henigson

ON THE STAGE

"CONTRAST", an extravaganza in music and dance created by Leonidoff, with Jan Peerce, Robert Weede, Aimee Deloro, Nicholas Daks, Hilda Eckler, Alex Rothov, the Rockettes and the Corps de Ballet, and Symphony Orchestra under the direction of Erno Rapee.

Doors Open 11:30 A. M. Picture at 11:45, 2:20, 4:55, 7:39, 10:14 Stage Show at 1:22, 3:57, 6:41, 9:16.
First Mezzanine Seats may be Reserved in Advance
Phone COlumbus 5-6535

"Spelled with a Big U"

"THE GOOD FAIRY," BEWITCHING COMEDY

DAILY MIRROR — Friday, February 1, 1935

Miss Sullavan Movie Orphan At Music Hall

By BLAND JOHANESON.

"THE GOOD FAIRY" at the Radio City Music Hall. Bewitching comedy, an exhilarating blend of mirth and pathos. Produced by Universal; directed by William Wyler.

THE CAST:

Luisa (Lu) Ginglebusher.....Margaret Sullavan
Dr. Max Sporum.....Herbert Marshall
Konrad.....Frank Morgan
Detlaff.....Reginald Owen
Schlapkohl.....Beulah Bondi
Dr. Schultz.....Alan Hale
Joe.....Cesar Romero
Dr. Metz.....Eric Blore
Doorman.....Al Bridges
Chauffeur.....George Davis
Actress.....June Clayworth
Also: Matt McHugh, Frank Moran, Dick Winslow, Anne Darling, Phyllis Ludwig, Alene Carroll.

ENCHANTING and whimsical little orphan girls have become the new fad in movie heroines. None has been more appealing and captivating than the latest, Margaret Sullavan, who is the Luisa of "The Good Fairy." She plays the role, interpreted by Helen Hayes, when the sparkling Molnar comedy graced the stage of Broadway.

"The Good Fairy" is no sappy account of a suffering orphan who is rescued from drudgery by a kindly bachelor. It is smart, spicy comedy. The high merriment is balanced skillfully by genuine pathos and charm.

Miss Sullavan is an exquisite Luisa and her support is great. With Frank Morgan, Herbert Marshall and Reginald Owen in the principal roles no comedy need lack spirit.

"The Good Fairy" is lighter, but no less distinguished than the star's previous hits, "Only Yesterday" and "Little Man, What Now?" It proves Miss Sullavan to be as fetching a comedienne as she is an impressive dramatic actress.

DAILY NEWS, FRIDAY, FEBRUARY 1, 1935

'THE GOOD FAIRY' DELICIOUS COMEDY

By KATE CAMERON.

"The Good Fairy," a Universal production based on the play by Ferenc Molnar, screen play by Preston Sturges, directed by William Wyler and presented at the Radio City Music Hall.

THE CAST

Luisa Ginglebusher.....Margaret Sullavan
Dr. Max Sporum.....Herbert Marshall
Konrad.....Frank Morgan
Detlaff.....Reginald Owen
Schlapkohl.....Alan Hale
Dr. Schultz.....Beulah Bondi
Joe.....Cesar Romero
Dr. Metz.....Eric Blore

"The Good Fairy" presiding temporarily over the destiny of th Music Hall undoubtedly will bring good luck to the house this wee For the picture is a delightful adaptation of Ferenc Molnar's play



Frank Morgan, Reginald Owen and Margaret Sullavan are shown in a scene from "The Good Fairy," now on view at the Radio City Music Hall.

the same name and is heartily recommended as an efficacious antidote for those mid-Winter blues which are afflicting nearly every one at this time.

★ ★ ★ ½★

Margaret Sullavan, under the expert guidance of her director-husband, William Wyler, makes the most of the role which Helen Hayes created on the stage when Gilbert Miller presented the Hungarian comedy in New York three years ago. She is charmingly ingratiating as the orphan Luisa, the little usherette whose prettiness and innocence combine to make her a potent magnet for amorous, elderly gentlemen. Miss Sullavan's versatility is demonstrated by the effective way in which she puts over the comedy. She is as sure of herself in this medium as she was in the serious, dramatic roles in "Only Yesterday" and "Little Man, What Now?"

NEW YORK AMERICAN
FRIDAY, FEBRUARY 1, 1935

'GOOD FAIRY' SPINS CHARMING COMEDY AT THE MUSIC HALL

"THE GOOD FAIRY," a Universal Picture, adapted by Preston Sturges from a play by Ferenc Molnar, directed by William Wyler and presented at Radio City Music Hall.

THE CAST:

Luisa.....Margaret Sullavan
Max.....Herbert Marshall
Konrad.....Frank Morgan
Detlaff.....Reginald Owen
Schultz.....Beulah Bondi

A delightful, heart-warming comedy with an incessant ripple of laughter ruffling the charm of its surface, the new Margaret Sullavan film fixes its star even more firmly in the affections of her audience, and brings the Music Hall its most appealing entertainment since "Little Women."

The adaptation of the Molnar fantasy has been wrought to retain all the bubbling mirth of the original plus that soupcon of pathos that points the comedy so effectively. And the drama, played as it is by a quartette of Hollywood's [illegible] tops for universal film fun. And that "universal" may be spelled with a big "U," as well, in compliment to the producers.

[illegible] how things work out yo[illegible] for yourself at the Music Ha[illegible] mean "must." For "The Good Fairy" is as thoroughly enjoyable a film as the new season has brought forth. Miss Sullavan's artistry, her wistful charm, the wide range of her talent become here more apparent than even in her earlier accomplishments.

and more to come!

Now watch for Universal's *Shivery* Sensation

"BRIDE OF FRANKENSTEIN"



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DU PONT SUPERIOR FILM - LENS APERTURE F 2.3 - NO FILTER - 1/40 SECOND - TIME AFTER SUNSET - ALTITUDE 8,000 FEET - WEST OF ARROWHEAD LAKE, CAL.

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THE DU PONT TRADE MARK HAS NEVER BEEN PLACED ON AN INFERIOR PRODUCT

UNIVERSAL'S NEW SMASH HITS ARE

ON THE WAY

—"and in the bag!"

SAYS

CARL LAEMMLE

TEAR THESE PAGES OUT FOR FUTURE REFERENCE

•CLAUDE RAINS

•DOUGLASS MONTGOMERY

in

"THE MYSTERY OF EDWIN DROOD"

with

Heather Angel · David Manners
Francis L. Sullivan · Valerie Hobson
Directed by Stuart Walker
Produced by Carl Laemmle, Jr.
Associate Producer, Edmund Grainger

•MARGARET SULLAVAN

•HERBERT MARSHALL

in

"THE GOOD FAIRY"

with

FRANK MORGAN

Reginald Owen · Alan Hale
Eric Blore · June Clayworth
Directed by William Wyler
Produced by Carl Laemmle, Jr.
Story by Ferenc Molnar · Translation by Jane Hinton · Screenplay by Preston Sturges

The Masterpiece of Nonsense and Spectacle from Thorne Smith's Amazing Novel

"NIGHT LIFE OF THE GODS"

with

Alan Mowbray · Peggy Shannon · Henry Armetta Robert Warwick · Gilbert Emory · George Hassell Richard Carle · Florine McKinney · Wesley Barry William (Stage) Boyd

Directed by Lowell Sherman
Produced by Carl Laemmle, Jr.

OCTAVUS ROY COHEN'S

Liberty Magazine Special!

"TRANSIENT LADY"

with

GENE RAYMOND
HENRY HULL
FRANCES DRAKE

June Clayworth · Helen Lowell
Douglas Fowley · Clark Williams
Directed by Edward Buzzell
A Julius Bernheim Production

From the scintillating story by Ward Morehouse and Jean Dalrymple

"IT HAPPENED IN NEW YORK"

with **Gertrude Michael · Heather Angel · Lyle Talbot · Hugh O'Connell**

Screenplay by Rian James and Seton I. Miller . . . Directed by Alan Crosland

---

KARLOFF

in

"BRIDE OF FRANKENSTEIN"

with **Colin Clive · Valerie Hobson · Elsa Lanchester · Ernest Thesiger**

Screenplay by William Hurlbut and John L. Balderston . . Directed by James Whale

Produced by Carl Laemmle, Jr.

CHESTER MORRIS

JEAN PARKER

"PRINCESS O'HARA"

DAMON RUNYON'S *famous Collier's Magazine story*

With Verna Hillie and Anne Darling

Directed by David Burton

WILLIAM POWELL

in

"THE GREAT ZIEGFELD"

with **Fanny Brice · Harriet Hoctor · Kathryn Hereford Shaw and Lee · Frankie Masters**

Story by William Anthony McGuire

Music by Irving Berlin and Con Conrad

Dances by Seymour Felix

---

from

Parker Morell's

tremendous best-seller

"DIAMOND JIM"

with

EDWARD ARNOLD

Screenplay by Gene Fowler!

A Howard Hawks production!

"SUTTER'S GOLD"

Blaise Cendrar's epic novel of the discoverer of gold

Supervised by Henry Henigson

HENRY HULL

in

"THE WEREWOLF OF LONDON"

Story by Robert Harris

Screenplay by John Colton

EDMUND LOWE

in

"THE GREAT IMPERSONATION

From the novel by

E. Phillips Oppenheim,

master of mystery and detective fiction!

KARLOFF

and

LUGOSI

in

Edgar Allan Poe's

"THE RAVEN"

Screenplay by Jim Tully

You'll be surprised when we announce the cast of singing stars for

"SING ME A LOVE SONG"

Original operetta by Robert Harris

Screenplay by Harvey Gates

Directed by Stuart Walker

IRENE DUNNE

in

Edna Ferber's

"SHOW BOAT"

Screenplay by Zoe Akins

Produced by Carl Laemmle, Jr

JOHN M. STAHL'S

successor to his record-breaking "Imitation of Life"

"THE MAGNIFICENT OBSESSION"

By Lloyd C. Douglas · Screenplay by Eugene Walter and Elizabeth Meehan

Directed by John M. Stahl

Produced by Carl Laemmle, Jr.

TEAR THESE PAGES OUT FOR FUTURE REFERENCE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 28 NEW YORK, SATURDAY, FEBRUARY 2, 1935 TEN CENTS

Hauptmann's Reel Arouses Wilentz Ire

Asks Withdrawal; Fox Agrees, Others Silent

Sound pictures of Bruno Richard Hauptmann's cross-examination by Attorney General Wilentz at Flemington started fireworks yesterday and resulted in the withdrawal of the Fox Movietone News clip by Truman Talley, general manager.

Other reels dodged any comment on a telegraphic demand by Wilentz that the reels be withdrawn from circulation until after a verdict has been rendered by the jury.

All the reels have been operating under an agreement at Flemington and room has been allowed for one camera with sound equipment in the courthouse balcony. In accord with

(*Continued on page 2*)

Eight Independent Deals on 'Time' Reel

Al Friedlander, vice-president of First Division, has closed deals with eight independent exchanges in the west and midwest to handle "March of Time" and other First Division releases. He plans to leave for the coast tomorrow or Monday, stopping off at a number of exchanges en route.

Deals closed are with the following: Far West Exchanges, San Francisco, Mel Hulling, manager; Principal Exchanges in Portland and Seattle, A. M. Goldstein, managing the

(*Continued on page 2*)

Detroit Opera Plan Opposed by Trendle

DETROIT, Feb. 1.—Proposal of J. J. Shubert, New York theatrical producer, to stage municipal opera, similar to that conducted in St. Louis last summer, in Navin Field, home of the Detroit Tigers, this week brought

(*Continued on page 3*)

"Copperfield" Holds At $54,000 2nd Week

"David Copperfield" held up strongly in its second week at the Capitol, tallying $54,000, or $1,300 less than the first stanza. Freddie Bartholomew, who plays the role of young

(*Continued on page 3*)

Ship film by National Film Carriers, Inc., and be certain of on time delivery.—Adv.

Television by Government Is British Plan

$900,000 to Be Spent in Next Two Years

By BRUCE ALLAN

LONDON, Feb. 1.—Plans of the British government to spend some $900,000 in the next two years to place television within the reach of the public were revealed in the House of Commons today by Sir Kingsley Wood, postmaster general.

Publication of the report of the government - appointed Television Committee, which is in the hands of the postmaster general, preceded the announcement. The report recommends that two television stations be set up, adding that the transmission of wireless pictures "has reached such standard development as to justify first steps being taken toward the

(*Continued on page 4*)

Sunday Bill Meets Delay in Delaware

DOVER, Feb. 1.—Offering of a bill to permit Sunday films in Delaware is being withheld by Representative Dr. Willard R. Pierce because of opposition from theatre men. Unless cooperation comes from theatre owners and managers the measure will be abandoned.

Theatre men are opposed to two clauses in the bill. One, which provides a three-cent tax on all admissions and another which prohibits theatres from opening before 9 o'clock in the evening.

Milwaukee Petition Meeting Opposition

MILWAUKEE, Feb. 1.—Because, it is reported, affiliated theatres have refused to sign a petition being circulated in Milwaukee county banning premiums, indications are that the 75

(*Continued on page 3*)

"Dictator" Opens

By PIERRE AUTRE

Paris, Feb. 1.—"The Dictator," British film, initial Toeplitz production, was received enthusiastically at its world premiere at the Ermitage here tonight. Though too slow, it is highly clever and artistic, with splendid sets, fine direction by Victor Saville and marvelous photography by Franz Planer.

The film, which Gaumont British will distribute in the United Kingdom, tells of a dictator at the Danish court in the 18th century who has done much for his country. He becomes the lover of the British-born queen. Arrested, he sacrifices himself to save her honor.

Emlyn Williams is splendid as the Danish king and Madeleine Carroll good as the queen, with Clive Brook outstanding as the dictator.

The clever dialogue is too high for the average audience. The film should be a great success with more sophisticated audiences.

Running time, 95 minutes. "A."

New Contract "Bad Check," Guild States

HOLLYWOOD, Feb. 1.—As expected, the Actors' Guild is disturbed by the Academy-producer effort to agree on a new form of standard contract.

"This is not an Academy achievement," says a statement issued by the guild. "The concessions which are offered resulted only from pressure by the guild. They will continue to be offered only so long as that pressure remains."

In a sarcastic vein, the guild directors said: "The new contract offered

(*Continued on page 3*)

Olathe Gets An Eyeful

Olathe, Kan., Feb. 1.—Was Bert Rogers dressed up when he took the oath of office as judge of the probate court at Olathe? Or was he dressed?

Attired in a nifty brown suit and shiny shoes to match, Judge Rogers was the handsomest judge Johnson County, Kansas, ever had, to hear townspeople tell it. And his boy, Buddy, the "movie

(*Continued on page 3*)

2 New Booth Cost Plans Up In Washington

Conferees Hold Comment Until Study Is Made

By CLARENCE LINZ

WASHINGTON, Feb. 1.—Submission of two new proposals for the determination of booth costs in metropolitan New York, one of which had the support of all but a single member of the NRA fact-finding committee, today indicated that the one on which the call for the Washington hearing was based would not be the plan finally approved.

Meeting with Compliance Director Sol A. Rosenblatt and other NRA officials for a discussion of the so-called "Brandt proposal," exhibitors and operator representatives alike found that new formulæ were to be submitted and, for the most part, reserved their comment until they had been given an opportunity to study them.

As a result, it was indicated another hearing would be called in the near future, unless a way can be

(*Continued on page 3*)

Clearance Shift Is Refused in Buffalo

BUFFALO, Feb. 1.—The application of Grenor Corp. (Jules H. Michael), operating the Regent, for day-and-date clearance with the Victoria and Jefferson (Basil Bros.) and Elmwood (Shea) theatres has been dismissed by the local clearance and zoning board.

The Victoria has seven and the Elmwood 21 days' clearance over the Regent, which, the board held, is justified. The board ruled there was no cause for action on the request for open booking of the Jefferson and Regent theatres, as it now is in effect.

Two More Film Fee Measures Presented

ALBANY, Feb. 1.—Joseph J. Monahan, Democrat of Brooklyn, a former burlesque comedian, has introduced in Assembly a companion to the McCall bill previously introduced in the Senate to impose a tax of 10 cents per 100 feet of film run for exhibition purposes and requiring a registration fee of 50 cents per seat to be paid by exhibitors.

Anthony J. Canney, Democrat of Buffalo, introduced in the Assembly a companion bill to the McCall bill

(*Continued on page 3*)

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Eight Independent Deals on 'Time' Reel

(*Continued from page* 1)

latter; Capital Film Exchange, Chicago, Henri Ellman, manager: Monogram, Minneapolis, Gilbert Nathanson, manager; Distinctive Screen Attractions, Salt Lake City and Denver, Lon T. Fidler, manager of the first, and M. Krum, manager of the second.

Distribution deals are expected within the next few weeks for Dallas, Kansas City, Des Moines and Omaha, which would give First Division 100 per cent national representation.

HOLLYWOOD, Feb. 1.—First of the four Hoot Gibson westerns for First Division is now in work. It is "Sunset Trail."

"Time" Reel at B. & K.

CHICAGO, Feb. 1.—"March of Time" made its debut at the B. & K. Chicago with a long line waiting an hour and a half for the doors of the theatre to open. Henri Ellman of Capital Film Exchange, which is handling the two-reel subject here, states that the audience during the first show applauded generously after the subject concluded its showing.

RKO Seeks Audubon

RKO is negotiating with Milton C. Weisman, receiver for Fox Theatres, to lease the Audubon, now closed. The house was dropped a few days ago by Skouras Theatres Corp.

Purely Personal

EDWARD A. GOLDEN, Monogram sales manager, left yesterday on a visit to the company exchanges in Pittsburgh and Cleveland. He'll return in about a week.

•

W. RAY JOHNSTON and TREM CARR are spending the week-end in Atlantic City. JOHNSTON has to do something to try and take CARR's mind off the cold weather and snow.

•

MARGARET SULLAVAN was guest of honor at a midnight party given by W. G. VAN SCHMUS, managing director of the Music Hall, Thursday night and early yesterday morning.

•

BILLY WILKERSON, editor and publisher of the *Hollywood Reporter,* sails today on the *Champlain.* ROBERT HUREL, president of France Film Co., Canada, is on the same ship.

•

The LYNN FARNOLS are full of floor plans, decorative schemes and ideas for their East 62nd St. house. Looks like an ambitious undertaking.

•

SAM KATZ, shipper at the local Fox exchange, will become a benedict today and leave for Lakewood where he will spend his honeymoon.

Quip of the Day

Ed Kuykendall, the big M.P.T.O.A. man, got a letter from his wife yesterday. She beckoned him to come home and offered the following inducements:

"We don't have fog, snow or commercialized friendship down here in Columbus, Miss."

WALLACE BEERY will broadcast on the Lux program from here Feb. 10 or 17. He'll do a scene from the stage play, "The Old Soak."

•

JOE MILLER, Columbia manager in Buffalo, sails today with his wife on the *Rotterdam* for a West Indies cruise.

•

J. MEYER SCHINE leaves for his upstate headquarters today after a two-day visit here on code matters.

•

JACK STEINMAN plans to go to Florida again. He recently returned from an Atlantic City jaunt.

•

WALTER ABEL, Broadway leading man, has been signed by Radio and will leave soon for the coast.

•

HARRY H. THOMAS was slightly indisposed yesterday, but returns to his office today.

•

ALBERT. WARNER is back from Miami. HARRY WARNER returns in about a week.

•

JEFFREY BERNERD and ARTHUR LEE go on tour again Sunday. This time it's Atlanta.

•

MAX COOPER, manager of the Fox, Hackensack, is back from a southern vacation.

•

AL FRIEDLANDER is back from the coast, returning via the air route.

•

MILT KUSSEL shuffles back from Buffalo today.

DAVID FLAHERTY, assistant director and cameraman for his brother, ROBERT FLAHERTY, sails Feb. 20 on the *Olympic* to join the company now being formed by ALEXANDER KORDA for the making of "Elephant Boy" in India.

•

SONYA LEVIEN and ERNEST PASCAL, of the Fox writing staff, are on their way here to watch NINO MARTINI work at the Metropolitan Opera. They are preparing an operetta for JESSE LASKY.

•

ANDRE ULLMAN, directeur general of Paramount's theatres in France and Belgium, has been decorated by the French government with the cross of the Legion of Honor.

•

GUY ROBERTSON, who has been signed by Monogram for three features, expects to trek to the coast around April 15 to appear in "Keeper of the Bees."

•

HARRY P. LANDER, New Haven code board secretary, in Wednesday on one of what are becoming more frequent visits in these parts. Says the skiing in the home town hills is swell.

•

HUGH WALPOLE is well on the way back to health in his London home and appears to have conquered the malady that laid him low on his return here from Hollywood.

•

HARRY D. BUCKLEY says he lost 10 pounds as a result of an attack of the flu. He's planning a southern vacation, but hasn't made up his mind when he's going.

•

FRED LEQUORNE, dance master, leaves today aboard the *Rex* to stage a new show at the Casino Municipale in Cannes.

•

EDDIE DOWLING, reports have it, will await next season before presenting "The Lavender Lady," posthumous operetta by VICTOR HERBERT.

•

PAUL WHITEMAN and his band will supply the music for the Warner Club's sixth annual dinner and dance at the Waldorf Feb. 16.

•

BOB WOLFF, Radio's New York exchange manager, is having an anniversary month, starting Feb. 16 and ending March 29. New calendar idea.

•

HERBERT MARSHALL, off the New York stage since 1932, will return next season under the aegis of GILBERT MILLER.

•

ARMAND DENIS who made "Goona Goona" is off with the missus on a vagabond motor trip through Africa.

•

MORT SHEA, ill for several weeks, is getting on, but will not return to his office for a brace or so of weeks.

•

BOB COCHRANE was under the weather yesterday and so stayed at the New Rochelle manse.

•

PATRICIA BOWMAN heads west in a few months to do her ballet dancing at the Paramount, Los Angeles.

•

M. A. LIGHTMAN hit town from Memphis yesterday.

•

BORIS MORROS is back from Florida.

Hauptmann's Reel Arouses Wilentz Ire

(*Continued from page* 1)

an understanding with Justice Trenchard pictures have been made only when the court has not actually been in session. Shortly after the start of the trial a still photographer made a picture of Mrs. Lindbergh on the stand. After a reprimand by the judge the negative was destroyed in his presence.

This week the newsreel camera was kept going while Hauptmann was on the stand. Universal and Pathe got out special two-reel subjects on it. Hearst Metrotone used a half reel. Fox Movietone and Paramount used the regular clips.

Wilentz sent the following telegram to all the reels: "In the name of the state of New Jersey and in the name of decency, it is requested that you order the immediate withdrawal of Hauptmann trial pictures taken during actual trial sessions. These sound pictures were secured by trickery and in defiance of the order of the court."

Talley wired Wilentz that he did not consider that the pictures had been taken by trickery, but would withdraw them prior to a verdict. Wilentz replied expressing appreciation.

In the meantime Edward J. Reilly, defense counsel, talked of moving for a mistrial on the ground that his client was being persecuted and judged in advance of a jury verdict on the screens of the country. It was stated that Justice Trenchard was disturbed and was considering action of some kind.

Newsreel editors' comments were hard to get.

Mike Clofine, head of Hearst Metrotone, said early last evening that his reel was out and, pending further developments, would stay out.

Late last evening Charles Ford, editor of Universal reel, said that his reel was still being shown. A meeting of editors of all the reels to be held today might have some bearing on its continuance, he said.

Metrotone Seeking Under Water Films

Hearst Metrotone News is experimenting with a new under water camera in an attempt to get pictures of the *Mohawk* at the bottom of the ocean off Asbury Park. An attempt on Thursday was interrupted by rough seas when the tug carrying the apparatus dragged its anchor.

Capt. Irvin A. Williamson, well-known diver, is handling the apparatus.

Open New Latin Offices

J. H. Hoffberg, foreign distributor for Liberty, is expanding a chain of South and Central American exchanges. Offices have already been opened in Buenos Aires and Santiago, and others are to follow soon in Rio de Janeiro, Mexico City and Havana.

Quigley to the Coast

Martin Quigley leaves for Hollywood today on what is his usual mid-winter visit to the studios.

2 New Booth Cost Plans Up In Washington

(*Continued from page* 1)

found to handle the matter by inviting those interested to file briefs, which is considered unlikely.

One of the new proposals was submitted by Charles L. O'Reilly, president of the T. O. C. C.; the other, by C. S. Thide, representing Local 306, I. A. T. S. E.

Submitting a report on behalf of the fact-finding committee, Major L. E. Thompson, chairman, explained the difficulties which had been encountered in reaching a basis for the determination of booth costs, and that, at a final meeting before coming to Washington for the hearing, the committee voted on the Brandt proposal, splitting three to three; on the O'Reilly plan, which it approved five to one, and on an incomplete proposal by Local 306, which it opposed one to five.

The O'Reilly formula, it was explained by its sponsor, when he submitted it, is based on the point system, with run, capacity and admission price taken into consideration, the result being figured at $12 per unit. Because it had not been made available in advance of the hearing this formula was not discussed, nor was that of the union, under which the so-called "vaudeville association" houses would retain the scale in effect Aug. 23, 1933, while other houses would be rated on a point system which would give them, it was said by Thide, a cost ranging from $81 for a house seating 600 or less on a 15-cent admission to $531 for a 4,000-seat theatre on a 50-cent admission.

Union Attacks Brandt Plan

The Brandt plan, the only one available for discussion, was attacked by the union representatives as an attempt to kill the two-men-in-a-booth program, although members of the committee denied that this point had been given any consideration.

A split in the ranks of Local 306 was indicated by the appearance of Matthew M. Levy as counsel for a "progressive group" of more than a thousand members of the local, who challenged the right of the committee to submit concrete cost proposals, contending that it was created merely to ascertain certain facts.

It was the contention of the group that the formula would tend to reduce the scale of wages in some of the houses, and it was also asserted that if the 30-hour week were adopted it should be provided that operators receive the same wage as for the longer time now worked.

Without attempting to press the adoption of his proposal, Harry Brandt declared he would be satisfied with any arrangement which brought peace in the operators' pay situation. Pointing out that it was agreed even by the president of Local 306 that there was no established wage scale in New York, he said five unions were operating there in addition to others seeking to get a foothold. Very few theatres in his group have two men in a booth, he declared.

The Brandt formula was opposed also by A. H. Howell of the Century circuit of New York and John E. Connelly of Trio-Consolidated, also operating theatres in New York, who took the ground it would be contrary to the New York State Supreme Court decision in the Springer and Cocalis case.

Connelly also declared that other factors besides capacity and admission should be considered, including location, supplementary programs and type of house, and that there should be distinction between houses operated only week-ends, those operating full time and those with varying admission rates.

Members of the Empire State M. P. Operators' Union saw in the formula an attempt to force a consolidation of all unions, leaving Local 306 dominant. This, it was declared by Abraham Kindler, would be the inevitable result of a formula which definitely fixed a booth cost minimum. One union would be acceptable if there were a shortage of operators, he said, but would not work out so well under present conditions.

A plea that booth cost be disregarded and costs fixed on an individual wage basis was made by Murray Harstn, who declared that otherwise reductions would result.

Olathe Gets An Eyeful

(*Continued from page* 1)

actor," would have got a huge kick out of it, too. For the suit and shoes his pop was wearing were discarded by Buddy before he departed these shores to make a picture for a British firm.

The thrifty judge explained to all who would listen that he hated to throw the suit away, since it had been worn by Buddy in pictures. And he got the shoes when Buddy's No. 10's became too small for him as a result of standing on his feet conducting an orchestra. It seems Buddy's feet spread out.

Schine Defendant in Three Code Appeals

Meyer Schine was defendant in three code appeals heard yesterday by a committee composed of Gordon C. Youngman of RKO, Henry Randel of Paramount and William Yoost of the Yoost circuit. The cases were: Frederick W. Mausert, State, Glens Falls, N. Y., against the Rialto and Empire, same city, on clearance and zoning; Basil Bros. Theatres, Buffalo, against the Allendale, Senate, Jubilee, Circle, Marlowe, Unity, Orpheum, Plaza, Ellen Terry and Riverside, for reduced admissions; Palace, Lockport, against the Rialto and Hiart, same city, on overbuying.

Other appeals heard were those of F. W. Westfall, Haven, Olean, N. Y., against Charles Tarbox, Film Classic, Inc., Exchange, same city; Madison, Oneida, N. Y., against Avon, Canestota, N. Y., on clearance and zoning; Jarvis Bros., Delmar, Delmar, N. Y., against the I. O. O. F. Hall, Voorheesville, N. Y.

Nizer to Introduce

Louis Nizer will introduce Ferdinand Pecora, Supreme Court judge; James G. Wallace, General Sessions judge; and Max D. Steuer at the first of the new M. P. Club Forum series which gets under way next Tuesday. Felix F. Feist, president of the club, will act as chairman.

Detroit Opera Plan Opposed by Trendle

(*Continued from page* 1)

forth a storm of protest from local exhibitors.

Leading the attack on the proposed series of operas, which would have the backing of the city and local merchants, George W. Trendle, president of United Detroit Theatres, addressed a letter to city council in which he said in part:

"I believe the city will lose more through sponsoring an idea of this kind than it will make, and this organization, as well as all other local theatre organizations, greatly opposes it unless it pays the same taxes and complies with the same restrictions that we do. It is unfair from start to finish."

Council voted to send a reply to Trendle to the effect that the opera proposal has not yet been brought to its attention officially.

"Copperfield" Holds At $54,000 2nd Week

(*Continued from page* 1)

David, will continue to appear in person until the end of the picture's run next Friday, when "Sequoia" opens.

With a take of $38,000 for the third week, the Paramount garnered a total of $148,300 for the three-week run of "Lives of a Bengal Lancer." The picture opened yesterday at the Rialto, where it is slated for a fortnight's run. The first week's gross was $65,300 and that for the second $45,000.

The Palace was off with "Behind the Evidence," which took in $6,500 for the week. "Sing Sing Nights" at the Mayfair was mild at $8,700, and "Charlie Chan in Paris" in its last five days at the Astor garnered $10,000.

DeMille Wins Tax Fight

WASHINGTON, Feb. 1.—Cecil B. DeMille has won his fight against income tax claims aggregating over $1,500,000 which have been pressed by the Board of Tax Appeals. The board claimed $1,486,317 on surpluses accumulated by Cecil B. DeMille Prod., Inc., and additional personal taxes from DeMille totaling $189,487 for the years 1924-1930.

Nazis Lift Negri Ban

BERLIN, Feb. 1.—Reichsfuehrer Hitler came to the aid of Pola Negri here today overruling the Propaganda Ministry's order forbidding her to appear in German productions.

Says G. B. Has Matthews

Jeffrey Bernerd denies current reports that Jessie Matthews will go to Hollywood. He says she is under long-term contract to Gaumont British.

New Contract "Bad Check," Guild States

(*Continued from page* 1)

free lance players through the Academy reminds us of the story of a man who gave a bad check. When faced with the fact the check was bad he replied: 'That's all right; I will give you another.'

"The producers gave free lance actors a contract through the Academy five years ago. It turned out to be a bad check in less than a year. The statement given to the press explaining the so-called new Academy contract is inaccurate. There is nothing in it to prevent producers from requiring actors to waive its terms; there is nothing to prevent a new supplemental contract; there are no means of enforcement, and the terms for free lance actors who work by the day are even worse than at present. What the producers have done is to take the guild demands and say they will grant some of them through the Academy.

"Producers think actors will be fooled into deserting the guild. It's fun to be fooled, but more fun to know.

"Five dreary years have passed with no attempt by the Academy to better actor conditions. Actors will support the only organization that has and will continue to fight for them."

Milwaukee Petition Meeting Opposition

(*Continued from page* 1)

per cent of signatures required under the code will not be forthcoming.

Directors of the Independent Theatres Protective Ass'n. of Wisconsin have authorized its committee on Milwaukee county affairs to investigate.

The association is also attempting to iron out grievances between its own members and has been successful in securing an amiable settlement as to sharing product between two members who are in competition. It is believed that quicker and more satisfactory action can be secured in this manner than by referring problems to the grievance board.

Two More Film Fee Measures Presented

(*Continued from page* 1)

amending the censorship law by increasing the examination fee paid for reviewing films from $3 per 1,000 feet to $100 for the first 1,000 feet and $5 for each additional thousand feet or fraction thereof of any single film reviewed.

"Ruggles" Judges Named

Five trade paper editors will pass judgment on the "Ruggles of Red Gap" contest launched by Paramount with 25 cash prizes in the offing for the best campaigns to put over the picture beginning Feb. 15 and ending April 12. They are:

Jack Alicoate, editor of *The Film Daily*, A-Mike Vogel, chairman, Managers' Round Table Club of *Motion Picture Herald*.

Epes W. Sargent, editor, exploitation department, *Variety*.

Charles E. Lewis, editor and publisher of *Showmen's Trade Review*.

Red Kann, editor of MOTION PICTURE DAILY.

Television by Government Is British Plan

(Continued from page 1)

early establishment of a public television service."

It is understood the recommendation will be made that the British Broadcasting Corp. be given a monopoly of the television service.

The Television Committee's report represents the detailed conclusions of a body of experts, presided over by Lord Selsdon, who paid particular attention to technical matters, as well as to public and political considerations.

There is a general belief that the committee will recommend a pool of television patents, implying a standard form of transmitter and receiver, and that the official system will employ 180 "lines" against the 30 at present used by the B. B. C.

Protests from radio and film interests against the limitation of transmitting powers to official broadcasting stations may be expected but, with radio already a government monopoly, these are hardly likely to be successful.

Two or three hours of television transmission daily are probable as a start, with films providing much of the first program material. Radio experts envisage a general extension of television broadcasts until the present "sightless" broadcasts are abolished.

"Copperfield" Is Portland's Leader

PORTLAND, Feb. 1.—"David Copperfield" was the heaviest straight film draw here last week. It grossed $8,000, over par by $3,000, at the United Artists.

Total downtown business was $34,500. Average is $27,000.

Estimated takings for the week ending Jan. 24:

"THE NIGHT IS YOUNG" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"ROMANCE IN MANHATTAN" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,000.)

"WINGS IN THE DARK" (Para.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $5,000.)

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000.)

"THE COUNTY CHAIRMAN" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. (Return engagement, played previously at Paramount.) **Gross:** $3,000. (Average, $3,000.)

"SWEET ADELINE" (Warners)
MUSIC BOX—(1,000), 25c-35c-40c, 7 days. (Extended run from Music Hall.) **Gross:** $3,000. (Average, $2,000.)

"ANNE OF GREEN GABLES" (Radio)
ORIENTAL—(2,040), (2nd run), 25c, 7 days. **Gross:** $2,000. (Average, $2,000.)

Observe Keith Birthday

BOSTON, Feb. 1.—Keith's Memorial tomorrow starts an observance of the 52nd anniversary of the founding of the B. F. Keith vaudeville with seven acts of vaudeville headlined by Joe Penner and the Boswell Sisters. Next week Milton Berle and the Casino de Paree show will grace the stage. The following two weeks' bookings are not yet set.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Life Begins at Forty"

(Wurtzel-Fox)

HOLLYWOOD, Feb. 1.—Again Will Rogers delivers rib-rocking, heart-socking entertainment, loaded with laughter touched off by the comedian's inimitable brand of Americanese, officially clinching his right to the unofficial title of "the Mark Twain of the screen."

Chuckles, giggles, belly laughs and roars tumble over one another, meeting sob, throb and thrill, limned via melodrama, hokum and romance, in a production that exudes a salt-of-the-earth flavor and emerging as gorgeous entertainment.

Rogers is a small-town editor. Adding Richard Cromwell, an ex-convict, to his staff, he clashes with Banker George Barbier. Unable to pay Barbier his mortgage, Rogers starts a new paper called *Wild Cat*, giving the town real journalism, confounding Barbier and arousing a climax provocation by sending hog callers into action at Barbier's political rally. The highlight of hilarity is Rogers' pistol duel with Barbier, paving the way for the establishment of Cromwell's innocence and his marriage to Rochelle Hudson.

Rogers, safely ensconced as a comedian and humorist, adds to those accomplishments an uncanny acting ability, although surrounded by the outstanding support of Slim Summerville, whittling veteran; Sterling Holloway, Miss Hudson, Roger Imhof and Barbier, one of the screen's best troupers.

Sol Wurtzel, taking the title of Walter Pitkin's book, has projected Lamar Trotti's screen play into a five-star film, authentically mounted, neatly timed with moving incidents, and primed with explosions of laughter.

George Marshall's direction elects him to that select group who know how. Horace Jackson's photography is splendid.

As grand entertainment to suffuse an audience with a sense of elation and well-being, the film should flood showmen's coffers with plenty of do-re-mi.

Production Code Seal No. 581. Running time, 75 minutes. "G."

"Symphony of Living"

(Invincible)

HOLLYWOOD, Feb. 1.—While possessing some emotional appeal, story values keep this in the dual bill class. It tells of a violinist with a symphony orchestra. He is Al Shean, who has two worthless children, John Darrow and Evelyn Brent. The children live off their father until an accident injures his hand, making it impossible for him to continue playing. Then they leave him. The daughter goes off to marry into society and the son leaves the straight and narrow.

Later Shean becomes a violin teacher and eventually instructs his own grandson, Lester Lee, who develops into a prodigy. He learns Lee's identity only after the boy has made a huge success. In a court battle Lee chooses Shean as his guardian. The minor love story is carried by John Harron and Gigi Parrish. Some good production values and fine music sequences highlight the film.

Production Code Seal No. 543. Running time, 73 minutes. "G."

Looking 'Em Over

"Hei Tiki"

(First Division)

Produced by Alexander Markey with a native cast on the Isle of Ghosts, New Zealand, "Hei Tiki" is only mildly interesting despite a commendable simplicity and a picturesque background, excellently photographed.

The story, based on a legend of the native Tapai tribe, has to do with the love of the tribal chieftain's daughter, who has been designated to become the bride of their legendary war god, for a young warrior of an enemy tribe. The film, in preview form, appears to be too long. Judicious cutting might tend to speed the action and heighten interest, as well as eliminate several native dances by men which contribute nothing to the picture and might be found objectionable by many.

Performances of the native principals are passable. Musical accompaniments and narration by Markey are good.

No code seal. Running time, 86 minutes. "G."

Wall Street

Small Gains on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	36¼	35⅞	35⅞	— ⅜
Consolidated Film	6⅜	6¼	6⅜	+ ⅛
Consolidated Film. pfd. (½v)	20⅞	20¾	20¾	— ⅜
Eastman (4a)	113	113	113	+ ½
Eastman, pfd. (6)	145	145	145	— ½
Fox "A"	11	10¾	10¾	— ⅛
Loew's (1a)	33⅛	32½	32¾	.....
Loew's, pfd. (6½)	102	102	102	— ⅜
M-G-M (1.89)	28	28	28	.....
Paramount	4⅛	3⅞	4	.....
Pathe	1⅛	1⅛	1⅛	.....
RKO	2⅛	2	2	.....
Universal, pfd.	37½	37¼	37½	+ ½
Warner	4	3⅞	3⅞	— ⅛

Technicolor Off ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12¼	12⅛	12⅛	— ⅛
Trans-Lux (.20b)	3	2¾	3	.....

Paramount B'way Bonds Up 2⅝

	High	Low	Close	Net Change
General Theatre Equip., 6s '40	8½	8½	8½	.....
Keith B. F. 6s, '46	69	69	69	—1
Loew's 6s '41, ww deb rights	105⅝	105⅝	105⅝	— ⅛
Paramount B'way, 5½s '51	46⅝	45¾	46⅝	+2⅝
Paramount F. L., 6s '47	69	68	68¼	+1¼
Paramount Publix, 5½s, '50	68¾	68	68	+1
Warner Bros. 6s, '39, wd.	56½	56½	56½	.....

(a) Plus cash extras. (b) Paid last year. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 1)

Saunders Is Guest At Surprise Dinner

Claud Saunders, general manager of Ross Federal Service, was guest of honor at a surprise testimonial dinner last night at the French Casino. A number of men formerly associated with him in the Paramount exploitation department were present and telegrams were received from 15 others.

Among those present were:

Hal Horne, United Artists; John Goring, lessee of the Criterion; Leon J. Bamberger, sales promotion manager, RKO Radio; A-Mike Vogel, chairman *Motion Picture Herald* Round Table Club; Oscar Doob, Loew's Theatres; Fred V. Greene, Jr., exhibitor; Leslie Whelan, eastern publicity director for Harold Lloyd; Vernon Gray, Columbia; E. M. Orowitz, radio commentator; Lee Balsly, ad sales manager, Fox; Fred Walters, New York manager, Ross Federal Service; Harry Royster, district manager, Paramount; P. K. Thomajan, First Division; Edward J. Wall, Paramount real estate department; Russell Moon, Fox, Irwin Zeltner, Loew Theatres exploiteer; Ed Corcoran, Paramount exploiteer in Philadelphia.

Cables and telegrams were received from Al Boasberg, Earl Cunningham, John J. Friedl, George Gambrill, Bob Gary, John Kennebeck, Kenneth Renaud, Rick Ricketson, John Max Rosenfield, Jr., George Smith, Harry Swift, Charles Wagner, Howard Waugh and William Wright.

Flash Preview

Mutiny Ahead— . . . acceptable fare for secondary houses . . . aims to satisfy action and thrill fans. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

FWC Hearings on Today

LOS ANGELES, Feb. 1.—Formalities lifting Fox West Coast out of bankruptcy start tomorrow before Referee McNabb.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 30 NEW YORK, TUESDAY, FEBRUARY 5, 1935 TEN CENTS

Cohen Out of Paramount; Lubitsch May Fill Spot

Supreme Court Hears Appeal On Tri-Ergon

Para. Argument Up; Two Cases Set for Today

WASHINGTON, Feb. 4.—Arguments in the first of the three so-called Tri-Ergon cases started today before the U. S. Supreme Court with the presentation of the Paramount Publix case, to be followed by the Altoona Publix and Wilmer & Vincent cases, the last two being joined. It is expected the hearings will be concluded tomorrow, the court having allowed a total of four hours for all presentations.

The case came before the court on appeal from Paramount for reconsideration of its original refusal to review the decision of the lower courts holding that William Fox, through Tri-Ergon, was the owner of important sound patents.

The argument presented to the court today was highly technical, revolving around the flywheel and other

(*Continued on page* 14)

See Mild Hearing On Code's Levies

WASHINGTON, Feb. 4.—With no requests before them for time, officials of the NRA tonight expressed the belief that the hearing on code assessments Tuesday will be comparatively short and devoid of controversy.

So far, he said, not a single request to be heard has been received, although it was pointed out there is

(*Continued on page* 3)

Machine Gun's Fire Ends Maloy Career

CHICAGO, Feb. 4.—A machine gun today ended the hectic career of Thomas E. Maloy, business agent and dictator of the M. P. Operators' Union. His head was practically blown off as he sat in an automobile, accompanied by Emmett Quinn,

(*Continued on page* 13)

Skouras Loses Espy To Goldwyn Mar. 15

LOS ANGELES, Feb. 4.—Reeves Espy, associated with Skouras for 14 years, the last three as division manager of the circuit's Los Angeles de luxe houses, will resign March 15 to join Samuel Goldwyn as a production aide.

Quick Action Is Looked for On FWC Setup

LOS ANGELES, Feb. 4.—Quick action is expected on the final steps removing Fox West Coast Theatres from bankruptcy in spite of the filing of two new anti-trust suits against the bankrupt circuit.

The sale price totalled $15,443,888.16. During the late stages of the negotiations Chase National Bank withdrew a claim of $2,700,000, which was secured by $800,000 in collateral.

Many of the final details probably will be handled in New York. Spyros Skouras and the legal talent that attended the formalities here Saturday

(*Continued on page* 14)

Newsreels Ordered Out of Flemington

FLEMINGTON, Feb. 14.—Supreme Court Justice Thomas W. Trenchard today ordered all newsreel cameras and cameramen from the courtroom as a result of pictures taken last week in

(*Continued on page* 14)

Expect Decision by Warner in Nashville

Whether or not Warners' option to take over five Nashville houses of Crescent Amusements, Inc., will be exercised is expected to be decided

(*Continued on page* 14)

Non-Committal

Hollywood, Feb. 4.—Ernst Lubitsch told *Motion Picture Daily* tonight he knew nothing of reports that he would handle Paramount production as successor to Emanuel Cohen, whose services were terminated in New York today.

The director admitted he had heard such a rumor in circulation about a year ago. Beyond that, he would say nothing.

Blacklisting Not to Apply On Film Quota

WASHINGTON, Feb. 4.—Blacklisting of nations unfair to American goods is not expected to extend to those countries which have created quota barriers against films and other products, it was indicated today.

Having itself adopted the quota system, the government is in no position to insist upon its abandonment by other countries. Instead, it is hoped this situation may be straightened out through the reciprocal trade agreements which are in process of negotiation or will be undertaken. In the case of the treaty with Brazil which was signed Saturday, that country pledges itself not to increase import rates on films.

The proposed blacklist has not yet

(*Continued on page* 4)

Zukor Informs Him He Is Through—Herzbrun On Administration

By RED KANN

In a two-minute interview with Adolph Zukor yesterday, Emanuel Cohen, vice-president in charge of production of Paramount, was informed his period of service with the organization had been terminated.



Emanuel Cohen

No word came from company sources last night as to his successor, but the understanding is Henry Herzbrun, long the company's legal representative at the studio, will handle business administration with Ernst Lubitsch, ace director, in charge of production.

In his New York apartment towering high above Central Park, Cohen personally and verbally last night told of the end of an association which began with Zukor's invitation in 1927 to join Paramount and launch Paramount News. He issued no statement, merely announced briefly and succinctly that he was finished; that he had not resigned, but had been asked to step out. In paid advertising elsewhere in this edition, Cohen expresses his thanks to his co-workers in Paramount and, as a closing "beau

(*Continued on page* 4)

Review Denied for N. E. Receiverships

WASHINGTON, Feb. 4.—The U. S. Supreme Court today denied E. M. Loew, Inc., and other New England concerns a review of a lower court appointment of receivers for two Paramount Publix subsidiaries after an attachment had been issued against them in an anti-trust suit in the Federal courts.

The subsidiaries, the Olympia Theatres, Inc., and the Olympia Operating Co., were involved in the anti-trust suit. New England Theatres, Inc., filed an equity receiver's suit in the state court which was challenged by the Loew interests.

Writers Strike Out for a Fair Practice Code of Own

HOLLYWOOD, Feb. 4.—Close on the heels of actors who who are seeking a fair practice code of their own, writers now have reposing on the desk of Major J. O. Donovan, head of the local Campi office, a 20-page brief outlining working conditions under which they seek to function.

The highlights include:

Writers to be employed on specific contracts with work on a speculative basis to be eliminated.

Writers are not to be "farmed" without their written consent.

Pay for travel time.

Full screen credit for writers and no sharing with those who have not

(*Continued on page* 3)

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Pecora, Wallace at Initial M. P. Forum

The first M. P. Club Forum of the year will be held at the club today at 12:45 and on every Tuesday hereafter.

Prominent speakers from various professions and industries will be heard each week. Among those who will be present today are: Justice Ferdinand Pecora, of the N. Y. Supreme Court, Judge James A. Wallace, of the Court of General Sessions, Amos Pinchot, and Nathan Burkan.

Felix Feist will act as chairman and the speakers will be introduced by Louis Nizer.

To Pick MPTOA Group

ST. LOUIS, Feb. 4.—Delegates to the February M.P.T.O.A. convention in New Orleans will be elected at a special meeting of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois to be held Feb. 19. This unit will be represented by 16 men.

Ginsberg Back on Coast

HOLLYWOOD, Feb. 4.—Henry Ginsberg is back at his desk at Hal Roach studios this morning. The Roach executive had been in New York for home office conferences for the past two weeks.

Glucksman After House

E. M. Glucksman, former president of Mentone Prod., is working on a deal with Milton C. Weisman, receiver for Fox Theatres, to reopen and operate the Audubon.

Purely Personal

CLYDE ELLIOTT, who shortly will produce "China Roars" for Columbia release, yesterday gave the Cheese Club the inside dope on how easy it is to make animal pictrues in India and Africa. CARL BERGER, his cameraman, helped him along. Both leave for San Pedro next week and sail on Feb. 18 for an eight-month camera tour "shooting" wild animals in China. SAM LIEBOWITZ, CHARLES WINNINGER, LEON BELASCO, CARL BERGER, and MARTIN WEYRAUCH were other speakers. Introduced in the audience were LEONARD LYONS, MARTIN DICKSTEIN, HY GOILDSTEIN, ALEX YOKEL, KELCY ALLEN and others.

•

MORRIS GOODMAN, vice-president of Mascot, is now playing the proud father for the second time. Mrs. Goodman presented him a six-pound daughter at The Doctors' Hospital Sunday. Mother and daughter are reported doing fine.

Quip of the Day

Jack Levin, waxing funny yesterday, went into ideas of titles: "How about calling the next Joe E. Brown "The Wandering Jaw?" was the net result.

ARMANDO AGNINI, stage director for the Metropolitan Opera, has been signed by Paramount to authenticate MAE WEST'S singing of "My Heart At Thy Sweet Voice" from "Samson and Delilah," in her new picture, "How Am I Doing?"

•

WILLIAM SUSMAN joins the Fox home office group leaving for Chicago Friday to attend district managers' meeting Feb. 10-11 at the Congress. Convention plans and sales cleanups will be the principal topics.

•

LOU WEINBERG, who has considerable to do with circuit deals at Columbia, leaves for Miami Beach Wednesday to be gone two weeks. MRS. WEINBERG will be with him.

•

AL LICHTMAN returned from Miami yesterday and the first thing he did when he got back was to go into conference with JOSEPH M. SCHENCK.

•

RAYMOND PAIGE and his orchestra will feature two songs from 20th Century's "Folies Bergere" when he broadcasts Saturday night.

•

GRAD SEARS yesterday returned to New York and his desk at Warners following a combination business-vacation trip to Honolulu.

•

HARRY C. ARTHUR returned yesterday from a week in St. Louis. Still reports everything quiet on the St. Louis front.

•

WILLARD PATTERSON and his wife, ANNA AIKEN PATTERSON, are in town from Detroit. At the Park Central.

•

WILLARD MCKAY and HERB YATES occupied one of the corners, immediately off the bar, at "21" yesterday.

•

A. S. DICKENSON, of the Hays office, left yesterday for a 10-day tour of Southern key cities.

•

LESLIE THOMPSON is now temporarily residing in Miami.

NATE BLUMBERG'S birthday party Sunday night was festive and gay. The utrnout included RUBY and MILTON SCHWARZWALD, with son ARNOLD trailing along later, the FREDDIE MEYERS, the JOE GERSHENSONS, the BUGS BAERS, the ANATOLE FRIEDLANDS, MA and MATTY FOX, the FRED MACISAACS, the LOU WEINBERGS, MARSHALL GRANT, that up and rising young actor, and some others.

•

AL CHRISTIE, fully recovered from a recent siege of the flu, arrived yesterday from the coast on the *Virginia.* He was accompanied by Mrs. CHRISTIE WILLIAM AATSON, associate producer and writer, and ART JARRETT, writer. They will start work soon on a new JOE COOK comedy at the Astoria studio.

•

HERMAN ROBBINS and SAM DEMBOW, JR., entertained in the lavish manner at "21" yesterday. ROBBINS, incidentally, is one of many who expect to be aboard the M.P.T.O.A. convention special which pulls out of New York on Feb. 24. After that, to Miami. Oh, for the life of a trailer man!

•

CHARLES MOSES of Century was given a birthday party by 25 of his friends at Leon & Eddie's yesterday. LOU GELLER, who added another anniversary to his life on Saturday, attended but missed a celebration in his own honor.

•

JOHN R. MARONEY, attorney for Interstate circuit, is in from Dallas for a few days on business. Code cases come under that heading.

•

AL FRIEDLANDER is on the road again. Detroit is his first stop. Chicago his second, and from the Windy City he goes to the coast.

•

JULES LEVY, just back, is casting longing eves in the general direction of Florida. Chiefly Miami, but any part of the state will do.

•

BILL DANZIGER, formerly with Donahue & Coe, is now handling short subject publicity and press books at M-G-M.

•

HARRY HIRSHFIELD says that the "Friars' Frolic" on Feb. 24 has been switched from the Majestic to the Imperial.

•

I. B. ADELMAN of the Delman, Houston, Tex., and his attorney L. M. RICE, are New Yorking for a few days.

•

PAT CASEY says he'll leave for Hollywood in two weeks. He's optimistic about his current eastern visit.

•

HARRY SHIFFMAN became a benedict Saturday, but is too busy to go on a honeymoon at present.

•

TREM CARR, Monogram producer, expects to stick around for a couple more weeks.

•

LEON BELASCO left for Miami shores yesterday.

•

Joe Stein adds this simile: "As unimportant as the fourth Marx brother."

Film Concerns Get Income Tax Rebates

Columbia Picture Corp. headed the list of film companies which have received refunds from the Treasury Dept. on illegally collected income taxes for the fiscal year of 1934 with a refund of $32,482.59, according to information released from Washington.

Cinema Patents Co., Inc., received $1,656.90; Fox-New England Theatres, Inc., $12,230.75; Sam Katz, $31,299.71; B. F. Keith, $7,415.88; Keith Massachusetts Corp., $1,165.36; Keith Ohio Corp., $6,095.36; Loew's Ohio Theatres, Inc., $32,119.48; Loew's United Artists Columbus Corp., $5,060.52; Louis B. Mayer Prod., Inc., $1,735.88; Paramount Publix Corp., $14,937.45; Paramount Publix Corp., $3,566.06; Trans-Lux Daylight Picture Screen Corp., $2,111.41, and Universal Pictures Co., Inc., $2,059.20.

In Hollywood, Greta Garbo got back $3,300; Walter Huston, $13,293; Maurice Chevalier, $820; John Gilbert, $3,441; Ronald Colman, $569 and Marlene Dietrich, $675.

"Copperfield" Held Again

Because of the big week-end business, the Capitol is holding "David Copperfield" a fourth week, setting back "Sequoia" to open Feb. 15. This marks the third picture in the history of the house to be held a month. The previous two were "Flesh and the Devil" and "The Barretts of Wimpole Street."

Van Praag on Coast

LOS ANGELES, Feb. 4.—Morton Van Praag, general sales manager for National Screen, is here on next season's trailer deal with Fox West Coast.

DuWorld Gets "Revolt"

DuWorld Pictures has acquired from Mentone Prod. the world distributing rights for "The World in Revolt." The picture will be road showed, with Gil Boag in charge.

Closes Washington Deal

Arthur A. Lee, vice-president of Gaumont British, has closed a deal with Radin & Levine of Washington for first run of all his company's product at the Belasco there.

East on Labor Parley

HOLLYWOOD, Feb. 4.—Frank Brandon, Paramount studio manager, is off for New York to confer with national labor heads. He expects to remain in the east for a month.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Nizer Book, First On Code, Out Soon

When "New Courts of Industry: Self-Regulation Under the Motion Picture Code" appears on or about Feb. 15 bearing the imprint of the Longacre Press, Louis Nizer, its author, will have the distinction of having written what is said to be "the first scientific review of the actual workings of a code under the NRA." The book is based on the film attorney's wide experience with code cases.

The book will offer a summary of the principles involved in every code dispute, with generous reference to Code Authority decisions, each of which will be analyzed. Clearance and zoning and overbuying and other complaints will be discussed.

Code activities of the year will also be reviewed in the book, which will contain an appendix consisting of the text of the code and an analysis of the document explaining each clause in layman's terms. In addition there will be a detailed index to the text and a separate index to the code analysis and code provisions.

"New Courts of Industry" has been written with layman as well as lawyer in mind and is intended as a "guiding reference to exhibitors, producers and distributors who desire to know their rights under the code," according to the publishers.

Austin C. Keough, general counsel and vice-president of Paramount Publix and chairman of the legal committee of Code Authority, has written an introduction.

Houston Clearance Appealed by Horwitz

Will Horwitz, operating the Ritz, Houston, Tex., and Interstate Circuit of Texas yesterday appealed a decision of the Dallas clearance and zoning board which cut the clearance of the Delman, Houston, from 210 days to 75. L. M. Rice, attorney for I. B. Adelman, operator of the Delman, stated that the two theatres are not in competitive zones and that, when Horwitz bought protection, the latter provided for four theatres he planned to build. Rice also stated that the Delman charges 25 cents and has to follow theatres in the same zone charging 15 cents. John R. Maroney of Dallas represented Horwitz and Interstate.

The committee hearing the appeal consisted of Charles Casey of Casey & Wheeler circuit and William Sussman of Fox. Louis Geller appeared when the Rex appealed from a decision of the New York grievance board which found him guilty of violating the reduced admission clause in the code. Geller has the 68th St. theatre.

Although there were no appearances, the committee discussed the Dickinson, Iola, Kan., against E. Van Hyning, Uptown, same city, issue on reduced admissions.

Dubinsky Clearance For St. Joseph Cut

KANSAS CITY, Feb. 4.—Reducing Dubinsky's first run protection over complaining subsequents in St. Joseph, Mo., the local zoning board has decided as follows:

Pictures not dated into the Crystal, Dubinsky 15-cent second run, within 30 days after close of first run engagements shall become available to subsequents not earlier than 118 days after first run. This moves the subsequents up to the Crystal's present spot.

Pictures dated into the Crystal within 30 days from first run shall become available to subsequents not sooner than 135 days.

The board did not disturb Dubinsky's Orpheum clearance of 74 days over subsequents.

On the complaint of H. F. Strowig, Abilene, Kan., against Fox Midwest theatres in Salina, Kan., the board decided that the Watson, "A" house in Salina, should continue to receive seven days' clearance over Abilene, provided pictures are played in Salina within 42 days following completion of first run in Kansas City, Mo. If the Watson fails to play within that time, then clearance over Abilene is waived.

It was further determined that the Strand, Fox "B" house in Salina, shall get no clearance over Abilene when it reduces its admission under the tariffs in the latter town. This will permit the Lyric in Abilene, at 30 cents, to play ahead of the Strand, Salina, which charges 25 cents.

Writers Strike Out for a Fair Practice Code of Own

(*Continued from page* 1)

actually collaborated on a given script.

Abolition of any understanding that writers are to pay costs of unsuccessfully defended plagiarism suits.

Restriction of period of suspension during which writers may be kept inactive in the case of strikes or fires.

A week's notification to be sufficient to cancel out a week-to-week contract, such notification emanating from either party.

A weekly minimum of $50 for readers with individual readings to be paid proportionately.

The brief which was signed by a committee composed of Ralph Block, John Emerson, James Gleason, Dudley Nichols and Waldemar Young, all of them members of the writer-members of the five-five committee, stated the writing profession here has been negotiating with producers on several distinct occasions from Aug. 6, 1934, to Jan. 4 of this year, when producers declared they would not vote orally but submit a written report similar to the writers' own proposals.

The brief will be forwarded automatically to Washington by Donovan in accordance with the method adopted for the recent actors' findings.

The producers' answer to the writers' five-five brief is now in process of printing and will be forwarded to Washington shortly.

New Haven Revives Clearance Protests

NEW HAVEN, Feb. 4.—As a result of the failure of Campi to act on three clearance and zoning schedules set up by the New Haven board, several individual protests which were calculated to have been settled under the schedules have been revived for hearing by the board.

Mike Cascioli of the Park held that the 30 days' clearance taken by the Rivoli and Cameo were unjust and unprecedented, and received a unanimous determination that the Rivoli, Cameo and Park may purchase a maximum clearance of 14 days over each other.

The Rivoli, Hartford, asked for a continuance of its case against Warners' Colonial and Lyric Theatres until Feb. 12, when Joseph Shulman and Maurice Shulman will maintain that the Warner protection is unjust in view of the distances involved.

Philadelphia Vote Upon Premiums Out

Campi has unanimously voted down the premium ban in Philadelphia on the ground that it was confined to one section instead of applying to the whole territory.

Last summer a vote on premiums was taken, but was confined to southern New Jersey theatres. After the vote had been completed, it was found that one theatre was closed and another had burned to the ground. Some exhibitors and premium sponsors claimed that the 75.7 vote should be reduced to 72.5 because both houses were closed and were not qualified to vote.

Campi in throwing out the ban voted in favor of the 72.5 decision and further held that the vote, when it was taken, should not have been confined to one area, but must include the entire territory.

Six Miles Distant; Fights Bank Nights

KANSAS CITY, Feb. 4.—Though the towns are six and a half miles apart, Walter Hohlfield, Elite, Greenleaf, Kan., has lodged a bank night complaint against Charles Swiercinsky, Majestic, Washington, Kan. The complainant asserts the theatres are in direct competition.

Frank H. Cassil is appealing the local board's determination in a bank night case that his Rialto is in direct competition with the Olive in St. Joseph, Mo. The desist order against A. B. McNabb, Gem, Neodesha, Kan., following a bank night complaint, is also appealed.

Coast Code Plea Up In Court Wednesday

LOS ANGELES, Feb. 4.—Petition for an injunction against distributors to prevent them from shutting off film supply at the Oxnard, Oxnard, which refused to comply with a Campi order to stop giveaways is slated to be heard in the U. S. District Court on Wednesday. The Mission here complained of the practice, the complaint was upheld by the local board and Code Authority.

The U. S. district attorney here has been ordered by Washington to represent the local code board in the action.

See Cause of N. O. Fire

NEW ORLEANS, Feb. 4.—The theory was advanced today that the fire which damaged the Carrollton on Saturday originated in the ventilating system and from there was carried to all parts of the house.

NRA Men Cited in Seattle Labor Case

SEATTLE, Feb. 4.—Three Seattle officials of the NRA have been cited to appear in Federal court here to answer a complaint filed by 20 projectionists of the John Danz Sterling circuit charging attempts to interfere with satisfactory scales of wages and working hours. An injunction is sought.

The operators charge that the NRA arranged for wage increases at a hearing here which neither employes nor employers attended and which would force the closing of seven Sterling houses, that it attempted to create labor disputes where none existed, and that it tried to induce employes to demand higher pay or strike, which they refused to do. It is also charged the NRA officials attempted to give the public a false impression that the circuit was chiseling.

The houses involved are the Roosevelt, Winter Garden, Capitol, Colonial, State, Florence and Star. The NRA states these houses are operating below the wage scale set by the code and must give up their blue eagles even though wages and hours were agreed upon through collective bargaining between Danz and the employes.

The defendants are James Bradford, State NRA compliance director; R. D. Horning, State labor compliance officer, and Charles Dennis, U.S. attorney.

See Mild Hearing On Code's Levies

(*Continued from page* 1)

always a possibility that individuals who failed to register will ask for time. Indications are, however, that the fireworks originally expected will not materialize.

Hiram S. Brown, former RKO president and now NRA budgetary officer, will sit in a technical advisory capacity.

No Protest Expected On Campi Budget

No objections to the 1935 Campi budget of $360,000 are expected at the public hearing in Washington today before Compliance Director Sol A. Rosenblatt. John C. Flinn left for Washington last night to attend the hearing as Campi's representative. He returns tomorrow.

The production committee yesterday decided to shift the selection of personnel on the committee to hear the C. C. Burr complaint against Larry Darmour in connection with Ben Maynard's contract to the coast office.

Grainger Returning To Launch "U" Drive

HOLLYWOOD, Feb. 4.—With Universal's release schedule definitely set up to June and everything at the studio working smoothly, James R. Grainger, general sales manager, left for New York last night to launch a selling drive. He will return here in April for conferences on new season product.

Cohen Out of Para.; Lubitsch May Fill Spot

(Continued from page 1)

geste," thanks exhibitors for "their renewed conndence in Paramount pictures."

The development came swiftly on the heels of the exclusive Hollywood dispatch in this publication yesterday morning pointing out that the deposed executive had been summoned hurriedly and unexpectedly to New York by the new board of directors where word awaited him that his place was to be filled.

In only one slight detail was that report erroneous. It was not the board that Cohen faced, as reported, but Zukor to whom had been given the job of informing Cohen that he was finished.

Reticent on Future Plans

Of his plans, Cohen was reticent last night. He created the impression he had an idea of what he proposed doing. Beyond stating he would remain in New York for four or five more days and then return to Hollywood, he was silent.

In the meantime, the cleavage is sharp and complete. When Cohen again reaches the coast, he will return to the studio, not to break anyone in or to confer on pictures, current or in work, but to pack his personal belongings and arrange for a hat rack elsewhere.

The development which came to a climax yesterday and last night has been brewing for six or more months. Reports have been shuttling back and forth between New York and Hollywood that Cohen who, at one time, had been valiantly supported by Adolph Zukor and George J. Schaefer no longer had their approbation entered on his side of the ledger. It has been common rumor, gaining constantly in volume and strength in the last few weeks, that the die had been cast against him.

Last night in the quiet of his apartment, Cohen created the impression, not that he was happy about the split, but somewhat glad that what he either sensed or knew had been impending, had finally broken in the open.

Sees No Apologies Due

It is known that he regards his record with the company as standing on its own and that no apologies are due in any quarter for his production accomplishments since he was given complete charge of the studio in the summer of 1932. His friends vouchsafe for him that Paramount's output in the last season, in particular, is better than it has been for some time. They add in the same breath that Cohen's management has been responsible. They point out further that he occupied the driver's seat in Hollywood throughout the company's bankruptcy and under circumstances of themselves not easy to combat.

Cohen, who in addition to being vice-president in charge of production, was also a director of the corporation until December, came to Paramount as editor of the company's newsreel and in charge of its short subject production, in 1927. Prior to that he had been associated with Pathe News since 1914, serving as associate editor of the newsreel, and from 1915 to 1926 as editor of both the reel and of Pathe Review, and director of short subject production.

His entry into the company was coincident with the organization of the company's newsreel. As a condition of his transfer he insisted upon having his own building and laboratory and complete freedom in following his own ideas in developing the reel. When Jesse L. Lasky was asked to take a three months' leave of absence as production head of Paramount on April 26, 1932, Cohen was sent to the coast to assume Lasky's duties. On June 16, 1932, he was formally given the title of vice-president in charge of production. The following day B. P. Schulberg resigned as executive producer giving Cohen full sway over the studio.

A counter authority threatened for a time in the appearance at the studio of Sam Katz on June 1, and was not removed until Oct. 28, when Katz resigned as vice-president of Paramount in charge of theatre operation. Katz had been giving increasing attention to production during the interim and appeared inclined to spend the greater part of his time at the studios. In the days of declining business following 1929, however, Cohen, more and more, was turned to for advice by Zukor, who continually gave his support to Cohen in crucial times during the early days of the company's bankruptcy.

Skourasiana

Morris Kutinsky tells one on George Skouras:

Last week he was called into Skouras' office for a reduction of rent on a number of houses Kutinsky owns and the latter operates under a Fox Met deal. Said Kutinsky: "The first year you asked and got a rent reduction. The second year you complained of losing money again and I gave you another slice. The third year you bitterly complained of heavy losses and you got another cut.

"If you're losing so much money, why don't you drop the houses and I'll take them back?"

Skouras retorted: "Well, if I do that how am I going to make a living?"

Marines for Opening

Headed by Rear Admiral Yates Stirling, Jr., commandant at the Brooklyn Navy Yard, a contingent of Marines will be present at the opening of "Devil Dogs of the Air," at the Strand tomorrow night.

Commander B. Ware, aide-de-camp; Captain Collins, Col. G. M. Kincade of the Marine Corps, Capt. L. W. Hesselman and Lieutenant-Commander L. J. Wiltse are also expected.

A color guard will be stationed in front of the house all evening and the Naval Militia Band will play.

Lombard Opposite Crosby

HOLLYWOOD, Feb. 4.—Carole Lombard has drawn the top spot with Bing Crosby in Paramount's "Sailor Beware."

Wolfson Would Keep Freedom of Appeal

KANSAS CITY, Feb. 4.—The right of appeal from decisions of local boards should remain unrestricted, declared Fred J. Wolfson, attorney and impartial member of the Kansas City grievance board, when replying to the Campi questionnaire on code boards' activity and procedure which was sent to all Government representatives.

Answering the question, "How can appeals to Code Authority be reduced in number without unfairness to any complainant or respondent?" Wolfson wrote:

"In my opinion, appeals might be reduced if the local board would sit more often as an Industrial Adjustment Agency and thus serve in only an advisory capacity. This, I believe, would probably enable the interested parties to arrive at a satisfactory adjustment of their own differences, at least in many instances. On the other hand, I am not at all certain that any other method should be employed to reduce the appeals, as I feel that the power of appeal should be granted in every instance where it is desired, as the parties are thereby made to feel that the decision is not tempered by any local conditions."

Replying to another query, Wolfson said: "In my opinion, the members of our local board are exceedingly sincere in their determinations, and it is my impression that each individual member of our board never allows himself to be swayed by the group he represents."

Cleveland Clearance Up to the Exchanges

CLEVELAND, Feb. 4.—The protection agreement which expired Dec. 31 was an exhibitor document. It was drafted by exhibitors, signed by exhibitors and policed by exhibitors. Violations are reported to the exchanges by exhibitors, each protecting his own theatre, and it was generally understood that it was not the duty of the exchanges to see that the provisions of the agreement were carried out.

Now that is all changed. With the expiration of the agreement, the exhibitors no longer watch each other for violations and it has devolved upon the exchanges, in order to protect their first run accounts, to see that pictures are booked according to the availability dates to each theatre in accordance with the classifications as set up in the agreement.

First run accounts were sold with protection in accordance with the Cleveland agreement and now the local distributors are protecting those accounts by maintaining the terms of the agreement subsequent to its expiration and by taking over from the exhibitors the job of checking the subsequent run availability dates.

M-G-M Testing Use Of a New Developer

HOLLYWOOD, Feb. 4.—A new devoloping process, designed to eliminate "chemical flicker" from talking pictures has just been perfected by M-G-M engineers, according to the studio. Process consists of bombarding the film with minute particles of chemicals as it goes through the laboratory. Increased brilliance, lessening eye strain, and improved quality of sound, particularly music, are claimed.

Blacklisting Not to Apply On Film Quota

(Continued from page 1)

become a reality, but is merely under consideration, the idea being to retaliate for discriminations against American products by countries which do not enter into trade agreements with this nation. This would be done by confining to treaty countries the concessions which are granted under the agreements.

It would be possible, thus, to penalize France for restrictions on American films by providing that she shall not benefit by import concessions made to other European countries. Such action, however, might be made dependent upon France's action with respect to entering into a trade agreement.

Two Sabbath Bills Up in Pennsylvania

HARRISBURG, Feb. 4.—Two new Sunday opening bills have just made their appearance in the Pennsylvania Legislature. Each proposes a compulsary referendum at the next general election.

A measure introduced by Senator Max Aron of Philadelphia proposes that each municipality vote on whether to permit movies after 2 P.M. on Sundays, such action to be binding upon the authorities. The bill provides that after 1935 the will of the electors may be ascertained again by referendum when at least five per cent. of the voters in the party winning the previous election shall petition for it. No such referendum may be held more than once in three years. The bill was referred to the Committee on Law and Order.

A similar measure was introduced in the House by Assemblyman Louis Schwartz of Philadelphia. The Schwartz measure, however, would allow a second referendum to be taken in a municipality not oftener than once in 10 years. It was referred to the Committee on Elections.

Missouri Bill Aims To Stop Giveaways

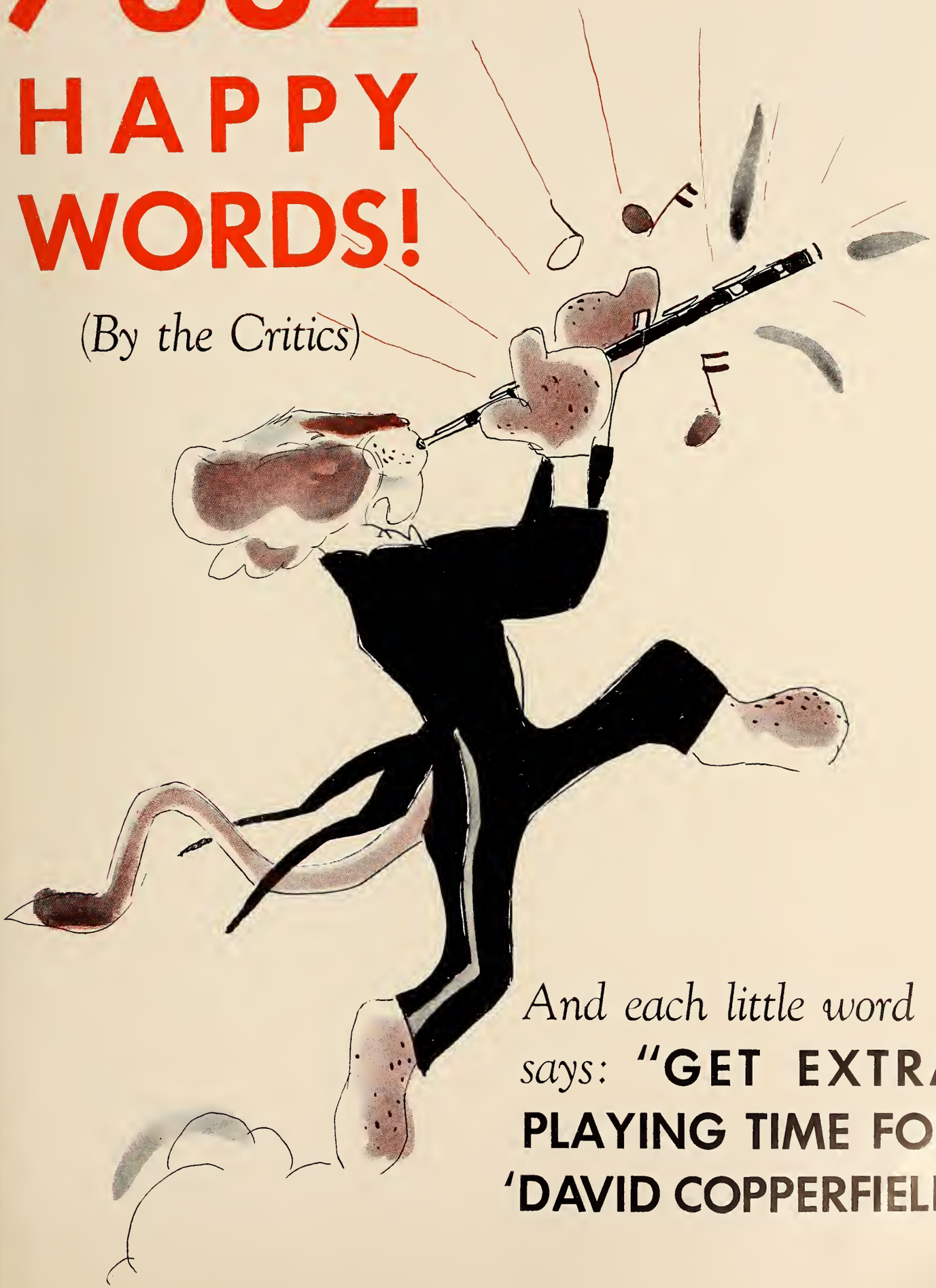
JEFFERSON CITY, Feb. 4.—Giveaways are hit in a bill just presented to the Legislature by Representative Frank F. Catron of Lexington, Mo. Prizes involving the possession of a certain ticket would be punishable by fines of from $100 to $1,000.

There are now pending before the General Assembly a three per cent, two per cent and one per cent sales tax bills and also the Lindhorst bill to impose a 10 per cent tax on film shows, other amusements and a few other selected industries to provide funds for an old-age pension plan.

A special hearing has been held to give opponents of the sales tax measures an opportunity to be heard. Business men from all parts of the state were on hand to express their disapproval of any increase. The legislators were told that if the present one-half of one per cent tax bill is rigidly enforced in all parts of the state there would be no necessity for seeking additional taxes.

7382 HAPPY WORDS!

(By the Critics)



And each little word says: **"GET EXTRA PLAYING TIME FOR 'DAVID COPPERFIELD'."**

(You'll see!)

THE SCREEN

The Capitol Presents a Distinguished Screen Edition of 'David Copperfield'—

DAVID COPPERFIELD, adapted from the Dickens novel by Hugh Walpole, screen play by Howard Estabrook; musical score by Herbert Stothart; directed by George Cukor and produced by David O. Selznick for Metro-Goldwyn-Mayer. At the Capitol.

Micawber .....W. C. Fields
Dan Peggotty.....Lionel Barrymore
Dora .....Maureen O'Sullivan
Agnes .....Madge Evans
Aunt Betsey .....Edna May Oliver
Mr. Wickfield.....Lewis Stone
David, the man.....Frank Lawton
David, the child.....Freddie Bartholomew
Mrs. Copperfield.....Elizabeth Allan
Uriah Heep.....Roland Young
Mr. Murdstone.....Basil Rathbone
Clickett.....Elsa Lanchester
Mrs. Micawber.....Jean Cadell
Nurse Peggotty.....Jessie Ralph
Mr. Dick.....Lennox Pawle
Jane Murdstone.....Violet Kemble-Cooper
Mrs. Gummidge.....Una O'Connor
Ham .....John Buckler
Steerforth .....Hugh Williams
Limmiter .....Ivan Simpson
Barkis .....Herbert Mundin
Little Em'ly, the child.....Fay Chaldecott
Agnes, the child.....Marilyn Knowlden
Little Em'ly, the woman..Florine McKinney
Dr. Chillip .....Harry Beresford
Mary Ann.....Mabel Colcord
The Vicar.....Hugh Walpole

By ANDRE SENNWALD.

"I have in my heart of hearts," said Dickens, "a favorite child and his name is David Copperfield." The classic story of David's triumphs and sorrows, and of the amazing people who were his friends and enemies, has been made into a gorgeous photoplay which encompasses the rich and kindly humanity of the original so brilliantly that it becomes a screen masterpiece in its own right. The immortal people of "David Copperfield," of whom G. K. Chesterton has said they are more actual than the man who made them, troop across the Capitol's screen like animated duplicates of the famous Phiz drawings, an irresistible and enormously heartwarming procession. It is my belief that this cinema edition of "David Copperfield" is the most profoundly satisfying screen manipulation of a great novel that the camera has ever given us.

Therein you will discover all the superb caricatures of blessed memory, led by a manly and heartbreaking David who is drawn to the life in the person of Master Freddie Bartholomew. Here are all the old scenes of David's adventures, Blunderstone and Yarmouth, Dover and Canterbury and London. Here are Peggotty, with no shape at all, and Aunt Betsey Trotwood, who expressed both her hatreds and her affections in the furioso manner, and poor Mr. Dick, who couldn't keep King Charles's head out of his writings, and bluff Dan Peggotty, who owned the heart of a child, and Barkis, who was willin', and Uriah Heep, who was 'umble, and dear Little Em'ly, and the terrible Mr. Murdstone, and all the rest.

Lord bless us, and Micawber, the inconquerable Micawber, who inhabited a world of creditors and squashy souls, but sent his spirit soaring among the stars. Being himself pretty generally a spiritual descendant of Mr. Micawber, W. C. Fields manages with the greatest of ease to become one with his illustrious predecessor according to the directions laid down in the text of Dickens and the drawing of Phiz. The Fields Micawber is, as it ought to be, the one performance that is able to remain predominant among such splendors of character acting as Lennox Pawle's Mr. Dick, Edna May Oliver's Aunt Betsey, Roland Young's Uriah Heep, Lionel Barrymore's Dan Peggotty and both Master Bartholomew as David the boy and Frank Lawton as David the man. Being himself touched by madness and genius, Mr. Fields is similarly the only player in a notable cast who has the audacity to contribute anything of himself to these incredibly real people of Dickens. But when you have heard him in his lofty rhetorical flights, heard him in the speech that begins: "You perceive before you the shattered fragments of a temple that was once called man"; heard him say: "With renewed courage I again throw down the gauntlet to society," you will perhaps understand that Mr. Fields can do no wrong.

Naturally, it is the magnificent Micawber, the indigent aristocrat, the tool of circumstance, who dominates that most splendid scene in which the sniveling Uriah is brought to account for his treacherous conduct toward Mr. Wickfield. Striking his regal pose, with the verminous Uriah quaking before him, and the victims of Uriah's cupidity at his back, he declaims that memorable declaration of independence which begins: "In denouncing the most consummate villain that has ever existed, I ask no consideration for myself. I have been myself enmeshed in this villain's machinations. * * * I declare that Heep, and Heep only, of the firm of Wickfield & Heep, is the forger and the cheat!" Only a little below it in heroic stature place that other scene of liberation in which Aunt Betsey Trotwood tells the evil Murdstones exactly what she thinks of the way they behaved toward poor David.

Although it is a film of enormous length, according to screen standards—two hours and ten minutes—Hugh Walpole's screen play has been arranged with such uncanny correctness, and each of the myriad episodes which go into the making of the varied canvas has been performed so perfectly, that the photoplay slips by in an unwearying cavalcade. It is astonishing to discover how very much of the novel has found its way to the screen. Some of it has been telescoped for brevity, some of it has been omitted out of sheer painful necessity, but the total impression is one of amazing completeness and accuracy. Pausing only once or twice for the briefest of subtitles, the work flows on its invincibly entertaining way from beginning to end.

Like Dickens himself, it is able to invest each character in this complex story with such a completeness of personality that none is too minor to take his place in the unforgettable gallery. Certainly it is in the great narrative tradition of the cinema. A new year which has already been enriched by several distinguished photoplays now adds a genuine masterpiece to its record with "David Copperfield."

N. Y. TIMES



"A SCREEN MASTERPIECE"
says Mr. Sennwald of the N. Y. Times
and Leo says:
"EXTRA PLAYING TIME MEANS EXTRA DOUGH!"

N.Y. HERALD-TRIBUNE

ON THE SCREEN

By Richard Watts Jr.

'David Copperfield"—Capitol

"DAVID COPPERFIELD," a screen drama, adapted by Hugh Walpole from the Charles Dickens novel, directed by George Cukor and presented by Metro-Goldwyn at the Capitol Theater, with the following cast:

Micawber.....W. C. Fields
Dan Peggotty.....Lionel Barrymore
Dora.....Maureen O'Sullivan
Agnes.....Madge Evans
Aunt Betsey.....Edna May Oliver
Mr. Wickfield.....Lewis Stone
David, the man.....Frank Lawton
David, the child.....Freddie Bartholomew
Mrs. Copperfield.....Elizabeth Allan
Uriah Heep.....Roland Young
Mr. Murdstone.....Basil Rathbone
Clickett.....Elsa Lanchester
Mrs. Micawber.....Jean Cadell
Nurse Peggotty.....Jessie Ralph
Mr. Dick.....Lennox Pawle
Jane Murdstone.....Violet Kemble-Cooper
Mrs. Gummidge.....Una O'Connor
Ham.....John Buckler
Steerforth.....Hugh Williams
Limmiter.....Ivan Simpson
Barkis.....Herbert Mundin
Little Em'ly, the child.....Fay Chaldecott
Agnes, the child.....Marilyn Knowlden
Little Em'ly, the woman.Florine McKinney
Dr. Chillip.....Harry Beresford
Mary Ann.....Mable Colcord
The Vicar.....Hugh Walpole

The screen adaptation of "David Copperfield" is that miracle of motion pictures; a drama that should satisfy the most literal-minded of the Dickens fans, the advocates of first-rate photoplays and the devotees of cinema wholesomeness at the same time. A film that runs for more than two hours without causing you to squirm in your seat unhappily, it seems so right in its atmosphere, characterization and story-treatment and so intelligent in its dramatization that it becomes a warm and comforting delight. Of course, it does a bit of plot telescoping here and there, and occasionally omits a fairly minor character, but on the whole it is not only so faithful but so intelligent in its fidelity that it can be recommended with heartiness, admiration and loud cheering. If you are a Dickens enthusiast, you should be a set-up for the new film at the Capitol, and it is my guess that you will enjoy it almost equally even if you are not one of the addicts.

It would be pretty much a waste of your time and mine to attempt to remind you of the plot of "David Copperfield." It should be enough to say that it begins with the arrival of the eccentric Aunt Betsey at the Copperfield home upon the eve of David's birth and ends when the grown David finally gets around to marrying the faithful and slightly dull Agnes. At this point, I might just as well confess that I am an ardent partisan of Dora, the sweet little half-wit who was David's child wife, and add that I have never quite forgiven him for marrying again after her death. Anyway, there is neither reason nor room here for doing anything in the way of criticism of novel or picture, when all of the space should be devoted to hymns of enthusiasm for the casting and the playing of all the rich, famous and slightly caricatured roles of a really immortal work.

The fear sometimes strikes me that in my old age I am beginning to weaken in my feud with child actors. Certainly Freddy Bartholomew, a handsome and sensitive-looking English boy, is beautifully moving as David in his younger days, playing the part in a manner approaching perfection. Then, too, as a surprising feat of casting, he is succeeded by a man who looks as if he might be a grown-up edition of him when Frank Lawton follows in the part of the man-sized David. It should not be necessary to add that W. C. Fields is a superb Micawber, reminding us again that he is not only the funniest of living men but a thoroughly fine actor as well. Roland Young smirks and cringes in properly sinister fashion as the evil hypocrite, Uriah Heep, while Lionel Barrymore as the loyal old sailor, Dan Peggotty; Edna May Oliver, as the eccentric Aunt, and Jessie Ralph as the faithful nurse are just as Dickens must have meant. Maureen O'Sullivan is lovely and moving as the prettily helpless Dora, leaving her rival, Agnes, as much in the background as Dickens unintentionally left her. Madge Evans is a realistic Agnes.

The lesser roles are equally successful in their handling. I would recommend particulary Lennox Pawle as the amiable madman, Mr. Dick, although Elizabeth Allan, a gentle and touching Mrs. Copperfield, and Hugh Williams, a dashing and faithless Steerforth, are especially good. Basil Rathbone and Violet Kemble-Cooper are the evil Murdstones to the life, while the pretty Florine McKinney, as the unfortunate Emily; Lewis Stone, as the alcoholic Mr. Wickfield, and John Buckler, as the valiant Ham Peggoty, are excellent. So, for that matter, is Hugh Walpole, who plays the vicar, in addition to writing the adaptation in such brilliant fashion as to make the new film a thoroughgoing treat.

Maureen O'Sullivan



In "David Copperfield"



"A MIRACLE OF MOTION PICTURES," *says Mr. Watts of the Tribune,* and Leo says: **"EXTRA DAYS TO YOU, MR. SHOWMAN!"**

(Yes, yes, go on!)

'DAVID COPPERFIELD,' MASTERLY PICTURE

N.Y. MIRROR

Dickens' Tale Keeps Beauty As Film Play

By BLAND JOHANESON.

'DAVID COPPERFIELD" *at the Capitol.*

A magnificent adaptation of the Dickens classic. Don't miss it. Produced by M-G-M; directed by George Cukor.

THE CAST:

The Vicar.....Hugh Walpole
Dan Peggotty.....Lionel Barrymore
Dora.....Maureen O'Sullivan
Agnes.....Madge Evans
Aunt Betsey.....Edna May Oliver
Mr. Wickfield.....Lewis Stone
David, the man.....Frank Lawton
David, the child....Freddie Bartholomew
Mrs. Copperfield.....Elizabeth Allan
Uriah Heep.....Roland Young
Mr. Murdstone.....Basil Rathbone
Clickett.....Elsa Lanchester
Mrs. Micawber.....Jean Cadell
Nurse Peggotty.....Jessie Ralph
Mr. Dick.....Lennox Pawle
Jane Murdstone....Violet Kemble-Cooper
Mrs. Gummidge.....Una O'Connor
Ham.....John Bucker
Steerforth.....Hugh Williams
Limmiter.....Ivan Simpson
Barkis.....Herbert Mundin
Little Em'ly, the child....Fay Chaldecott
Agnes, the child.....Marilyn Knowlden
Little Em'ly, the woman
Florine McKinney
Dr. Chillip.....Harry Beresford
Mary Ann.....Mable Colcord
The Vicar.....Hugh Walpole

OBVIOUSLY, it was a formidable task to make a satisfying film version of a book so well-known and universally dear as "David Copperfield." Metro has done it. From its tender and beautiful adaptation by Hugh Walpole, to the most inconsequential detail, "David Copperfield" is a fine, important. beautiful production.

Actors were drafted from every film company to play the familiar roles. The large cast is truly all-star. The boy, Freddie Bartholomew, who plays Davey as a child, and Frank Lawton, who plays the David grown, give flawless performances.

THEIR SUPPORT includes such stars as W. C. Fields, Lionel Barrymore, Edna May Oliver, Lewis Stone, Roland Young. Elsa Lanchester (Mrs. Charles Laughton) plays Clickett. With Elizabeth Allan as Mrs. Copperfield, Maureen O'Sullivan as Dora, Madge Evans as Agnes, the charming feminine roles are in competent and graceful hands.

STUNNING SETTINGS vividly recreate the familiar old English scenes. A delightful musical score by Herbert Stothart interprets the moods of the situations.

There is vast pathos in the play, tender romance, and great humor. Mr. Cukor, who directted "Little Women,," gave "David Copperfield" the same sensitive and reverent treatment.

THE STORY OF DAVID, best known and best beloved of the Dickensian characters, needs no repetition. All who love it may fearlessly approach the movie, for it does no violence to the immortal book.

It is a wholly fine, beautiful, touching and impressive picture. Don't miss it.

N.Y. AMERICAN

Dickens Characters Live Again in Movie 'David Copperfield'

SCREEN

Movies Appraised

By REGINA CREWE

'DAVID COPPERFIELD,' a Metro-Goldwyn-Mayer picture, adapted by Howard Estabrook and Hugh Walpole from a novel by Charles Dickens, directed by George Cukor and presented at the Capitol Theatre.

THE CAST.

David.....Freddie Bartholomew
Lucy.....Frank Lawton
Micawber.....Elizabeth Allan
Betsey.....W. C. Fields
Peggotty.....Edna May Oliver
.....Jessie Ralph

Charles Dickens may or may not be destined for literary immortality, but thanks to all those who have at hand in bringing "David Copperfield" to the screen of the Capitol Theatre, the Briton who peopled his books with so many quaint characters will at least survive a century. For in "David Copperfield", a new generation will meet the folk who delighted their fathers and their grandfathers as Mr. Micawber, Nurse Peggotty, Mrs. Gummidge, Uriah Heep, Betsey Trotwood, Steerforth, Barkis and the rest leap to life from the yellowed pages of the author's heavy tome as warm and human and vivid as they were in 1850.

Considering the involved character of the autobiographical novel, its multiplicity of interwoven incident, and the numbers of important, strongly limned individuals that populated its paragraphs, a stupendous task faced both adaptors and director. What to include? What eliminate? Could Barkis be disposed of? Or Little Em'ly? Or even Mr. Dick? A thousand voices would shout sacrilege in the name of Dickens! So they're all there, the old familiar faces, and if more briefly than originally conceived, at least effectively. Indeed, it might be wished that Director Cukor had been a bit less faithful, a little ruthless in slashing here and there, for the film's one fault is its monstrous length.

In any event, Mr. Micawber waits hours for something to turn up. Unless cuts are made, we fear the introduction of the movie masses to the classics will prove tedious. Yet, not a scene from the first half of the film may be ommitted, for here true, full flavor predominates. Later, however, and against formula, perhaps, there is room for the blue-pencil in the love story of David and the futile Dora. And in other spots precious moments may be saved. It is presumptuous to delineate the plot of "David Copperfield," but be it known that it follows the career of that Dickens favorite from prenatality to marriage, indeed second marriage, which in itself is something, inasmuch as life in the movies seems to end at the altar, or en route to the aisle down which no bachelor returns. The early struggles of the little orphan against the brutalities of a flinty stepfather, his ultimate exile to London, his flight to Aunt Betsey at Dover are gloriously portrayed. And when we leave the David of Freddie Bartholomew to greet the maturer youth in Frank Lawton, the romances of Dora and Agnes, the tragedy of Steerforth, the villainy of Heep, are all encountered.

Truly, each characterization is a cameo. The simile may be trite, but this time it has the virtue of being true. To list the laurels would be to mention each of the thirty troupers, so we'll compromise by naming small Freddie Bartholomew as the bright, particular star of the piece and letting the chips of approbation fall where they may.

George Cukor's direction is inspired with the ability to perpetuate the Dickens tradition. He captures the letter and the spirit of the time and the characters and the indefinable atmosphere without which the fable must have languished. A bow, as well, in the direction of Howard Estabrook in recognition of the genius evidenced in the screen play. We wish "David Copperfield" all the popular approval it so richly merits as a courageous effort and a noble accomplishment.

'DAVID COPPERFIELD'

Dickens Novel Pictured Faithfully by Galaxy Of Screen Stars

N.Y. EVE. JOURNAL

By ROSE PELSWICK.

M-G-M has made a beautiful picture of "David Copperfield." In bringing the Dickens novel to the screen, Director George Cukor and writers Hugh Walpole and Howard Estabrook have handled their assignments with skill and charm and reverence.



ROSE PELSWICK.

The entire production breathes of a meticulous attention to detail, from the exquisite sets that reproduce scenes made famous by the book, to the large and able group of players who, in several instances, look as though they might have stepped out of a Cruickshank illustration.

Most of us read Dickens when we were young and formed lasting mental images of the characters that peopled his pages. So, in commenting on the film, there is no saying that this or that portrait is perfect. After all, each person who comes to the Capitol Theatre this week comes there with preconceived ideas.

This column, for instance, couldn't quite see Roland Young, despite his excellent performance, as Uriah Heep; two equally enthusiastic and reminiscent spectators, however, insisted that Mr. Young was just as they had always imagined Uriah Heep to be. Each member of the audience is bound to judge the screen characterizations by his or her own personal and indelible impressions.

Chosen with Care

The cast that M-G-M assembled was chosen with great care and understanding. In the role of David as a child is Freddie Bartholomew, an engaging English youngster who brings both intelligence and feeling to an exacting part. The sensitive David grown up is marvelously well played by Frank Lawton.

W. C. Fields, with the Fields' hat slipping trick, is the hopeful Micawber. Basil Rathbone is the villainous Mr. Murdstone of shuddery memory. Elizabeth Allen, utterly enchanting in the costumes of the period, is David's lovely and helpless mother. And there are Edna May Oliver as the tyrannical Aunt Betsy Trotwood; Lionel Barrymore as the hearty Dan Peggotty; Maureen O'Sullivan as David's child wife; Madge Evans as the faithful Agnes And Violet Kemble-Cooper, who couldn't be improved upon as Mr. Murdstone's harsh sister; Jessie Ralph, heart-warming as David's devoted nurse; Jean Cadell as the long-suffering Mrs. Micawber; Una O'Connor as the wailing and lone Mrs. Gummidge; Lennox Pawle, a magnificent caricature of the gently mad Mr. Dick, and Lewis Stone as the kindly Mr. Wickfield who is robbed by Roland Young's Uriah Heep.

Faithful to Novel

It's a sincere and affecting picture, and if it runs a bit too long—something over two hours—it's because the director and scenarists tried to incorporate as many of the incidents in the book as possible. It follows the novel faithfully and frequently in episodic manner, depicts young David's happiness with his mother; the heartbreak and misery caused by his cruel stepfather; the boy's apprenticeship in the London bottling works and his friendship with the Micawbers; his flight to Dover where aunt Betsy lived and Mr. Dick flew his kite; his school days in Canterbury; his entry into London to become a writer and his hero-worship for the dashing Steerforth who was later to become responsible for Little Emily's suicide; his marriage to the extravagant and impractical Dora, and finally his return to Agnes.

Mr. Cukor tells his story with the same sympathy and appreciative sentiment that distinguished his direction of "Little Women." The backgrounds, costumes and photography are superb, and much credit goes to those who undertook the difficult task of translating Dickens, whose genius was words, into an entirely alien medium. You'll find the cinematic "David Copperfield" an important and outstanding production.

'David Copperfield'

At the Capitol Theatre. A Metro-Goldwyn-Mayer picture directed by George Cukor from the novel by Charles Dickens. Adaptation by Hugh Walpole. Screenplay by Howard Estabrook.

THE CAST:

Micawber	W. C. Fields
Dan Peggotty	Lionel Barrymore
Dora	Maureen O'Sullivan
Agnes	Madge Evans
Aunt Betsey	Edna May Oliver
Mr. Wickfield	Lewis Stone
David, the man	Frank Lawton
David, the child	Freddie Bartholomew
Mrs. Copperfield	Elizabeth Allan
Uriah Heep	Roland Young
Mr. Murdstone	Basil Rathbone
Clikett	Elsa Lanchester
Mrs. Micawber	Jean Cadell
Nurse Peggotty	Jessie Ralph
Mr. Dick	Lennox Pawle
Jane Murdstone	Violet Kemble-Cooper
Mrs. Gummidge	Una O'Connor
Ham	John Buckler
Steerforth	Hugh Williams
Limmiter	Ivan Simpson
Barkis	Herbert Mundin
Little Emily, the child	Fay Chaldecott
Little Emily, the woman	Florine M'Kinney
Dr. Chillip	Harry Beresford
Mary Ann	Mable Colcord
The Vicar	Hugh Walpole

"DON'T MISS IT!"
says Miss Johaneson of the Mirror.

"THANKS TO ALL"
says Miss Crewe of the American.

"OUTSTANDING!"
says Miss Pelswick of the Journal.



SWEET MUSIC THAT SAYS

"Arrange for EXTRA PLAYING TIME NOW!"

(and more pretty words on next page)

N.Y. NEWS

★★★★—4 STARS!
'DAVID COPPERFIELD'



Herbert Mundin, Freddie Bartholomew, Jessie Ralph and Elizabeth Allen in a scene from "David Copperfield," now at the Capitol Theatre.

By KATE CAMERON.

★ ★ ★ ★

All the important characters in Charles Dickens' immortal "David Copperfield" are now living on the Capitol screen, where the highlights of the widely read novel are to be seen in a tender, amusing and oft heart-rending screen version.

In order to get in enough material on the many masterfully-drawn characters of the book to make each one of them recognizable and as much a part of the warp and woof of the pictures as they were of Dickens' book, the adaptor, Hugh Walpole, the scenarist, Howard Estabrook and the director, George Cukor, had to make this an unusually long film. It runs, as it stands now, two hours and ten minutes.

That is much too long for an ordinary picture, but in the case of Metro-Goldwyn-Mayer's production of "David Copperfield" that length is justified by the results. There are several scenes that might have been shortened without injuring the story, but on the whole, the tale of David's joys and tribulations is absorbing enough to keep one intent on the film throughout.

One has to see the picture to appreciate the great and loving care that went into the production. The players selected for the various characters, with the possible exception of Roland Young as Uriah Heep, are as nearly perfect as a Dickens' fan could wish.

Little Freddie Bartholomew, who plays the child David, is an ideal selection and a real film find. He is destined for fame and may now be classed with the other important child players of the screen. He enters into the character of the young David so thoroughly that he makes the audience laugh with him at his joy in his mother's gay spirits and his interest in his beloved nurse's affair of the heart with the terse but friendly Barkis, and weep with him at his mother's untimely death and shudder at the cruel treatment he receives from his stern step-father, and delight in his friendship for the dignified Micawber and cheer when his eccentric aunt, Betsy Trotwood, takes him in to live with her and the smiling and simple Mr. Dick.

Frank Lawton, as the older David, gives a truly fine performance, as we see him meeting the flighty Dora for the first time and taking his friend Steerforth to visit the Peggottys. His friendship for Agnes and Mr. Wickfield is touched upon and his uncovering of the deceitful Heep's crooked work is one of the most exciting scenes in the picture. We are given a glimpse of the topsy-turvy household which Dora keeps for him after his marriage and the film ends on his reunion with Agnes after Dora's death.

Jessie Ralph is tender and loving as Peggotty. W. C. Fields' selection as Micawber was an inspiration on the part of the producers. Edna Mae Oliver's Aunt Betsy is one of the outstanding characterizations of the film, and Maureen O'Sullivan, as Dora, Madge Evans as Agnes and Elizabeth Allan as David's mother give satisfaction in their various roles. Basil Rathbone is excellent as the hard-hearted Murdstone and Violet Kemble-Cooper, thoroughly disguised in a black wig and heavy dark brows, makes an impression with her stiff-backed Jane Murdstone.

Lionel Barrymore's Dan'l is well done and Jean Cadell as Mrs. Micawber, Hugh Williams as the treacherous Steerforth, Lewis Stone as Wickfield, Una O'Connor as Mrs. Gummidge and Lennox Pawle in the role of Mr. Dick help to make the picture a memorable screen event. Roland Young reads his part competently, but he fails to suggest the evil, leering Uriah that lived in the pages of the book.

The photography is of a high order and the entire production has been carefully mounted and given the proper Dickensian atmosphere.

PARDON THE INTERRUPTION
please!

—we've got to halt the flow of critical adjectives for a moment to tell you that "David Copperfield" is just the start of M-G-M's 1935 parade of hits. For instance:

"SEQUOIA," pronounced See-quo-yah, and already pronounced the unique exploitation success of the year. Held over second week, Seattle! Going strong everywhere.

WALLACE BEERY'S happiest rough-and-ready role in "West Point of the Air" positively another "Hell Divers" at the box-office!

HELEN HAYES and ROBERT MONTGOMERY thrillingly romantic in "Vanessa: Her Love Story."

JEAN HARLOW, WILLIAM POWELL top the all-star musical melodrama, "Reckless." Advance tip-off from the Coast predicts one of the year's BIGGEST!

CLARK GABLE, your *top* male audience draw, is a charming woman-tamer, co-starring with CONSTANCE BENNETT in "After Office Hours." Made for the millions!

JEANETTE MacDONALD and operatic favorite NELSON EDDY in Victor Herbert's glorious musical hit, "*Naughty* Marietta"—but *nice!*

—and, of course, "FORSAKING ALL OTHERS" is still in the headlines with Crawford, Gable, Montgomery getting the huzzahs! And watch for "THE WINNING TICKET," the howling sweepstakes comedy, and "SOCIETY DOCTOR," successor to "Men in White," and more Roars from Leo to come!

and so we go merrily on...

N. Y. SUN

The New Talkies

'David Copperfield,' a Rich and Delightful Picture—

By EILEEN CREELMAN.

The movies have again achieved the impossible. It must have seemed impossible at first to compress into the neat reels of talkie entertainment the verbose descriptions, meandering plots and colorful characters of a Dickens masterpiece. With courage and determination Hollywood tackled first the most beloved and perhaps greatest of them all, "David Cooperfield." Through one of southern California's minor miracles this arrived yesterday at the Capitol Theater with none of the full, rich Dickens flavor lost in the filming.

"David Copperfield," for an ordinary picture, is unusually long, running well over two hours, and a crowded, fragrant two hours they are. For a Dickens novel, this is incredibly short. There was so much to tell, so many familiar people to present. A smooth and workmanlike script, by Hugh Walpole and Howard Estabrook, who deserve a prize or two for their job, has gotten in everything.

Perhaps it isn't everything. David's school days had to be omitted and some of the thousand other details. But the important things are here, the personality of Dickens himself as well as that of his David, Aunt Betsy Trotwood, Peggotty, Dora, Agnes and the rest of them. The charm is here, the vitality and the sense of living. This is a fine picture.

It was months in the making, with Director Cukor scanning England as well as America for the perfect cast. He seems to have gotten it, with ten-year-old Freddie Bartholomew of England carrying off top honors as the frightened, earnest, good little David. A handsome curly-headed boy, he has the quaint appearance and sensitive face of a Dickens child. His performance is a real delight.

The cast is studded with electric light names, each popping up here or there for a brief vivid moment. There are the three young women, Elizabeth Allan as the gentle Mrs. Copperfield, Maureen O'Sullivan as David's gay, silly child-wife, Madge Evans as the tender, understanding Agnes. They wear their picturesque gowns deliciously and enter gracefully into the spirit of a Dickens background.

Edna May Oliver, at her best and the picture's best, too, is Aunt Betsey, a lovable hurricane of a woman. Frank Lawton, quiet and serious, is likable as the grown-up David. Roland Young tries a serious character role, the slimy Uriah Heep, and makes himself properly sinister and detestable. W. C. Fields's Mr. Micawber is amusing, if perhaps a little less flamboyant than the Dickens character, a little more Fields and less Micawber. Lionel Barrymore's Dan Peggotty is also very much of a Barrymore performance, and one occupying more space than it warranted.

Even the lesser characters have been assigned to such capable persons as Elsa Lanchester (Mrs. Charles Laughton), who plays Clickett, the Micawber slavey; Lennox Pawle as the affably lunatic Mr. Dick, Basil Rathbone, suave and dangerous as Mr. Murdstone; Violet Kemble-Cooper as his sister, Jessie Ralph as Peggotty, Herbert Mundin as Barkis, Hugh Williams as Steerforth, Una O'Connor as Mrs. Gummidge and Mr. Walpole himself as the vicar. They have all, under Mr. Cukor's sympathetic direction, refrained from any hint of caricature.

This "David Copperfield" is a rich treat, even to lovers of Dickens. It is one of the season's true delights.

A stage presentation featuring Radaelli, Patricia Bowman, Doris Daniels, the Capitol Singing Ensemble and the ballet corps supplements the picture.

"MEMORABLE SCREEN EVENT—★★★★ 4 STARS!" *says Miss Cameron of the News.*

"HUMAN, TOUCHING" *says Mr. Boehnel of the Telegram.*

"SEASON'S TRUE DELIGHT" *says Miss Creelman of the Sun.*



AND LEO SAYS:

Do it NOW! And there'll be no regrets later! EXTRA PLAYING TIME! EXTRA MONEY IN THE BANK! *Because—*

DAVID COPPERFIELD



AMERICA'S SWEETHEART!

In its 3rd glorious week at the Capitol Theatre, N.Y., and delighting box-offices Coast to Coast. *The Extended-Run hit of 1935!*

(—and *another* M-G-M sweetheart—SEQUOIA)

"Copperfield" Boston Smash Despite Cold

BOSTON, Feb. 4.—In a week of sub-zero temperatures and bad traveling conditions as a result of the snow "David Copperfield" piled up $14,000, over par by $4,000, at Loew's State.

"The Iron Duke" also was a strong attraction, getting $13,000 at Keith's Memorial, but elsewhere business was hit pretty hard.

Total first run business was $60,500. Average is $65,000.

Estimated takings for the week ending Feb. 1:

"MAYBE IT'S LOVE" (Warners)
"MURDER IN THE CLOUDS" (F.N.)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $3,300. (Average, $4,500)

"THE IRON DUKE" (G.B.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $13,000. (Average, $12,000)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,000. (Average, $10,000)

"THE GILDED LILY" (Para.)
METROPOLITAN — (4,332), 35c-65c, 7 days. Stage: Jimmy Savo, The Rimacs, Stage Show. **Gross:** $17,500. (Average, $22,000)

"MAYBE IT'S LOVE" (Warners)
"MURDER IN THE CLOUDS" (F.N.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $4,200. (Average, $5,500)

"ONE EXCITING ADVENTURE" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Seven headline acts RKO vaudeville. **Gross:** $8,500. (Average, $11,000)

Government to Take Possession of Film

WASHINGTON, Feb. 4.—Condemnation proceedings against the Czechoslovakian picture "Ecstacy" will be brought in New York within the next few days by U. S. Attorney Martin W. Conboy under instructions issued late last week by the Treasury Department.

Importation of the picture was prohibited by the department a few weeks ago, but the importer has served notice that he will not send the picture out of the country.

Drive-In Theatre's Sound Stirs Protest

LOS ANGELES, Feb. 4.—An ordinance regulating the sound emanating from drive-in theatres is now before the City Council for adoption.

The ordinance was presented after many complaints had been filed from neighbors in the vicinity of the Los Angeles Drive-in Theatre, who claimed that the sound extended as far as a mile from the screen. The new bill would confine the sound to 50 feet from the reproduction point.

Preacher Made Censor

OTTAWA, Feb. 4.—Out of the blue has come the appointment of a veteran preacher, Rev. Dr. Robert Milliken, as film censor for the Province of Saskatchewan. Dr. Milliken, minister of St. James' United Church, Ottawa, will be the sole arbiter for that province and will make his headquarters in Winnipeg where he will sit in with the Manitoba censors.

This cooperative arrangement between the provinces makes it unnecessary for distributors to operate extra branch offices in Regina.

Hollywood Personals

Hollywood, Feb. 4.—Johnny Mack Brown, Charlie Farrell and Walt Disney among those to play in the annual Pacific Coast eight-goal tournament at the Uplifters Club. . . . Ann Dvorak and Leslie Fenton back from Honolulu, where they vacationed.

Samuel Goldwyn sends a camera crew to Arrowhead for atmospheric shots for "The Wedding Night." . . . Joseph Spurin-Calleia in from New York. . . . Luise Rainer in town to begin her M-G-M contract.

Zion Myers, Radio producer, to Palm Springs working on an original story. . . . Keye Luke cast in "Eight Bells" at Columbia.

Paramount assigns Joe Morrison the lead in "Small Miracle." . . . Ted Reed, Benjamin Glazer's assistant back from New York. . . . Major James Doolittle doing some fancy flying for Columbia's "Death Flies East."

Machine Gun's Fire Ends Maloy Career

(*Continued from page* 1)

union steward, on the outer drive at 23rd St. Quinn was injured slightly.

It was the vivid climax of a career surrounded by killings.

Since he organized the union in 1917 he had been in many legal skirmishes, but had always managed to evade conviction. He had been arrested three times for questioning in connection with slayings, had been held under suspicion of beatings, sluggings; his union associates have often been charged with extortion, bombing and threats. At one time he seemed on the verge of closing all of Chicago's theatres.

Recently the Federal government began to make life uncomfortable for him by securing an indictment on a charge of failing to pay $61,000 on an alleged income of $350,000. He was out on bail today when an automobile load of gunmen pulled alongside his car and began spattering bullets in his direction. They escaped.

William Notes Buried

WASHINGTON, Feb. 4.—Funeral services were held today for the late William Notes, operator of a circuit here, whose body was found last Friday night in the ice-jammed Tidal Basin.

Notes had left his home the middle of last week and was not seen again until his body was removed from the water by the Park police. He had been in ill health since the death of his mother.

Notes is survived by his father, Marcus, who founded the circuit; three brothers, Isaac, Sylvan and Louis, and three married sisters.

Interment was at the Abbey Mausoleum, Arlington, Va.

K. C. Critic Loses Father

KANSAS CITY, Feb. 4.—Lowell Lawrance, film critic of the *Kansas City Journal-Post,* is mourning the death of his father, Dr. F. F. Lawrance, at El Dorado, Kan.

The mother of John Muchmore, M-G-M office manager here, passed away at Neodesha, Kan., recently.

Hold Nicholson Services

HOLLYWOOD, Feb 4—Funeral services have been held here for Paul Nicholson, veteran stage and film actor, who died at his home in Santa Monica Saturday. He was 58. Nicholson first appeared on the screen in 1897 in productions of the old American Mutoscope and Biograph Co. in New York. Recently he had been under contract to Warners.

Wall Street

Eastman Pfd. Up ½ on Big Board

	High	Low	Close	Net Change
Consolidated Film, pfd (½v)	20¾	20¾	2¾	.....
Eastman (4a)	113	112⅞	112⅞	— ⅛
Eastman pfd (6)	145½	145½	145½	+ ½
Loew's, Inc. (1a)	32½	32½	32¼	— ⅝
Param'nt Publix.	3⅞	3¾	3⅞	.....
Pathe Exchange.	1⅛	1	1	— ⅛
Pathe "A"	14¾	14¾	14¾	— ⅜
Warner Bros.	3⅞	3⅞	3⅞	.....
Warner Bros. pfd	21¾	21⅝	21¾	+ ⅛

Technicolor Off ½ on Curb

	High	Low	Close	Net Change
Technicolor	12⅜	12	12	— ⅜
Trans-Lux	3	3	3	.....

Para. B'way Bonds Up 1⅜

	High	Low	Close	Net Change
General Theatre 6s '40	8½	8½	8½	.....
General Theatre 6s '40, ctf.	8¼	8¼	8¼	— ⅛
Keith B. F. 6s '46	68	68	68	—1
Loew's 6s '41, ww deb rights	104¾	104½	104½	— ¼
Paramount B'way 5½s '51	48	48	48	+1⅜
Paramount F. L. 6s '47	68	67½	68	+ ¼
Paramount Publix 5½s '50	68	67½	68	+1
Pathe 7s '37 ww	101½	101½	101½	— ½
Warner Bros. 6s '39, wd.	17	17	17	.....

(a) Plush cash extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 4)

Mrs. Goulding Passes

PALM SPRINGS, Cal., Feb. 4.—Mrs. Edmund Goulding, 41, the former Marjorie Violet Moss, dancer, died here yesterday after a three-year illness. She was married to the director on Nov. 28, 1931.

Lease Cleveland Circle

CLEVELAND, Feb. 4.—Max Marmorstein, real estate man, and Jack Greenbaum, well known in film circles, have taken a lease on the Circle. They plan to open the house about Feb. 8 with double features part of the time and single features with stage presentations the rest of the time. The Circle has been dark about two years.

Washington Firms Move

WASHINGTON, Feb. 4.—RKO Distributing Corp., First Division Exchanges, Gold Medal Films, and Trio Productions have moved into their quarters in the new exchange building.

N. S. S. Hits on New Trailer Arrangement

National Screen Service is turning to production talent for a new type of special trailer on M-G-M and Warner releases made necessary by decision of those two majors to make and sell their own service. They're good.

Five of the new brand were shown yesterday noon, subjects being "Black Fury" and "Devil Dogs of the Air" on the Warner list and "The Night Is Young," "Sequoia" and "Biography of a Bachelor Girl" on the Metro list.

Since actual production clips are not available in these two cases, N. S. S. is building action stuff around the distributor's releases. Fred Kohler occupies feature spot in the trailer on "Black Fury." The slight story thread has him addressing the tycoons of a fictitious mine and urging them to learn conditions for themselves as portrayed by Paul Muni in "Black Fury." The spiel permits Kohler to get in the usual plug for the attraction. Featured in the "Biography of a Bachelor Girl" trailer is Thelma Todd; Herman Bing and Charles Judels in the subject matter on "The Night Is Young"; Pat Flaherty and Warren Hymer on "Devil Dogs," and Charles B. Murphy, the animal trainer, on "Sequoia."

The idea is novel, the treatment fresh and the conclusion easily apparent that the scheme runs far ahead of the usual trailer idea, including the average affair turned out by N. S. S. K.

Interstate Planning Four New Theatres

Interstate Circuit of Texas plans four new theatres in Houston, John B. Maroney, attorney, stated yesterday. One will be a downtown second run while the other three will be second run neighborhood units. The circuit now has three first runs in the downtown area and Horwitz-Texas Theatre Co., of which Interstate owns a 50 per cent interest, operates a trio of second runs in the same town, he said.

Within the next three months, Interstate expects to complete a 1,200-seat Hyland Park Spanish Village theatre in Dallas. This will make eight for the company in that city.

The Chief at Albuquerque, a 1,000-seat house, completed some time ago, makes four for the circuit in that city. A new 1,000-seat structure is planned for Denton, Tex. Blue prints are being drawn.

Under recent reorganization plans Texas Consolidated, which took over the Dent-Paschall theatres, continues to operate the smaller houses, while Interstate, which acquired units of the former Southern Enterprises and Hoblitzelle-Richards, will confine its operations to the larger houses.

Portland Board Elects

PORTLAND, Ore., Feb. 4. — Peter Stewart of Warners has been re-elected president of the Portland Film Board of Trade. Lou Amacher, M-G-M, has been named first vice-president, and Frank Clark, Paramount, second vice-president, while Howard Mapes of Star Film continues as treasurer.

Quick Action Is Looked for On FWC Setup

(*Continued from page 1*)

will leave Wednesday. Frank L. Newman, head of Evergreen States, former F. W. C. division in the northwest, and his partner, Al. Finkelstein, are expected here shortly to make the trip east for conferences on details.

Under the formal court approval put into effect by Referee S. W. McNabb, National Theatres Corp. will take over Wesco Corp., holding company for Fox West Coast Theatres, and Fox Fest Theatres will become Fox West Coast Theatres Corp. Wesco was never in bankruptcy, but was reorganized by Fox Film and Chase National Bank to get a fresh start under a new name and to take over the F. W. C. assets. F. W. C. creditors get 100 cents on the dollar. Some lawyers here say this is the largest bankrupt estate ever to be reorganized on the basis of full payment.

Complete records of all the transactions of the bankrupt estate must be assembled into a bound volume as one of the final phases of the transfer. This is expected to take three months.

New Complications Arise

Some weeks ago the bankruptcy discharge was delayed by anti-trust suits filed by the Marshall Square Theatres Corp. of San Francisco and Harry L. Hartman of the Orpheum, San Diego. These cases were settled out of court, but new complications developed when Jules Goldstone, attorney in the two cases just settled, filed new anti-trust actions last Saturday in behalf of H. L. Gumbiner. The sale was approved before the papers could be served. A clause in the sale provides that the new company shall take over the obligations of the old. This will apply in case Gumbiner wins a verdict against the old company.

Attorneys for National Theatres say the suits cannot interfere with the sale, as they have 20 days in which to reply.

The bankruptcy now terminated began with a receivership on Feb. 27, 1933, before Judge James in U. S. District Court. Charles Skouras and John Treanor were named co-receivers.

The company listed liabilities of $13,000,000, with $2,000,000 owed to Fox Film Corp. The co-receivers were said at the time to have represented 75 per cent of the creditors, including Wesco Corp. They operated the houses until April 4, 1933, when Charles Skouras, W. H. Moore, Jr., and Charles C. Irwin, western agent for S. W. Straus & Co. were elected trustees in bankruptcy at a creditors' meeting. A $50,000 bond was posted by each.

At the time of filing the petition, Charles Skouras said that the bankruptcy action was due to three things —high rentals, existence of large purchase contracts and cuts in admission prices. He also pointed out other factors, over which, he said, the circuit had no control.

F. W. C. was operating about 270 houses up and down the coast at that time. No statement has been made as to how many of these are left.

Schedules of assets and liabilities filed on March 21, 1933, listed Fox Film, Chase National Bank and Wesco Corp. as major creditors. Wesco headed the list with a claim of $11,094,774; Fox had a claim of $2,456,195, and bondholders' claims were listed at $2,000,000. Adolph Ramish, Inc. had a claim of $608,750.

Among distributors' rental claims were the following: Paramount, $118,000; Warners, $24,500; M-G-M, $16,000; RKO, $11,554; Universal, $5,550; United Artists, $2,700.

Assets at that time were given as $6,790,978, but, according to the schedule, these did not include property and certain theatre holdings, the value of which had not been determined at the time of the filing.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mutiny Ahead"

(*Majestic*)

HOLLYWOOD, Feb. 4.—A yarn of regeneration moving to the tune of deep-sea adventure and melodrama. Played to capitalize on action and excitement, the picture takes wide liberties with the standardized formula. The resulting amusement, however, makes up for the license taken and emerges as acceptable fare for secondary houses.

Neil Hamilton's successful stealing of Maidel Turner's pearls results in unexpected developments. He is robbed of the pearls, but falls in love with the victim's niece (Kathleen Burke).

The locale shifts to a treasure-hunting yacht. Against a background of a jealous-woman menace, man-to-man conflict, efforts to steal a discovered treasure, mutiny, attempts to burn the ship, comedy, the finding of the stolen pearls and a thrilling underwater octopus fight and rescue, Hamilton works out his regeneration. He aids the loyal members of the crew in squelching the mutineers and saving the treasure for the Misses Burke and Turner. Then it is revealed that the gems were phonies planted by Miss Burke to enable Hamilton to prove whether he was a real man or not. Hamilton, of course, wins her heart.

Hamilton is convincing in his role, with Leon Ames, Reginald Barlow and the Misses Burke and Turner adequate in support. Stuart Anthony's original screen play, directed by Tommy Atkins, aims to satisfy action and thrill fans.

No code seal. Running time, 65 minutes. "G."

ITPA of Wisconsin Will Open Offices

MILWAUKEE, Feb. 4.—The Independent Theatres' Protective Ass'n. of Wisconsin and Upper Michigan has arranged for permanent quarters in the Marquette Bldg., which it expects to have ready for the next directors' meeting Feb. 22.

The association plans to maintain a systematic record of the general release dates in the Wisconsin distributing territory as well as the first run release dates in Milwaukee county, from which it will determine the availability dates to subsequent houses. This plan is designed to serve as a check upon the exchanges.

Signs Western Deal

Spectrum Pictures Corp. has closed a deal with Ray Kirkwood, coast producer, for a series of seven western features starring Bill Cody. Oliver Drake's "The Cyclone Ranger" has been chosen as the first picture, with production scheduled to start immediately.

Expect Decision by Warner in Nashville

(*Continued from page 1*)

within the next few days, according to reports.

Tony Sudekum, operator of Crescent, which, in addition to the Nashville houses, has approximately 30 other theatres in Tennessee and Alabama, has been here several days for conferences in connection with the Warner options, it is reported. Neither Sudekum nor Joseph W. Bernhard, Warner theatre head, who was in Philadelphia yesterday, could be reached for comment. The option is said to have expired Feb. 1 without a decision having been reached by Warners.

Technicians Picking Best

HOLLYWOOD, Feb. 4.—Now that nominations for Academy awards are closed, the technicians' branch of the Academy is busy trying to pick from among the many prospects the three films which will be placed on the final ballot for vote of the general Academy membership. Thirty-two productions are candidates for the art direction award, 59 for the cinematography award, and 47 for the editing award.

Credits for Technicians

HOLLYWOOD, Feb. 4.—Plans are being worked out by the technicians' branch of the Academy to give recognition to the work of technical men by publishing credits for all art directors, cinematographers, film editors and sound men regardless of whether their names appear on the screen.

Plan Air Spectacle

LONDON, Jan. 24.—A "History of Flight" is planned by London Films. It will show man's efforts to conquer the air, as first related in classic myth until the achievements of the present day, and will reproduce historic stages of invention and cover in detail the use of flying craft in war and peace.

Supreme Court Hears Appeal On Tri-Ergon

(*Continued from page 1*)

patents on which Tri-Ergon bases its charges of infringement in a number of suits brought against members of the industry.

Counsel for Tri-Ergon developed their argument on the contention that the Circuit Court of Appeals had properly decided the issue when it upheld the validity of the patents which, it was contended, were basic developmeints which made possible the talking picture.

Attorneys for Paramount, attacking the court's decision, asserted that the inventions involved were not properly patentable, charging that the double printing, on which suits were brought against producers, was a method which could easily be accomplished in other ways, while the patentability of the flywheel, involved in the suits against exhibitors, was declared to have been settled when Thomas A. Edison was refused protection on it in connection with his development of the phonograph.

Newsreels Ordered Out of Flemington

(*Continued from page 1*)

defiance of his orders while the Hauptmann trial was in progress.

Universal and Hearst Metrotone News were the only companies whose cameras and crews were present today and they packed their equipment and were ushered out by a deputy sheriff.

Justice Trenchard remained in his chambers until the cameras had been removed and said he "very much regretted" that newsreels had been made in defiance of orders of the court. "It was done," he said, "secretly and by methods that are not commonly understood." The judge added that the matter will be investigated.

In the meantime, Paramount ordered its reel withdrawn from theatres throughout the country over the week-end and A. J. Richards, head of the reel, wired Attorney General Wilentz of this action. Loew theatre executives also ordered the Hearst Metrotone News reel discontinued.

These actions left only Pathe and Universal News playing the disputed scenes, for Fox Movietone withdrew its clip last week when the Jersey court first complained.

When questioned yesterday as to Pathe's plans, an executive of the company replied: "We are leaving the reel in the theatres, which is exactly where it belongs."

A spokesman for Universal voiced the same sentiments and added that the reel had been booked into newsreel theatres here for the next three weeks.

M-G-M Signs 4, Drops 3

HOLLYWOOD, Feb. 4.—Leigh Jason, director; Val Burton, Will Jason and Edward Ward, composers, have been signed by M-G-M. Options on Robert Livingston, James Ellison and William R. Deering, players, have not been exercised.

I WISH TO EXPRESS MY

Thanks and Appreciation

to my former associates and the entire personnel of the Paramount Studio for their confidence and co-operation which have rendered possible the progress the studio has made during the past three years—

to the staff of the Paramount News for their loyal support in the creation and development of the newsreel—

to the producers of Paramount short features for the continued excellence of their product—

to the Paramount sales force here and abroad for their successful merchandising of the program—

to exhibitors everywhere for their renewed confidence in Paramount Pictures.

Emanuel Cohen

Thank You Gentlemen!

THE Hollywood REPORTER

MONOGRAM'S 'THE NUT FARM' FAST AND HIGH-CLASS COMEDY

Direction, Writing And Cast Top-notch

"THE NUT FARM"
(Monogram)

Direction ..... Mel Brown
Story ..... John C. Brownell
Screen Play ..... George Waggner
Photography ..... Harry Neumann
Producer ..... Trem Carr
Cast: Wallace Ford, Betty Alden, Florence Roberts, Spencer Charters, Oscar Apfel, Bradley Page, Lorin Baker, Arnold Gray, Joan Gale.

After the long, tedious interval between "Merton of the Movies" and "Once in a Lifetime," here comes something that really captures the nonsense afloat in Hollywood.

Nobody before ever thought to cast an analytical eye on one phase of Hollywood that is really fastest, funniest and loudest, namely, the gravy-train racket, which has its victims the drawing-room tourists who back pictures that never get on any screen outside of a laboratory.

The big asset of this opus is that it is just as funny to those who know nothing about the inside of independent picture promotion, and the preview audience rolled in the aisles.

Oscar Apfel and Betty Alden are the Newark couple who come to Hollywood with their retirement savings of 40 grand and fall into the clutches of a "talent prospector," Bradley Page.

He takes their dough and the coin of the landlord, Spencer Charters, to make a turkey, which is turned into box-office by skilful cutting on the part of the director, Wallace Ford, the wife's brother, who is teamed for romance with the landlord's daughter, Joan Gale.

Neck and neck for top honors in delivering the laughs, which come one after another, are Charters,, Page and Florence Roberts, as "Ma." As the heavy, Page is particularly outstanding, never muffing a bet and so convincing it is hard to believe he is not a Hollywood Wallingford in the flesh.

Mel Brown's direction is superb. His timing in the comedy catches every break on the nose. Betty Alden, as the wife, turns in fine work and, although Joan Gale registers more personality than words she is a very vital element in the success.

Spencer Charters as the half-deaf landlord, who starts as a skeptic and winds up investing in the picture deal himself, is great. Oscar Apfel, as the husband who wanted to buy a California nut farm and wound up as a picture producer, shows a versatility that, in Hollywood, was probably heretofore unsuspected.

This picture is definitely big time and will stand by itself in any class house. Production and photography are A-1.

•

NO WONDER AS A STAGE PLAY IT RAN 22 WEEKS IN CHICAGO AND 5 MONTHS IN NEW YORK

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 31 NEW YORK, WEDNESDAY, FEBRUARY 6, 1935 TEN CENTS

NRA Regarded As Poised for Crucial Tests

Unity Slips as Congress Takes Up Extension

By BERTRAM F. LINZ

WASHINGTON, Feb. 5.—General disintegration of the unity which for two years has marked the operation of NIRA is revealed by discussions now taking place as to the form in which the act shall be continued and may result in the disapproval of plans of NRA officials to have the proposed new legislation extend without change the present law.

Appearing before the House Appropriations Committee during consideration of the money bill for his department, Secretary of Commerce Daniel C. Roper disclosed plans for taking over some of the work now being done by the Recovery Administration. Yesterday a flat denial that

(*Continued on page 6*)

No More Hollywood For Cohan, He Says

KANSAS CITY, Feb. 5.—Filling a three-day engagement in "Ah, Wilderness" at the Shubert here, George M. Cohan told reporters that "never again" would he go to Hollywood.

"I may be in a picture to be made early next summer," he said, "but it will be produced in the east, not Hollywood. I have nothing against the place or the people out there; I just don't like it. They don't like me any better, so we are all square."

Report Snyder Out Of St. Louis Group

ST. LOUIS, Feb. 5.—Unconfirmed reports here have it that Allen L. Snyder has sold his interest in St. Louis Ambassador Theatre, Inc., operators of the Ambassador and New Grand Central, and St. Louis Missouri Theatre, Inc., operating the Missouri,

(*Continued on page 18*)

Maloy Inquest Hits Snag; Is Postponed

CHICAGO, Feb. 5.—After a two-hour session, an inquest into the death of Tom Maloy was adjourned until Feb. 19.

Principal witnesses were Ralph O'Hara and Dr. Emmett Quinn. Both declined to answer pertinent questions

(*Continued on page 6*)

Music Hall After Zanuck's Output; May Annex Rivoli

The Music Hall is angling for Darryl Zanuck's 20th Century output.

United Artists is willing, but there is the matter of its 100 per cent-owned Rivoli to consider. There would be considerable prestige—and rental—in any blanket deal whereby 20th Century would be housed in the Rockefeller-financed house. Also would there result a product shortage for the Rivoli, now U. A.'s Broadway first run.

The situation is reliably understood to have led to the poising of a deal whereby the Rockefellers might acquire the Rivoli at a price reported placed by U. A. at $1,000,000; a pooling arrangement involving the Music Hall and the Rivoli with the "A" product naturally playing the big 6th

(*Continued on page 18*)

Trenchard Refuses To Modify Film Ban

FLEMINGTON, Feb. 5.—Supreme Court Justice Thomas W. Trenchard was bombarded today with telegrams and letters from newspapers and photographic services asking him to rescind his order barring all cameras from the trial of Bruno Richard Hauptmann because of newsreels taken against the court's orders.

The Justice adhered to the same form of reply that he sent out yesterday. It reads as follows:

"I am sorry that it became necessary to order all photographic equipment

(*Continued on page 18*)

Reverse Gear

Hollywood, Feb. 5.—Now that the bankers are again trying to step into some picture companies, a wag here states he is grooming a picture man to take over a few banks and try and run them on a sort of exchange professorship arrangement.

Campi Surplus Features NRA Cost Hearing

WASHINGTON, Feb. 5.—Return to contributors of a surplus of more than $30,000 now in possession of Campi was the major subject of discussion at the hearing today on budgets for 1934-35 before Deputy Administrator William P. Farnsworth.

The only witness to testify, John C. Flinn, executive secretary of Campi, submitted a balance sheet showing that up to Dec. 31, last, receipts from producers and distributors totaled $125,620 and those from exhibitors $114,560, whereas disbursements had been but $204,166 for the year, leaving a cash balance of $29,003, since increased by receipts during January.

It was explained by Flinn that ex-

(*Continued on page 6*)

Insiders' Outlook

By RED KANN

LATEST episode in the Paramount serial, the most thrilling and, in some ways, the most ingenuous in years:

Just when it appeared the new board had assumed body and some soul, the entire question of agreement on personnel faces reopening by creditor factions. There you have one new and potentially startling development. The second is a formal notification from Frank C. Walker that he will not accept the creditors' invitation to serve. His withdrawal leaves the nominees at sixteen while creditor factions are seeking a complete roster of either fifteen or eighteen in order to provide a total divisible by three and thus facilitate annual elections after the proposed initial three-year term. Factor three has to do with rumblings of opposition which are reported bestirring themselves over retention of John D. Hertz and Charles E. Richardson. . . .

▼

Opposition to Hertz, while not clearly defined, appears to be concentrated in important credi-

(*Continued on page 2*)

Herzbrun and Lubitsch Set In Cohen Job

Former to Become "V.P." of Production

Henry Herzbrun, former studio attorney for Paramount, yesterday, as forecast, took over the mantle of vice-president in charge of production dropped by Emanuel Cohen on Monday at the request of the new board of directors of the company, acting through Adolph Zukor. In addition, he will be known as general manager of the studio.

Confirming reports which appeared in MOTION PICTURE DAILY yesterday, Ernst Lubitsch will actually handle the task of turning out Paramount pictures, although the official statement issued over Zukor's signature in New York made no mention of this, pending decision as to exactly what title will be conferred upon the noted German director. To call him

(*Continued on page 20*)

One Tri-Ergon Case In; Second Started

WASHINGTON, Feb. 5.—The hearing of the first Tri-Ergon case was completed today with a final argument by George Wharton Pepper, former Pennsylvania senator, counsel for the company, who summarized the advantages it is contended are secured in the printing of sound pictures through the patents on which the suit is based.

The court then heard former United States Attorney William D. Mitchell, counsel for Altoona Publix, who began the presentation of argument in the second case involved, relating to the flywheel patent used in projection.

Erpi Wins Victory On Danish Patents

Erpi, defending Fox and M-G-M in an action against Nordisk, powerful Danish company, yesterday emerged as victor in what was hailed in foreign sales circles in New York as an important patent victory.

Reports were fragmentary and, in the absence of Erpi's legal talent in

(*Continued on page 18*)

Senate Authorizes An A. T. & T. Probe

WASHINGTON, Feb. 5.—The Senate Interstate Commerce Committee today approved the resolution of Senator

(*Continued on page 18*)

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Norton on Way to U. S.

LONDON, Feb. 5.—Capt. Richard Norton, British and Dominions executive, sails for America tomorrow aboard the *Berengaria* with the first print of the company's "Brewster's Millions." The film was directed by Thornton Freedland and photographed by Barney McGill. Both are identified with Hollywood.

Hold Mrs. Turley Rites

ST. LOUIS, Feb. 5.—Funeral services were held Monday for Mrs. Lorena Turley, wife of Joseph S. Turley, and mother of Clarence M. Turley of the Best Amusement Co. Interment was in Valvalla Cemetery. Other surviving children are William Howard and Helen L. Turley and Mrs. Wesley C. Avis.

Edward P. Kalafat Dead

CLEVELAND, Feb. 5.—Edward Paul Kalafat, son of John D. Kalafat, treasurer of the Cleveland M. P. Exhibitors' Ass'n. and president of Associated Theatres, died Monday at Flagstaff, Ariz., where he was a student in the State Teachers' College. His father has left to attend the funeral.

"Lancer" Gets $22,000

First four days of "Lives of a Bengal Lancer" at the Rialto resulted in a $22,000 take, which is unusual in face of a three-week booking which was completed last Thursday at the Paramount. The picture goes over the Loew circuit starting Feb. 15.

Insiders' Outlook

(*Continued from page* 1)

tor groups outside of the established committees. The opposing groups are said to view with some apprehension possible friction between banking groups and between Hertz and Adolph Zukor, should the former remain on the board. The opposition to Hertz has increased in direct proportion to the increase of support for Zukor as president of the new company. Hertz's creditor alliances have objected to the job going to Zukor. . . .

▼

Similarly, Zukor's support for the presidency has been strengthened by the factions now reported gaining stature in opposition to Richardson. He had been regarded as a candidate for the presidency, either at the outset or to succeed Zukor after a period of grooming. Now, however, the objection to Richardson as a board member is seen swinging to the support of those who have been advocating the retention of Zukor as company head. The tide presumably rising against Richardson appears to spring from apprehension over a possible Erpi-A. T. & T. link with Paramount in the face of the impending Congressional investigation of the public utility-electric organizations. . . .

▼

Richardso n has not formally accepted the invitation to serve on the board. If he declines, the merchandise creditors' committee, which he represents, would probably insist on another nominee, leaving the board at 16 with one finally to be eliminated or two more to be chosen. If the opposition to Hertz succeeds the Lehman Bros.-Lazard Freres combination would probably insist upon naming an alternate. Frank B. Altschul of Lazard, who is reported to have deferred to Hertz for a place on the board, is regarded as the likely substitute. . . .

▼

Considerable haggling among the creditors' groups and possible delay in the reorganization is almost certain to result if it becomes necessary to name alternate nominees or to agree on a board of either 15 or 18. Federal Judge Alfred C. Coxe, it must be remembered, has reserved the right to veto any member of the initial board and may exercise this right on February 14, at which time opposition to Hertz and Richardson is expected to break into the open, unless the storm clouds dissipate themselves. . . .

▼

In the meantime, the constantly shifting picture persists in linking up the name of Eugene Leake, one of the three trustees in bankruptcy, with the vice-presidency in charge of finance but not necessarily with a place on the directorate. In and out of the board setup in the last few weeks, Austin C. Keough, secretary of the corporation, is bulletined again for a place on the much wrangled over board. . . .

▼

About Manny Cohen. That his latter day demands for a place on the directorate hastened his exit is widely credited by insiders who say they know and who, by their segments in the tangle, should. Cohen, anxious for a showdown which would settle his future status in Paramount, is said to have pressed his demands at the very time his support was weakest among the powers-to-be in the reorganized company. . . .

▼

Once supported to the hilt by Adolph Zukor and George J. Schaefer, what brought about a change of heart and front where he was concerned? The rumors are many, as are the reports. His last visit east and reputed talks with financial people downtown, tied in with prior discussions about this and that prior to his departure from Hollywood, are whispered in connection with that which took place in such decisive manner in Zukor's office Monday. . . .

▼

Cohen's dismissal from his high post at Paramount came to him as no surprise. If he did not know directly what some of the higher uppers in his former company were thinking about and mulling over, he could have found out from diligent trade paper reading. This is ventured as the explanation for uncomfirmed reports that Cohen, as a consequence, was ploughing his fields with a new crop to blossom eventually on other Hollywood lots. A high berth at Radio is among the reports to be heard if you are inclined to listen. . . .

▼

Speculative as well is whether or not the appointment—official now—of Henry Herzbrun as general manager of production with Ernst Lubitsch as supervisor of actual picture-making is in the nature of a temporary arrangement, the permanent selection to be left to the new directorate when the company actually emerges from its Federal court regime. . . .

▼

This is how and what the Paramount picture looked like yesterday. The yarn has additional chapters which cannot be told for a simple and very good reason: they have yet to be written. . . .

Delay Is Expected In St. Louis Case

ST. LOUIS, Feb. 5.—The elevation of U. S. District Judge C. B. Faris to the U. S. Circuit Court of Appeals probably will result in a delay in the trial of Harry M. Warner, Gradwell Sears, Herman Starr, Abel Cary Thomas, Ned E. Depinet and George Schaefer on a charge of conspiracy to violate the Sherman Anti-Trust Act. Likewise, there may be a postponement of the hearings on the same charges against Warners, Paramount and RKO, named defendants in the same indictment.

As is customary, all bonds in the case are made returnable in the U. S. District Court on the opening day of the next term, which happens to be March 16, but that does not mean that the cases will be called on that date.

Scheduled to move to the higher court, Judge Faris undoubtedly will not desire to be tied up with a long and complicated legal battle. Until he leaves the district court he is expected to confine himself to the trial of cases of defendants who are now in jail—having been unable to make the required bonds.

The defendants in the film case have posted their bonds of $2,500 each in New York and have waived the proceedings necessary for their removal to St. Louis.

Loew Again Witness In M. & S.-RKO Case

David Loew spent another day testifying yesterday in the resumed arbitration hearings on breach of lease charges brought against RKO by Meyer & Schneider, lessors of the Apollo and Hollywood.

Max D. Steuer, counsel for M. & S., completed his examination of Loew yesterday and cross examination was begun by Bruce Bromley, counsel for RKO. Bromley will continue questioning of Loew when the hearing resumes today. The testimony concerned phases of the product agreement of last September by which Loew's relinquished Fox, Columbia and Universal pictures to RKO when the latter faced a product shortage.

W. B. Defers Tenn. Action

Action by Warners on an option to take over from Crescent Amusements, Inc., nine of the latter's Nashville, Tenn., houses has been deferred for two weeks, it was learned yesterday. Tony Sudekum, operator of the Crescent, returned to Nashville yesterday.

RKO Party Returning

The RKO executive party currently visiting the studio, and made up of M. H. Aylesworth, Ned Depinet, Barret McCormick and A. H. McCausland, receiver's representative in RKO, is due back here early next week.

Extend Friedman Deal

LONDON, Feb. 5.—Joe Friedman, general representative in England for Columbia, has had his contract extended.

'Right to Live' to Rivoli

Warners' "The Right to Live" goes into the Rivoli Wednesday, Feb. 13.



I am the star..

EDWARD G. ROBINSON

All who have followed the making and the previewing of THE WHOLE TOWN'S TALKING are unanimous in agreement that this is a new ROBINSON, a startling ROBINSON, a ROBINSON such as the screen has never seen before.

•

That "the play's the thing" has never in my opinion been more forcibly proven than in THE WHOLE TOWN'S TALKING. It's a grand story by two grand story tellers: Bob Riskin and Jo Swerling, based on a tale by W. R. Burnett.

For all of the elements that have contributed to what I think is a truly great picture, I am deeply grateful:

To COLUMBIA, for its splendid cooperation;

To JOHN FORD, for his magnificent direction; and,

To the other players for their enthusiasm, their inspired performances and their whole-hearted support. They have all been a part of the making of a grand, exciting picture.

Edward G. Robinson

WORLD PREMIERE
Radio City Music Hall
February 21st

A COLUMBIA PICTURE

WARNING!

There's an Epidemic of

WORD-OF-MOUTH DISEASE

in New York City and it's

SWEEPING THE COUNTRY!



W C FIELDS as Micawber | LIONEL BARRYMORE as Dan Peggotty | MADGE EVANS as Agnes | MAUREEN O'SULLIVAN as Dora | FREDDIE BARTHOLOMEW as David | LEWIS STONE as Mr Wickfield | BASIL RATHBONE as Mr Murdstone | FRANK LAWTON as David the Man | ELIZABETH ALLAN as Mrs. Copperfield | ROLAND YOUNG as Uriah Heep | EDNA MAY OLIVER as Aunt Betsey



Produced by DAVID O. SELZNICK. Directed by GEORGE CUKOR A METRO-GOLDWYN-MAYER PICTURE.

FIRST WEEK AT THE CAPITOL THEATRE, NEW YORK

FRI. *Jan. 18th*	SAT.	SUN.	MON.	TUES.	WED.	THU.

SECOND WEEK

FRI. *Jan. 25th*	SAT.	SUN.	MON.	TUES.	WED.	THU.

THIRD WEEK

FRI. *Feb. 1st*	SAT.	SUN.

The 17th day registers biggest gross for a similiar period since "SMILIN' THRU". And now it's stepping high, wide and handsome into its 4th Big Week!

SECOND FRIDAY BIGGER THAN OPENING DAY

THIRD FRIDAY BIGGER THAN SECOND FRIDAY

THIRD WEEK-END WITHIN FEW DOLLARS OF SECOND WEEK-END

SECOND WEDNESDAY BIGGER THAN FIRST WEDNESDAY

SECOND THURSDAY BIGGER THAN FIRST THURSDAY



Such fun! Now comes—

4th WEEK

at the CAPITOL

DAVID COPPERFIELD

HELD OVER FROM COAST-TO-COAST

and when we urged you to get EXTRA PLAYING TIME we did it for the wife and kiddies. *(Yours and ours!)*

Campi Surplus Features NRA Cost Hearing

(*Continued from page* 1)

penses last year, because of the fact that Campi machinery got under way gradually, were lower than they would have been had it operated through 1934 at the December rate of about $25,000 a month. While December operations indicated a $300,000 annual expenditure, the budget for this year contemplates $360,000, $41,000 of which will be required for the administration of vaudeville actor amendments to the code now pending before NRA.

Recital of the economics effected in setting up and maintaining Code Authority disclosed that Flinn has set up the machinery with an eye to the possibility that the organization may be merely temporary and the hearing was marked by an absence of criticism or questions to the necessity for any expenditures.

May Not Reach Total Planned

While Campi has a surplus, it was indicated that it is possible the total receipts from assessments may not reach the $360,000 planned for, nor does it appear to be likely that Campi will have a surplus in future periods. It was stressed by Flinn that support of the authority has been placed on a voluntary basis and that it "has no machinery to enforce payment" as have some of the other code authorities.

As soon as pending amendments to the code are approved, it is the plan of the authority immediately to set up four regional boards in New York, Boston, Chicago and San Francisco, respectively, to enforce the new provisions. This cannot be done by the existing regional boards, it was explained, because of their many other duties.

Discussion of the assessment schedules revealed that the eight affiliated companies which are taxed both on the production-distribution and exhibition schedules last year contributed 90 per cent of the producer-distributor total and about 30 per cent of the exhibitor collections, and are expected to furnish approximately $200,000 of the $360,000 total assessment.

Producer Statements Delayed

It was explained by Flinn that the statements for the distributors have not been sent out, pending approval by the administration for an order permitting them to charge against their producers the latter's share of assessments.

Questioned by members of the administration as to why the 1934 assessments could not be amended to take care of the surplus, he pointed out that to do so would cause untold confusion and that it would be better to take care of the matter in the first 1935 statements.

As a result of the discussion, it was agreed that in view of the uncertainty as to the status of Code Authority after June 16, next, when the present recovery law expires, the assessments for the year should be split into two parts and bills sent out only for the period up to June 16.

On those bills, credit is to be made for each individual's share of the surplus. The surplus is not to be returned pro rata to the entire industry but to the members of each of the two groups in proportion to the excess which their group contributed, it being developed that this would prevent the members of one group from benefiting by the larger excess of contributions which the other might have furnished.

The only opposition to the schedules was offered in a letter from Independent Exhibitors of New England, Inc., complaining that small theatres were more heavily taxed in proportion than the large houses and suggesting a formula involving capacity, admission price and number of shows. It was declared by Flinn that this was impracticable because of frequent changes of policy by individual houses which would render their month to month rating unstable.

Momand Issues a Printed Attack on Hays and Code

Violent attacks on the industry code and the Hays organization have been formulated by A. B. Momand, Oklahoma exhibitor, in a booklet entitled "The Hays Office and the NRA." The booklet, 32 pages in length, has been mailed to all members of the Senate and House, governors of the 48 states, the heads of all state universities and leading newspapers.

In a foreword Momand says he has printed the book and distributed it at his own expense.

The first half is devoted to a history of the Hays organization, boards of arbitration and Film Boards of Trade, and to Judge Thatcher's decree in 1929 which ended the arbitration boards.

In the closing paragraph of this section of the pamphlet Momand says there is talk of naming Postmaster General James A. Farley as Will H. Hays' successor. He calls this a "challenge to the Congress of the United States."

In the section devoted to the NRA he charges that the code was dictated by major producers, that it is a new attempt to nullify the anti-trust laws, and that it has been beneficial only to the "trustified element."

"America has progressed as far as she can upon the false premise that the nation exists for the benefit of the predatory class," he writes.

He appeals to Congress to "assert the sovereignty of the United States" and at the end of the booklet has perforated sheets in blank addressed to Senators and Congressmen to "use their influence to prevail upon the Attorney General to have him immediately begin prosecution of the film and theatre trust."

Film Stoppage Cases Up on Coast Today

Los Angeles, Feb. 5.—The stage is all set for tomorrow's hearing in the U. S. District Court before Judge Harry Holzen on two petitions by independent exhibitors for injunctions to prevent distributors from shutting off film supply at the Oxnard, Oxnard, and the Mission, San Gabriel.

Pierson M. Hall, local assistant district attorney, has been assigned by Washington to defend the grievance board and Campi, which have ruled against the Oxnard and Mission on bank nights. In the first instance the Mission, Ventura, complained against the Oxnard. G. A. Ferry of the Granada, Alhambra, filed the protest against the San Gabriel Mission.

Bank night appeals continue to occupy the spotlight at Campi committee hearings. At a session yesterday nine were on the calendar, seven of the complaints having been filed by Warners in Milwaukee and appealed by respondents. The committee consisted of E. T. Gomersall, Dan Michalove and Thomas Murray.

While the practice seems to be a moot subject, conferences are being held in New York which are expected to be followed by a suit challenging the bank night section of the code. Nothing is expected on the contemplated action for a few weeks.

Appeals heard yesterday were; Interstate's Hollywood, Worth Majestic and Palace, Dallas, against Queen Amusement Co., New Liberty, Fort Worth; Capitol, West Allis, Wis., against Allis, same city; Appleton, Appleton, Wis., against the Brin, Menasha, Wis.; Bay, Green Bay, Wis., against Orpheum, same city; Appleton, Appleton, against Embassy, Neenah, Wis.; Juneau and Granada, Milwaukee, against the Riviera, same city; Bay, Green Bay, against the Strand, same city; Strand, Oshkosh, against the Rex, same city; Tacoma, Indianapolis, against the Roxy, same city.

Maloy Inquest Hits Snag; Is Postponed

(*Continued from page* 1)

and said they could imagine no reason for anyone wanting to kill Maloy. O'Hara was detained by the State's Attorney for further questioning.

Newspapers this morning carried the theory that Maloy was killed by the remnant of the Capone gang when he refused to continue to divide up his "miscellaneous revenues."

The *Herald-Examiner* printed a story that the Government investigation into Maloy's income tax payments had brought out that Maloy had recently agreed to withdraw 100 extra operators from theatre booths which he had forced them into, and that for this service he had been paid $100 per head, a total of $10,000.

His widow, Effie Maloy, also testified at the hearing.

Big Thaw Hits Nebraska

Omaha, Feb. 5.—Film salesmen say the big thaw in the past two weeks has made country roads almost impassable and has crippled small town picture business. One farmer had been marooned so long out in the muddy sticks he rolled up his overalls and plodded to town barefooted in order to see a show! Several country folks have tossed saddles (rarely used) on horses in order to get to town.

NRA Regarded As Poised for Crucial Tests

(*Continued from page* 1)

any splitup of the Administration's functions was planned was issued by Donald R. Richberg, executive director of the National Emergency Council.

While members of the NRA Board favor continuance of the act unchanged, others in the Government would have it modified to eliminate much of the allegedly unworkable fair practice program, and still others would have the law demonstrate its usefulness by permitting industries to indicate whether they desired to continue under codes, holding that the resultant expression of opinion would show whether the act is considered of value.

When the new legislation reaches the Capitol it will come under fire in both houses. Senators Nye, Borah and others are storing up ammunition for an attack upon the measure in the Senate, while in the House, Congressman Connery of Massachusetts, chairman of the Labor Committee, is preparing to open hearings next Monday on labor representation on code authorities.

Meanwhile, labor generally is highly dissatisfied with recent activities of the Administration and is preparing to attack the codes. It is generally accepted that the NRA is about to experience the bitterest test of its career.

Cocalis Ill, But Wins Code Decision

Sam Cocalis of the Springer & Cocalis circuit yesterday violated doctors' orders and braved the snow flurries to attend a grievance hearing before the New York board, where he was the main witness in an overbuying complaint. Cocalis has been at home the last two days because of a bad case of the grip and has been told by his physician to remain in bed for a few days.

When Melvin Albert, representing the Regent, Brooklyn, refused to grant a postponement until Feb. 26 on request of Cocalis' attorney, the respondent was called at his home in Elizabeth and then decided to come before the board and defend himself. Cocalis has the Apollo, and it was charged that this house had overbought. The defendant, however, proved that he had bought 319 pictures and his requirements call for 275. Allowing for concellations and "cushion," the board dismissed the complaint.

Cocalis plans to leave for Miami tomorrow.

Kutinsky Delay Denied

Request by Louis Nizer, attorney for Morris Kutinsky, for a rehearing of the overbuying complaint filed by the Community, Queens Village, against Century's Queen, same town, has been denied by Campi with the recommendation that if Kutinsky has another case he should file his complaint with the New York grievance board. This was the case in which selective contracts was a controversial issue.

Fox Midwest Plans To Share Profits

KANSAS CITY, Feb. 5.—A profit participation plan for Fox Midwest employes has been launched. As worked out by E. C. Rhoden, division manager, a percentage of the profits over the preceding year will be paid out every 13 weeks in cash bonuses, ranging from five to seven and one-half and 10 per cent, depending on the class of operation.

Similar to a plan put into effect by Fox West Coast, the benefits take in all employes from district managers and managers to cleaners. Special prizes will be set aside for cashiers, doormen and ushers, earned for excellence in appearance, personality and acts of courtesy. Operators will be given prizes for efficient and economical projection, and janitors for efficiency in keeping the theatre spic-and-span.

The sharing plan was explained to managers at district meetings held in Kansas City, Topeka, Wichita and St. Louis. Rhoden is working on other plans for the benefit of employes, including a benefit and retirement fund, which will be formally organized when the division is taken out of bankruptcy. Revenue from a pass tax and commissions on candy sales in the lobby is deposited in the fund.

Toronto Ruling on Premiums Protested

TORONTO, Feb. 5.—They still want to give away crockery, silverware and other merchandise. Although police commissioners ruled that giving of premiums by theatres is illegal, a number of independents have protested the decision. On the other hand, retail merchants selling the same or similar crockery, etc., that is distributed by the theatres, have urged the police to enforce the law.

The police have practically passed the buck, so far, with the intimation that they have not yet received any specific complaints of illegal premiums and are waiting for the word.

Ohio Censors Want To See "Time" Reel

CLEVELAND, Feb. 5.—Dr. B. O. Skinner, head of the Ohio censor board, has raised the censorship issue on the March of Time reel. He contends it is subject to the board's supervision. The local First Division exchange insists that it is exempt as a newsreel.

Plan Film for Laughton

LONDON, Feb. 5.—London Films plan to star Charles Laughton in a film based on "I, Claudius" and "Claudius, the God," Robert Graves volumes, rights to which have been acquired by Alexander Korda, production executive of the company. Production will get under way upon the actor's return here from Hollywood.

Flu Hits 3 Players

HOLLYWOOD, Feb. 5.—Richard Dix, Glenda Farrell and Betty Grable joined the army of flu victims here today. Dix is also suffering with a bronchial infection.

Industry's Leaders Turn Out for First M. P. Forum

By J. M. JERAULD

Industry leaders turned out in force yesterday to get the M. P. Club Forum off to a belated mid-winter start, aided by Judge James A. Wallace of the Court of General Sessions, and abetted by Nathan Burkan, Amos Pinchot, Louis Nizer, et al—meaning other legal talent.

Judge Wallace turned out to be a showman who knows the show business. He modestly admitted that he was the assistant district attorney who helped induce Mae West to spend a 10-day vacation on Welfare Island. Most of the diners leaned forward.

Burkan had just finished introducing the jurist as a "delightful companion, a good friend, and a generally wholesome fellow." He had also related how he had represented Miss West in a well-known case after one of her shows had been raided. Judge Wallace was prosecutor in that case, too, but it resulted in a "tie," Burkan said.

"I always thought that case was a Paramount publicity stunt," Burkan said, "but I wasn't in on it. Mae West paid me."

Burkan Is Persistent

Will H. Hays, seated on Nizer's left, removed his glasses and looked incredulous. George Schaefer gazed at the ceiling. "Anyway," Burkan persisted, "Paramount signed her up immediately afterwards."

"Yes, it was a tie," Judge Wallace admitted, after acknowledging the "fulsome" introduction. "Both cases helped make her famous."

Then he directed his remarks to Hays: "I hope, General," he said, "that you won't do anything to restrict her art. I think she is a fine actress, and should be given every opportunity to display her—her, er, very ample talents."

Everybody joined in the laugh. The 1935 forum was under way.

"Speaking seriously," the judge went on; "I've always been interested in pictures. Years ago I used to watch J. Stuart Blackton make pictures in Brooklyn. I had an ambition to become an actor myself. I think films have advanced both intellectually and as entertainment. They give more for the money—I have a little Scotch in me—than any other form of amusement."

Referring to his recent appointment as judge, he said his admiration for Governor Lehman had been "increased," and that he hoped now to be able to lay aside his role of prosecutor for that of mediator.

Nizer introduced Pinchot as brother of the famous Gifford and father of Rosamond "as well as a famous international lawyer," although he confessed he didn't know what international law really was.

Pinchot said he wanted to talk on the New Deal, and he did. He called it a "repetition of history." Emergency measures were needed, he said, during the bank holiday and afterwards, but he pointed out the impossibility of "regimenting" business and controlling prices, and declared it was based on the theory that a small group of men could be gathered together who would know enough about all phases of economic life to regulate American business.

"It can't be done," he declared; "the government has never been able to regulate the comparatively simple structures of the railroads and pipe lines."

He hoped, he said, that regulation would not be extended to the film business, and that these "serious-minded men with a sense of humor" before him would give the problem "deep thought."

Hamilton H. Collins, Los Angeles business man, banker and Democratic leader, was introduced.

Collins turned away from the microphones and looked at Hays. "Maybe it's just as well if the radio can't hear me," he said.

Got Sinclair Scare

"Speaking of regimentation," he went on. "We barely escaped it in California. A lot of us were genuinely scared when Upton Sinclair sold his theories to the people of California. I wanted help from the picture business, but didn't know how to start. It had so many Republicans."

He waved his hand toward Hays. "Then there was Louis B. Mayer and others. Anyway, I appealed to Hays, and he sent this fat boy (pointing toward Charles C. Pettijohn) out to us, and what he did proved there was at least one good Democrat in the film ranks."

By this time a few more laughs had been added to the annual launching of the forum. It was sliding down the ways in great style.

Nizer then explained that Ferdinand Pecora, another new judge, couldn't attend.

"I hope he don't show up next week when all the bankers are here." Pecora investigated the bankers in a big way during the recent Senate probe.

Next week's speakers will include Joseph P. Kennedy, SEC chairman; Clarence Dillon of Dillon, Read & Co., and Richard Whitney, president of the Stock Exchange.

There was a big crowd. At the head table were Phil Reisman, Austin Keough, Jules E. Brulatour, Jack Cohn, Burkan, Felix Feist, Hays, Schaefer, H. M. Warner and others.

"Mitzvah" on Broadway

"Bar Mitzvah," Sov-Am Film Corp.'s Yiddish talking version of Boros Thomashefsky's stage play of the same name, will be released on Broadway about Feb. 20. This will be the first all Yiddish picture to be shown on Broadway.

Comic Strip for Shirley

"Little Annie Rooney," comic strip syndicated by King Features, has been purchased by Fox which expects to draw a Shirley Temple vehicle from the character.

The William Morris Agency cleared the sale.

Wall Street

Loew's Pfd. Up 2⅜ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	35¾	35¾	35¾	— ⅛
Consolidated Film	6¼	5⅞	5⅞	— ⅛
Consolidated Film, pfd (½v)	20⅝	20⅛	20⅛	— ⅝
Eastman (4a)	112½	112	112	— ⅞
Eastman pfd (6)	144	144	144	—1½
Fox Film "A"	10⅝	10½	10½	— ⅜
Loew's, Inc. (1a)	32⅝	31⅝	31⅞	— ⅜
Loew's, Inc., pfd (6½)	104⅜	103½	104⅜	+2⅜
Paramount	3¾	3⅝	3¾	— ⅛
Pathe	1	1⅛	1	+ ⅛
Pathe "A"	14½	14½	14½	— ¼
RKO	2	2	2	.....
Warner	3¾	3⅝	3⅝	— ¼
Warner pfd	21⅛	20½	20½	—1¼

Curb Issues Remain Unchanged

	High	Low	Close	Net Change
Sentry Safety Control	¼	¼	¼	.....
Technicolor	12	12	12	.....
Trans-Lux	3	3	3	.....

Pathe Bonds Up ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	8¼	8⅛	8¼	.....
Keith B. F. 6s '46	68½	68	68½	+ ½
Loew's 6s '41 ww deb rights	104¾	104¾	104¾	+ ¼
Paramount B'way, 5½s '51	47⅞	47¾	47⅞	— ⅛
Paramount F. L. 6s '47	68¼	67¼	67¾	— ¼
Paramount Publix 5½s '50	68	67½	67½	— ½
Pathe 7s '37, ww	102	102	102	+ ½
Warner Bros. 6s '39 wd	56¼	55	55½	— ¾

(a) Plus cash extras. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 5)

Horror Photos Irk Chicago Exhibitors

CHICAGO, Feb. 5.—Exhibitors here are waxing indignant over the unpremeditated policy of the *Sunday Herald & Examiner* in printing a truck of crime slaying scenes in the same form that contains the amusement section and theatre advertising.

Like the recent Hearst war horror series, the crime photos show victims of one way rides and machine gun bullets in equally gruesome vividness.

Exhibitors contend that such horror pictures are bad for theatre patronage. They want them shifted away from the amusement section.

Murphy to Pittsburgh

PITTSBURGH, Feb. 5.—With the resumption of stage shows at the Penn and a subsequent increase in activity, Loew's has sent Gene Murphy here from New York to relieve Mike Cullen, house manager, of the theatre's publicity duties. The Penn hasn't had a press-agent in several years, with Cullen doubling in brass.

Murphy reported in Pittsburgh this week and immediately took over his new duties.

IEPA Meet Postponed

PHILADELPHIA, Feb. 5.—The meeting of the IEPA scheduled to be held here today was postponed due to the storm. The meeting will be held next week.

Hill for Direction

HOLLYWOOD, Feb. 5.—Bob Hill has been signed by Ray Kirkwood to direct "The Cyclone Ranger," featuring Bill Cody, for Spectrum Pictures.



ANN DVORAK—The singing and dancing surprise of 1935!



HELEN MORGAN— The top torch-singer of the land.

FEBRUARY 23RD WARNER BROS.



RUDY VALLEE in



NED SPARKS, Robert Armstrong, Joe Cawthorn and Al Shean, in a hilarious battle of half-wits.



100 HOLLYWOOD CUTIES in the big "Fare Thee Well, Annabelle" finale directed by Bobby Connolly.

Rudy as the produce
and "Gold Dig
Rudy in a laugh-cra
ors of "20 Mil
Rudy in 5 songs by
Rudy surrounded by

ANN D

9 STARS! 2 BA



ALLEN JENKINS AND ALICE WHITE— Two minds without a single thought.



THE CONNECTICUT YANKEES—Rudy's own world-famous band.

WILL LAUNCH A NEW DEAL IN RUDY VALLEE PICTURES!

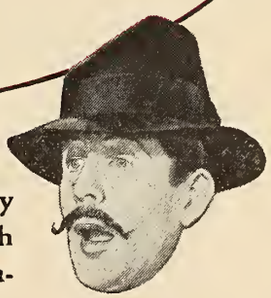
SWEET MUSIC"



"Flirtation Walk,"
present him!
d story by the auth-
Sweethearts"!
Warner composers!
er great features—

ORAK

! 100 GIRLS!



SURPRISES as Rudy steals the show with hilarious character impersonations.



FRANK & MILT BRITTON'S BAND of merry musical maniacs.


IT
OUT-MONSTERS
'FRANKENSTEIN'
IT
OUT-THRILLS
'KING
KONG'
SHERMAN S.
KRELLBERG
Presents
THE
IT IS 100 YEARS
AHEAD OF ITS TIME!


IS
RDER THAN
R. JEKYL
AND
MR. HYDE'
MORE
TERRIFYING
THAN
'DRACULA'
ITY
OF THE LIGURIANS
PRODUCED AND DISTRIBUTED
BY
SUPER SERIAL PRODUCTIONS, INC.
729 SEVENTH AVE.
NEW YORK, N.Y.

"Copperfield" Twin Cities' High, $5,500

MINNEAPOLIS, Feb. 5.—Three big pictures reached the Twin Cities simultaneously. They were "David Copperfield," "The Lives of a Bengal Lancer" and "The County Chairman."

Of the three, "Copperfield" made the best comparative showing, going over par by $1,500 for a gross of $5,500 at the Century here. "The County Chairman" was $700 up on a take of $6,200 at the St. Paul Paramount, and "Lives of a Bengal Lancer" reached $6,000 in its second week at the State here.

This competition was pretty strenuous for the other first runs. Total first run business in Minneapolis was $24,700. Average is $25,000. Total first run take in St. Paul was $17,500. Average is $16,500.

Estimated takings:

Minneapolis:
Week Ending Jan. 31:

"DAVID COPPERFIELD" (M-G-M)
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

"THE GAY BRIDE" (M-G-M)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 1:

"ENCHANTED APRIL" (Radio)
ORPHEUM—(2,900), 25c-40c, 7 days. Roscoe Ates heading vaude. **Gross:** $5,500. (Average, $5,500)

"LIVES OF A BENGAL LANCER" (Para.)
STATE—(2,300), 25c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,500)

"SHE HAD TO CHOOSE" (Majestic)
PALACE—(900), 15c-25c, 7 days. Five acts vaude. **Gross:** $2,000. (Average, $2,000)

"THE SILVER STREAK" (Radio)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,200. (Average, $1,500)

"POWER" (Gaumont British)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,000)

St. Paul:
Week Ending Feb. 1:

"THE COUNTY CHAIRMAN" (Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,200. (Average, $5,500)

"THE SECRET BRIDE" (Radio)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

"THE BEST MAN WINS" (Col.)
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,500. (Average for week, $4,000)

"ENCHANTED APRIL" (Radio)
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,500. (Average for week, $4,000)

"THE BAND PLAYS ON" (M-G-M)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"EVENSONG" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,300. (Average, $2,000)

"Lancer," $8,800, Hit in Providence

PROVIDENCE, Feb. 5.—High gross, which resulted in a holdover for the picture, was scored by "Lives of a Bengal Lancer," despite a week that started off poorly, due to the storm. The take was $8,800, which is better than $2,000 over par.

Fay's and the RKO Albee, both spotting films and vaude, caught an average $7,000, but Loew's, with the splendid "David Copperfield," curiously enough, drew but $8,000.

Total first run business was $38,400. Average is $40,500.

Estimated takings for the week ending Jan. 31:

(*Continued on page* 13)

"Copperfield" Hits $23,000, Philadelphia

PHILADELPHIA, Feb. 5.—After this city dug itself out of the snow film takes received a good boost. Top figure went to "David Copperfield" at the Boyd. The take was $23,000 and the picture may be held another two weeks.

The Earle's low price policy brought good response with a gross that hit $17,000 with "I've Been Around" as the feature. Stanley-Warner hopes the same wrinkle will work at the Mastbaum, which has dropped the ante. For the last three days of its engagement, "Gilded Lily" snared $13,000, "Clive of India" got off to a good start at the Aldine with $9,300 on the first week and "Bengal Lancer" held up to a good $13,000 for its second week. It was held three more days.

Total first run business was $98,900. Average is $85,400.

Estimated takings for the week ending Jan. 31:

"CLIVE OF INDIA" (U.A.)
ALDINE—(1,200), 35c-40c-55c, 6 days. **Gross:** 9,300. (Average, $7,000)

"HERE IS MY HEART" (Para.) (2nd run)
ARCADIA—(600), 25c-35c-40c, 6 days. **Gross:** $2,400. (Average, $2,400)

"DAVID COPPERFIELD" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** $23,000. (Average, $12,000)

"I'VE BEEN AROUND" (Univ.)
EARLE—(2,000), 25c-35c-40c, 6 days. Stage: Lew Parker, Moscow Revels, Rae Samuels. **Gross:** $17,000. (Average, $12,000)

"CHARLIE CHAN IN PARIS" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Three X Sisters, Carl Freed, Minor and Root, Gwynne and Company. **Gross:** $13,000. (Average, $12,000)

"WHITE COCKATOO" (Warners)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,500. (Average, $3,500)

"RIGHT TO LIVE" (Warners) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 3 days. **Gross:** $900. (Average, 6 days, $4,000)

"GILDED LILY" (Para.)
ROXY-MASTBAUM — (4,800), 55c-75c-85c-$1.10, 3 days, 2nd week. **Gross:** $13,000. (Average, 6 days, $33,000)

"LIVES OF A BENGAL LANCER" (Para.)
STANLEY—(3,700), 35c-40c-55c, 6 days, 2nd week. **Gross:** $13,000. (Average, $12,000)

"THE SILVER STREAK" (Radio)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,800. (Average, $6,000)

"Lancer" Buffalo Smash at $11,100

BUFFALO, Feb. 5.—"Lives of a Bengal Lancer" was the week's big news, getting $3,100 over normal for $11,100 in a dull session of zero weather.

Paul Whiteman and "Behold My Wife" did $16,900 in six days at the Buffalo, well above average, but below expectations.

Total first run take was $44,900. Normal is $42,800.

Estimated takings for the week ending Feb. 1:

"BEHOLD MY WIFE" (Para.)
BUFFALO — (3,500), 30c-55c, 6 days. Stage: Paul Whiteman and orchestra with radio revue. **Gross:** $16,900. (Average for week, $14,300)

"THE FIRST WORLD WAR" (Fox)
"BACHELOR OF ARTS" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,200. (Average, $6,000)

"LIVES OF A BENGAL LANCER" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $11,100. (Average, $8,000)

(*Continued on page* 13)

When Actors Meet

Hollywood, Feb. 5.—Overheard on the Boulevard when two actors met. The one with the blue eyes and red necktie said to the one with the red nose and hangover eyes:

"And what are you doing these days?"

The answer was: "Oh, I am just one of those Larry Darmour hams."

Said the one with the red necktie:

"Gee, that's a Swift one."

Pittsburgh's Top, $20,000, "Copperfield"

PITTSBURGH, Feb. 5.—The Penn was the only house in town last week with anything to cheer about. "David Copperfield" was the reason. It built day by day and wound up with a sensational $20,000, the best straight picture takings this theatre has had in years. It finished to capacity and could have held for a second week had not a change of policy, including a reduction in scale, been announced.

Elsewhere, however, there was nothing but the blues. The Stanley, with "Limehouse Blues" and Polly Moran on the stage, took it on the chin at $11,000, while the Alvin also slipped badly, getting only $7,000 with "Lottery Lover" and a presentation headed by Mitzi Green. Not since before Christmas has the Fulton had a $3,300 week, which was all that "The Band Plays On" attracted, and a double feature, including "Romance in Manhattan" and "I'm a Thief," couldn't better $4,000 at the Warner.

Total first run grosses were $45,350. Average is $50,500.

Estimated takings for the week ending Jan. 31:

"LOTTERY LOVER" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Mitzi Green, Ralph Dunn, Monroe and Grant, Rochelle Brothers and Beebe, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $7,000. (Average, $10,000)

"THE BAND PLAYS ON" (M-G-M)
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $3,350. (Average, $4,500)

"DAVID COPPERFIELD" (M-G-M)
PENN—(3,300), 25c-50c, 6 days. **Gross:** $20,000. (Average, $12,000)

"LIMEHOUSE BLUES" (Para.)
STANLEY—(3,600), 25c-60c, 6 days. Stage: Polly Moran and "Words and Music" unit with Lester Cole, Herman Hyde, Barr and Estes. **Gross:** $11,000. (Average, $19,000)

"ROMANCE IN MANHATTAN" (Radio)
"I'M A THIEF" (Warners)
WARNER — (2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

Withdraw "Lancer" For "Copperfield"

OMAHA, Feb. 5.—This town had a plethora of big pictures. "Lives of a Bengal Lancer" was pulled after grossing $3,500 at the World in four days to make room for "David Copperfield."

In spite of bad weather conditions "The Gilded Lady" and "Gambling" at the Orpheum took a strong $8,800 and "West of the Pecos" and "Grand

(*Continued on page* 13)

"Behold" Is Only Draw in Seattle Skid

SEATTLE, Feb. 5.—Business went into a general decline last week, with "Behold My Wife" making the best comparative showing at $5,800. Even this was $200 below normal at the Paramount.

"Sequoia" was strong for five days of its second week, taking $4,100 at the Fifth Avenue. "Enchanted April" was so weak at the Music Hall that it was pulled at the end of six days with a take of $3,900.

Total first run business was $28,600. Average is $36,500.

Estimated takings for the week ending Jan. 29:

"STRANGE WIVES" (Univ.)
"RED HOT TIRES" (F. N.)
BLUE MOUSE—(950), 10c-25c, 7 days. **Gross:** $2,900. (Average, $3,500)

"SEQUOIA" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 5 days, 2nd week. **Gross:** $4,100. (Average, 7 days, $7,000)

"I'LL FIX IT" (Col.)
"GIRL IN DANGER" (Col.)
LIBERTY — (1,800), 10c-15c-25c-35c, 7 days. **Gross:** $3,600. (Average, $4,000)

"THE RIGHT TO LIVE" (Warners)
MUSIC BOX—(950), 25c-40c-55c, 7 days. **Gross:** $3,200. (Average, $4,000.

"ENCHANTED APRIL" (Radio)
MUSIC HALL—(2,275), 25c-40c-55c, 6 days. **Gross:** $3,900. (Average, $6,500)

"TH E WHITE COCKATOO" (Warners)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Harry Savoy. **Gross:** $5,100. (Average, $5,500)

"BEHOLD MY WIFE" (Para.)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Harry Barris & Loyce Whiteman. **Gross:** $5,800. (Average, $6,000)

"Copperfield" a Cleveland Smash

CLEVELAND, Feb. 5.—"David Copperfield" was a "wow" at Loew's State. It grossed $23,000 in one week. Average is $10,000. It moved into the Stillman for an extended run.

"County Chairman" was another hit, getting $12,000, or just double average. It was held a second week. "Baboona" made a fairly good showing with $8,300 at the RKO Palace. The weather was very cold.

Total first run gross was $51,300. Average is $33,000.

Estimated takings for the week ending Jan. 31:

"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)
ALLEN—(3,300), 20c-30c-40c, 3 days. **Gross:** $1,200. (Average, for 7 days, $3,000)

"CHARLIE CHAN IN PARIS" (Fox)
ALLEN—(3,300), 20c-30c-40c, 4 days. **Gross:** $2,000. (Average for 7 days, $3,000)

"COUNTY CHAIRMAN" (Fox)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $6,000)

"BABOONA" (Fox)
RKO PALACE—(3,100), 30c-35c-42c, 7 days. **Gross:** $8,300. (Average, $10,000)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** 23,000. (Average, $10,000)

"BEHOLD MY WIFE" (Para.)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $4,800. (Average, $4,000)

Authors Elect Hughes

HOLLYWOOD, Feb. 5. — Rupert Hughes has been elected president of the Writers' Club of Hollywood.

"Lancer" Big In 2nd Week On the Loop

CHICAGO, Feb. 5.—"Lives of a Bengal Lancer" was the biggest attraction in town in spite of the fact that it was in its second week at the Roosevelt. The $16,000 take was $5,000 over a first week average.

"Clive of India" was the next best box-office magnet on a take of $18,000 at the United Artists. This was over par by $1,000. "I Am a Thief" was $1,000 up on a gross of $16,000 at the Oriental, but the rest of the Loop was in the doldrums.

Total first run business was $117,700. Average is $129,600.

Estimated takings:

Week Ending Jan. 31:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Phil Harris, Leah Ray, Bobby May, Kay Picture. **Gross:** $32,000. (Average, $34,600)

"I AM A THIEF" (Warners)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Jackie Heller, Ina Ray, Hutton & Melo-dears. **Gross:** $16,000. (Average, $15,000)

"ENCHANTED APRIL" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Bert Wheeler, Harry Jans, Betty Gable, Ann, Judy & Zeke. **Gross:** $14,000. (Average, $22,000.)

"BROADWAY BILL" (Col.) (Fourth Loop Week)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $5,000)

Week Ending Feb. 1:

"HERE IS MY HEART" (Para.)

APOLLO—(1,400), 25c-35c-50c, 2nd Loop week, 7 days. **Gross:** $5,000. (Average, $10,000)

"LIVES OF A BENGAL LANCER" (Para.)

ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 7 days. **Gross:** $16,000. (Average, $11,000)

"WHITE LIES" (Col.)

STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Dave Vine, Lou & Evelyn revue, Ming Toy, Charles Brugge. **Gross:** $12,000. (Average, $15,000)

Week Ending Feb. 2:

"CLIVE OF INDIA" (U. A.)

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $18,000. (Average, $17,000)

Withdraw "Lancer" For "Copperfield"

(*Continued from page* 12)

Old Girl" reached a par $3,800 at the Brandeis.

Total first run business was $15,100. Average is $15,800.

Estimated takings:

Week Ending Feb. 3:

"LIVES OF A BENGAL LANCER" (M-G-M)

WORLD—(2,200), 25c-40c, 4 days, 2nd week. **Gross:** $3,500. (Average, $4,000)

Week Ending Jan. 30:

"WEST OF THE PECOS" (Radio)
"GRAND OLD GIRL" (Radio)

BRANDEIS—(1,200), 25c-40c, 7 days. **Gross:** $3,800. (Average, $3,800)

Week Ending Jan. 31:

"THE GILDED LILY" (Para.)
"GAMBLING" (Fox)

ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $8,000)

Karloff in "Black Room"

HOLLYWOOD, Feb. 5.—"The Black Room Mystery," an original by Arthur Strawn, has been selected as the first picture for Boris Karloff at Columbia. Strawn, who is also working on the screen adaptation, has just been signed to a long term contract by the studio.

Good Time Was Had

Ross Ice Shelf, Bay of Whales, Feb. 5.—It's all over. The Penguin, which started out as a first run on Feb. 5, 1934, and then became a second run, a third run and a fourth run without a single argument over clearance, is washed up.

Admiral Byrd's boys can repeat most of the dialogue of 93 features supplied by M-G-M, Warners, U. A., Paramount, Fox, Universal, Radio and Columbia, but it was all in fun. There was nothing else to do during a six-month wintry night.

Now the boys are pushing the projection machines across the ice to the *Bear of Oakland.*

"Gilded Lily" Hits $9,000, Portland

PORTLAND, Feb. 5.—"Gilded Lily" secured the heaviest draw during the past week. It grossed $9,000, over par by $4,000, at the Paramount. An excellent stage show helped.

"Clive of India" in a 10-day run at United Artists secured a take of $6,500, which is above par by $1,500.

"Lives of a Bengal Lancer" was heavy at $4,500 at the Mayfair on an extended run from the Paramount, or $1,500 over the usual.

Total first run business was $33,000. Average is $27,000.

Estimated takings for the week ending Feb. 3:

"THE BAND PLAYS ON" (M-G-M)
"WICKED WOMAN" (M-G-M)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"LIVES OF A BENGAL LANCER" (Para.)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. (Return engagement, played previously at Paramount.) **Gross:** $4,500. (Average, $3,000)

"WHITE COCKATOO" (Warners)

MUSIC BOX—(1,000), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $2,000)

"ONE NIGHT OF LOVE" (Col.) (2nd Run)

ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $2,000)

"BORDERTOWN" (Warners)

ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000)

"GILDED LILY" (Para.)

PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,000. (Average, $5,000)

"CLIVE OF INDIA" (U. A.)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $5,000)

"Lancer," $8,800, Hit in Providence

(*Continued from page* 12)

"THE WHITE COCKATOO" (Warners)
"THE RIGHT TO LIVE" (Warners)

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,300. (Average, $7,000).

"THE MYSTERY WOMAN" (Warners)

FAY'S—(1,600), 15c-40c, 7 days. Stage: "Diamond Revue." **Gross:** $7,000. (Average, $7,000)

"LIVES OF A BENGAL LANCER" (Para.)

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,800. (Average, $6,500)

"SCHOOL FOR GIRLS" (Liberty)

RKO ALBEE—(2,300), 15c-40c, 7 days. **Gross:** $7,100. (Average, $7,000)

"DAVID COPPERFIELD" (M-G-M)

LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $8,000. (Average, $12,000)

"COURAGE OF THE NORTH" (Century)
"CALLING ALL CARS" (Cameo)

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

"Lancer" Is Washington's $18,300 Hit

WASHINGTON, Feb. 5.—"Lives of a Bengal Lancer" went over the top in a big way at Loew's Palace, it took $18,300, over par by $3,800, and proceeded to go into its second week.

Rubinoff and his violin was the major attraction at the Earle, where Barbara Stanwyck in "The Secret Bride" took a sub-average $17,500.

Loew's Fox, playing "The Night Is Young," slipped to $17,500, under the line by an even $3,000. Phil Baker's stage show didn't seem to help.

Ann Harding's "Enchanted April," at RKO-Keith's, stayed well under par, with but $8,500.

"The County Chairman" went over the top by $1,000 at Loew's Columbia on a take of $4,100. It was a return engagement.

Total take for the periods reported was $69,900. Average is $71,200.

Estimated takings, exclusive of tax:

Week Ending Jan. 31:

"THE SECRET BRIDE" (Warners)

EARLE—(2,218), 25c-77c, 7 days. Stage: Rubinoff and his band, Florence Mayo & Pansy; Mann, Robinson & Martin; Radio Aces. **Gross:** $17,500. (Average, $17,600)

"THE COUNTY CHAIRMAN" (Fox)

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,100. (Average, first week, $3,100)

"THE NIGHT IS YOUNG" (M-G-M)

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Phil Baker & His Own Revue, with Harry McNaughton, Mabel Albertson, "Beetle," Ching Ling Foo, Jr. Troup, Three R's. **Gross:** $17,500. (Average, $20,500)

"THE LIVES OF A BENGAL LANCER" (Para.)

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $18,300. (Average, $14,500.)

"THE BEST MAN WINS" (Col.)

METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,100)

Week Ending Feb. 4:

"ENCHANTED APRIL" (Radio)

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $8,500. (Average, $11,400)

"Lancer" Buffalo Smash at $11,100

(*Continued from page* 12)

"ROMANCE IN MANHATTAN" (Radio)
"THE FIREBIRD" (Warners)

HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,600. (Average, $8,000)

"WAKE UP AND DREAM" (Univ.)
"CHEATERS" (Hollywood)

LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,100. (Average, $6,500)

Extend 'Lancer' Bookings

TORONTO, Feb. 5.—Because of the immediate success of "The Lives of a Bengal Lancer" at its first Canadian showing at the Uptown here, Famous Players Canadian Corp. has sent out instructions to managers to double the booking time for this picture. The film established new house records during its first week at the Uptown, and the engagement will be continued indefinitely if business holds.

Operate on R. T. Stevens

TORONTO, Feb. 5.—Robert T. Stevens, circuit owner in Northern Ontario, is again in the Toronto General Hospital for an operation because of injuries he received in a fall from a local hotel window last summer. Following the accident, Stevens spent three months in the hospital. His home is in Sudbury.

"Copperfield" Lone Draw in Frisco Slump

SAN FRANCISCO, Feb. 5.—"David Copperfield" was the only first run in town to make average, and it didn't go over the line very far at that. The take at the Warfield was $23,500. Normal is $23,000.

"Bordertown" and "Evergreen," a dual at the Paramount, made the next best showing with $10,500, but this was $500 under the line. Even "Lives of a Bengal Lancer" was off at the St. Francis with $7,500.

Total first run business was $76,500. Average is $82,000.

Estimated takings:

Week Ending Jan. 29:

"ENCHANTED APRIL" (Radio)

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,500. (Average, $13,000)

"CHARLIE CHAN IN PARIS" (Fox)
"I'VE BEEN AROUND" (Univ.)

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $9,000. (Average, $10,000)

Week Ending Jan. 31:

"STRAIGHT FROM THE HEART" (Univ.)

"MILLS OF THE GODS" (Col.)

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $9,000)

"LIVES OF A BENGAL LANCER" (Para.)

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,500. (Average, $8,000.)

"MAN WHO RECLAIMED HIS HEAD" (Univ.)

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $5,500. Average, $8,000)

Week Ending Feb. 1:

"BORDERTOWN" (Warners)
"EVERGREEN" (Gaumont British)

PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

"DAVID COPPERFIELD" (M-G-M)

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $23,500. (Average, $23,000)

"Divorcee" $7,000 Lead in Oklahoma

OKLAHOMA CITY, Feb. 5.—Business picked up in a big way last week, with only one first run failing to go over par. "The Gay Divorcee" was a smash hit at $7,000 in the Midwest, as this figure is $3,000 over the line.

"Charlie Chan in Paris" was up by $400 on a take of $2,400 at the Capitol. "Lives of a Bengal Lancer," a hit practically all over the country, failed to make much of an impression at the Warner, the $5,000 gross being just average for that house. "The Band Plays On," with a stage show at the Liberty for four days, reached $1,500, and "Maybe It's Love," for the other three days, grabbed $1,050.

Total first run business was $16,950. Average is $13,500.

Estimated takings for the week ending Feb. 2:

"LIVES OF A BENGAL LANCER" (Para.)

WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $5,000. (Average, $5,000)

"GAY DIVORCEE" (Radio)

MIDWEST—(1,500), 10c-26c-36c-56c, 9 days. **Gross:** $7,000. (Average week, $4,000)

"CHARLIE CHAN IN PARIS" (Fox)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,400. (Average, $2,000)

"BAND PLAYS ON" (M-G-M)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $1,500. (Average week, $2,500)

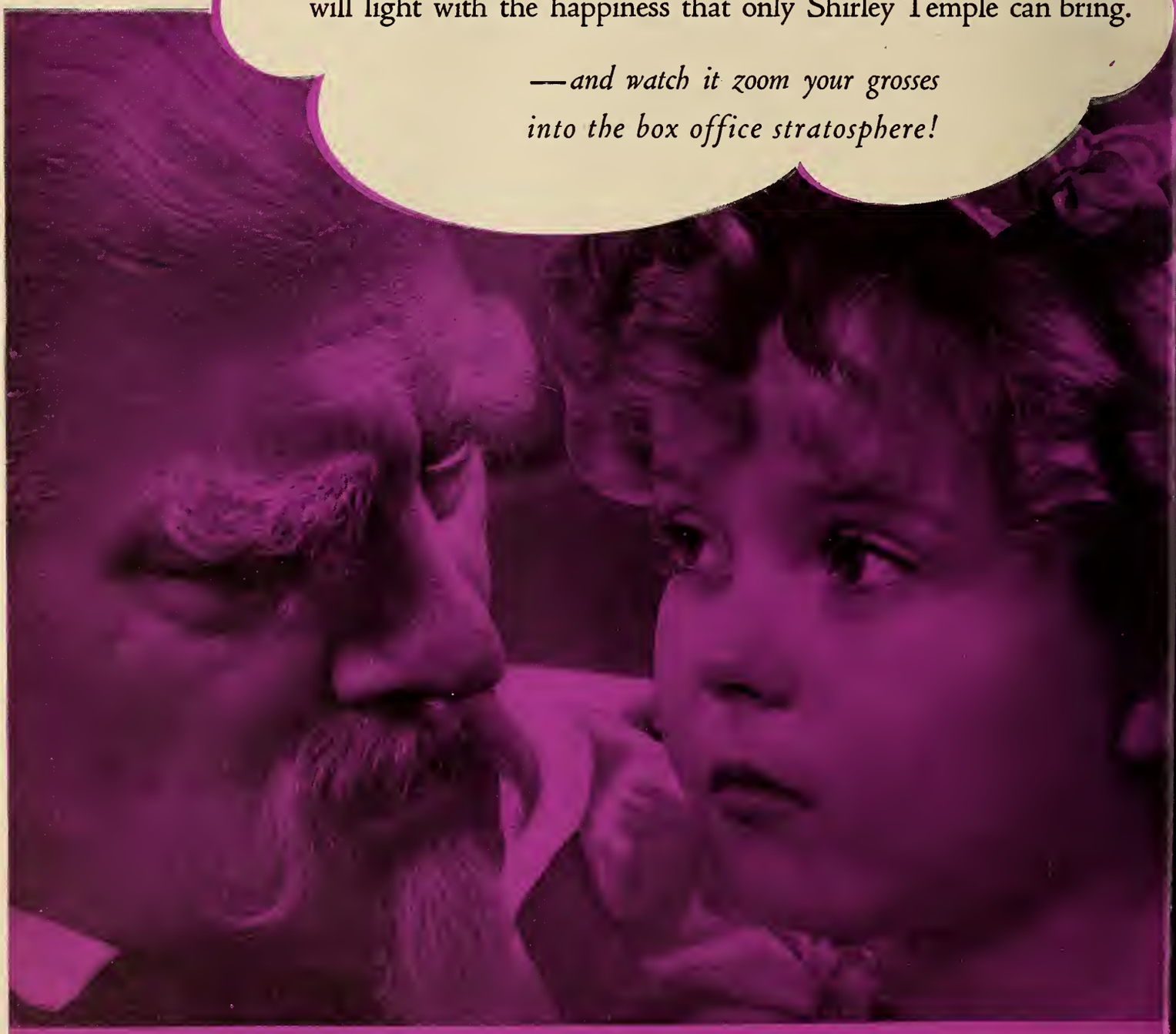
"MAYBE IT'S LOVE" (Radio)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,050. (Average week, $2,500)

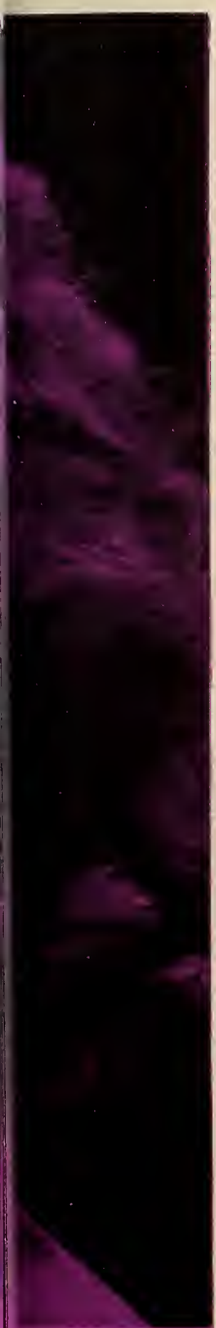
Again . . . SHE'LL WI
FRO

WHEN this little golden-haired sweetheart storms the affections of this crusty, silver-haired veteran . . . to rout his bitterness and false pride with her childish love and laughter . . . every face in the audience will light with the happiness that only Shirley Temple can bring.

—and watch it zoom your grosses into the box office stratosphere!



N UNCONDITIONAL SURRENDER
VERY HEART IN YOUR THEATRE



Shirley TEMPLE
Lionel BARRYMORE

IN

The LITTLE COLONEL

A B. G. DeSylva Production *with*

Evelyn Venable · **John Lodge**

***and* Bill Robinson**

Directed by David Butler.
Screen play and adaptation by William Conselman.
Based on the story by Annie Fellows Johnston.



Surprise

Adorable, dainty Shirley in her true colors
. . . in the big Technicolor sequence.

FOX



MEET KAY PARRISH, NIGHT CLUB HOSTESS

Park Avenue to Broadway . . . just a few city blocks . . . yet worlds apart! . . . Bridged by a beautiful girl born to the social register, whose own kind failed her in her hour of need! . . . The vivid drama of a proud debutante whose love found root in the shadows cast by Broadway's brightest lights!



Gigolette

WITH

ADRIENNE AMES
RALPH BELLAMY
DONALD COOK
ROBT. ARMSTRONG

FROM THE STORY BY GORDON KAHN
DIRECTED BY CHARLES LAMONT
Produced by SELECT PRODUCTIONS
ASSOCIATE PRODUCER—BURT KELLY
RKO-RADIO PICTURE

London Films Sets Deal for Use of Studio

By BRUCE ALLAN

LONDON, Jan. 26—Pending completion of its own plant at Elstree, London Film has signed a lease with E. R. Gourdeau for use of the Interworld studios at Worton Hall, Isleworth. The contract may run for 12 months, as the opening of the London plant, originally expected in April, is not now expected until a much-later date.

Worton Hall, one of the earliest British studios, has recently been modernized and greatly extended. It is the only British studio with Western Electric equipment, barring British and Dominions at Boreham Wood.

Leslie Banks, who scored a hit in "The Man Who Knew Too Much," has been signed on a new type of exclusive contract by Alexander Korda, for whom he will appear in the stage plays of L. F. Stage Prod. as well as in London films.

* * *

A total of 117 features were finally banned from exhibition in the Irish Free State during 1934, it is revealed in the annual report of James Montgomery, Government censor. Original rejections were 164, but appeals succeeded in certain cases and in others cuts were accepted.

During the year, dramatic films submitted numbered 1,504, of a total footage of 4,711,958. British films were 138. The all-in total was 2,275 films of all length with a footage of 6,984,092.

"Pictorial publicity," chiefly posters, was rejected in 799 instances.

* * *

An official inquiry has been asked into the workings of censorship by the trade-controlled British Board of Film Censors.

Introduced by the Archbishop of Canterbury, a deputation which saw Prime Minister MacDonald included representatives of 12 national organizations, among them the National Society for the Prevention of Cruelty to Children, the National Union of Teachers, the Free Church Council, the Salvation Army and the Jewish Community.

Sir Charles Grant-Robertson made the assertion that at least 25 per cent of films that had passed the censor were "unsatisfactory and in many cases really demoralizing."

Joe Rock, who is producer in England for Leslie Fuller Prod., is in a hospital as a result of his car skidding and hitting another close to the Elstree studio. Severe shock is diagnosed, in addition to other injuries.

* * *

Important extensions of the use of the film for educational purposes may result from a recent conference at the Ministry of Education.

Practical methods for the inexpensive installation of projectors in state-owned schools were discussed, and the standardization of sub-standard apparatus and films also came under review.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Straight from the Heart"

(Universal)

HOLLYWOOD, Feb. 5.—While Scott Beal's direction and B. F. Zeidman's production are good, story and characterizations tend to hinder audience appreciation.

Trying to make Roger Pryor, a crooked, double-crossing politician, sympathetic and giving Mary Astor a sugar coating by having her care for orphans seemed insufficient to a preview audience to whitewash the characters, even though the trouping of both is okay.

While the author tried to spread sweetness and light around moral motives, the yarn is smug and hackneyed, with likable actors doing unlikable things.

Jane Quigley being cute is the entertainment high spot, with the audience about evenly divided regarding her cuteness. Henry Armetta, Andy Devine, Robert McWade and Doris Lloyd round out the cast.

Production Code Seal No. 490. Running time, 70 minutes. "G."

Report Snyder Out Of St. Louis Group

(*Continued from page* 1)

to Harry C. Arthur of Fanchon & Marco.

Snyder and Harry Koplar refuse to comment on the reports. Arthur was here last week to attend a board of directors' meeting at which time, it is said, the matter was discussed.

Harry C. Arthur could not be reached at his Bronxville home last night. He was attending a meeting in Peekskill, where he could not be reached by telephone. Earlier in the day Arthur told MOTION PICTURE DAILY there had been no change in the St. Louis situation since his visit there last week. He said he planned to return to St. Louis in 10 days.

Jack Partington, when reached last night, said he knew nothing about the reported sale of Allen Snyder's interest in the St. Louis houses, referring all queries to Arthur.

Senate Authorizes An A. T. & T. Probe

(*Continued from page* 1)

Wheeler of Montana authorizing the Federal Communications Commission to undertake an examination of the film interests of the American Telephone & Telegraph Co. in connection with its investigation of that organization's activities and providing an additional appropriation of $750,000 to finance the study.

Trenchard Refuses To Modify Film Ban

(*Continued from page* 1)

and instrumentalities in the nature thereof out of the court room."

In a telegram to Attorney General Wilentz of New Jersey R. H. Cochrane denies that the Hauptmann newsreel pictures were "taken by trickery," as Wilentz charged late last week.

Explaining that his reply has been delayed by his illness, Cochrane says that he takes full responsibility for ordering the pictures used and also says that he has not recalled them.

Cochrane charges that the trial has been ballyhooed, that well known writers have editorialized on it, have "convicted Hauptmann" and that subpoenas have been used to get Park avenue debutantes into the courtroom. Newsreels, he insists, have treated the trial in a dignified manner and with respect for the court.

Erpi Wins Victory On Danish Patents

(*Continued from page* 1)

Washington on the Tri-Ergon case before the U. S. Supreme Court, detail was not available. Impression had it, however, that the suit re-established the rights of those two distributors to dub versions for release in the Danish market.

Other distributors, by virtue of an earlier ruling favoring Nordisk, are understood to have agreed to pay that company a flat royalty fee to assure distribution of their pictures in that territory.

Music Hall After Zanuck's Output; May Annex Rivoli

(*Continued from page* 1)

Ave. theatre and rejections booked into the Rivoli.

The Music Hall currently draws on RKO, Columbia, Universal, Fox, principally for film, but has played sporadic releases from Paramount, United Artists and Gaumont British as well.

Joseph M. Schenck, president of U. A., admitted to MOTION PICTURE DAILY, yesterday that discussions along above lines have been held.

W. G. Van Schmus, host at a cocktail party for Merle Oberon at the Music Hall early last evening, and so busy, merely smiled when asked for comment.

"Lily," Boles On Stage, Big Detroit Draw

DETROIT, Feb. 5.—"The Gilded Lily" on the screen and John Boles heading a stage show at the Michigan accounted for the big money here last week. The take topped normal by $2,400 and totalled $22,400.

"The County Chairman" was still strong in its second week at the Adams, getting $5,000, and "Music in the Air" ran up a strong $17,200 at the Fox.

Total first run business was $65,000. Average is $65,000.

Estimated takings for the week ending Feb. 1:

"COUNTY CHAIRMAN" (Fox)
ADAMS—(1,770), 10c-40c, 7 days, 2nd week. **Gross:** $5,600. (Average, $5,000)

"MUSIC IN THE AIR" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: 6 acts of vaudeville. **Gross:** $17,200. (Average, $15,000)

"IT'S A GIFT" (Para.)
"ENTER MADAME" (Para.)
(Second run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $3,300. (Average, $10,000)

"GILDED LILY" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: John Boles and 4 acts vaudeville. **Gross:** $22,400. (Average, $20,000)

"GAY BRIDE" (M-G-M)
"SCHOOL FOR GIRLS" (Liberty)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

"CLIVE OF INDIA" (U.A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $11,300. (Average, $10,000)

Production at New Peak; 48 Features

HOLLYWOOD, Feb. 5.—Production for the week ending Feb. 4 reached the highest peak in the past two years with 48 features and 11 shorts before the cameras as compared to 40 and five for the preceding week. In addition, there were 17 features and 10 shorts in the final stages of preparation, while 45 features and 14 shorts were in the cutting rooms.

Warners led the field with nine features before the cameras, two preparing and 10 editing; M-G-M had seven, none and 11; Paramount, seven, two and six; Radio, six, one and five; Fox, four, eight and four; Columbia, four, one and three; Century, three, zero and zero; Universal, three, zero and one; Goldwyn, zero, zero and one; independents, five, three and four.

In the short subject division M-G-M had two in work, two preparing and two editing; Roach had two, zero and three; Columbia, two, zero and zero; Radio, zero, two and one, while the independents had five, six and eight.

Laemmle's Eyes Improve

KANSAS CITY, Feb. 5.—James R. Grainger, Universal sales manager, stopping here today on his way east, reported that Carl Laemmle, Sr., had recovered from his eye affliction and was expected back on the job today.

Charter Blair Theatre

TOPEKA, Feb. 5.—A state charter of incorporation has been issued to Blair Theatre Enterprises, Belleville, Kan., capitalized at $5,000. Sam Blair is the president.

DROP EVERYTHING



if necessary

for the 15th ANNUAL

M·P·T·O·A

CONVENTION

at the

Roosevelt Hotel

New Orleans

Feb. 25th, 26th, 27th, 28th

GET a nationwide slant on motion picture theatre management. Confer with fellow-exhibitors on showmanship problems. Hear well-known authorities discuss different phases of your business. Enjoy a corking entertainment program . . . planned by experts.

Eat at world-famous restaurants with food specialties from all over the globe. Stay over, if you wish, for the gala Mardi Gras celebration. And you can do all this at specially-reduced rail and hotel rates. • *Make your hotel reservations now!*



For further details consult the

Motion Picture Theatre Owners of America

1600 Broadway New York City

Herzbrun and Lubitsch Set In Cohen Job

(Continued from page 1)

"supervisor" was not deemed appropriate.

In Hollywood, however, Herzbrun, in a statement, was not squeamish as to designation when he stated:

"I have asked Ernst Lubitsch to devote himself to supervision of all productions and am happy to announce his acceptance."

Glad for "Opportunity"

HOLLYWOOD, Feb. 5.—Informed via long-distance telephone sometime after midnight this morning by Adolph Zukor that he had been appointed vice-president in charge of production as well as general manager of the Paramount studio, Henry Herzbrun today issued a statement in which he expressed his appreciation for "the opportunity to serve in that capacity."

He said, in part:

"I have asked Ernst Lubitsch to devote himself to supervision of all productions and am happy to announce his acceptance. Before taking over his new duties exclusively, Lubitsch will produce and direct the next Dietrich picture. At his own request, Albert A. Kaufman has been relieved from his duties as assistant to Emanuel Cohen and will hereafter become an associate producer.

"There will be no other changes in studio personnel."

Concluding his statement, Herzbrun stated:

"With continued, harmonious cooperation of its splendid personnel, Paramount, I am sure, under the inspiring leadership of Adolph Zukor will continue its rise to greater heights."

Confidence in the new executive setup was voiced at a noonday meeting of Paramount officials and studio workers, called, Herzbrun told the assemblage, to assure them their jobs were safe.

However, Hollywood reverberated with reports today that Cohen's dismissal already has left its mark on studio personnel. One of the rumors purported to ascribe allegiance of several important players to Cohen. Heard was comment these unnamed individuals proposed giving Cohen preference in whatever his future affiliation may be, once their contracts with Paramount had expired.

Fox War Film Beats Canada's to Screens

TORONTO, Feb. 5.—The Fox release, "The First World War," has scooped the Canadian Government. For the last three months, the Federal authorities have been busy with the preparation of "Lest We Forget," an historical feature consisting of clips from the official war films, with sound added, taken from the Government archives.

The picture has not yet been released and "The First World War," of similar type, is already getting first runs at Canadian theatres.

Purely Personal

IF you go in for the popular pastime of doping out who belongs to distinctive automobile license plates, this might help:

HOWARD S. CULLMAN—49.
JOHN J. RASKOB—R.
HERBERT BAYARD SWOPE—S.
IRVING BERLIN—7 B.
IRENE BORDONI—B 27.
SIDNEY R. KENT—N 1.
MARK HELLINGER—G 17.
LOUIS SOBOL—F 11.
MORTON DOWNEY—U 1.
RUBINOFF—U U 2.
ROXY—R R 6.
RUDY VALLEE—U U 6 and U U 7.
EDDIE DOWLING—X 3.
ED WYNN—Y Y 2.

●

MARY ROGERS has one of the featured spots in "On to Fortune," stage play which opened at the Fulton Monday eve. She's WILL ROGERS' daughter.

Quip of the Day

V. Mansfield Shapiro, persistent Hollywood contributor, bounced in with this one yesterday:

"Why not call those Hollywood people who are reported to have contributed to the Communist Party funds the 'Karl Marx Brothers'?"

TREM CARR and W. RAY JOHNSTON returned yesterday from an exciting week-end at Atlantic City. CARR had a terrific dream one night and is still talking about it.

●

HELEN CHANDLER, who has essayed many leads in Hollywood product, appeared in another stage play at the Cort last night. It was "It's You I Want."

●

JOHN BRIGHT and ROBERT TASKER have sold an original called "Captain of the Yard" to Warners. EDWARD G. ROBINSON may be starred in it.

●

ABE MONTAGUE is slated to join the Miami contingent on Feb. 15. It'll be the Roney Plaza for three weeks of that w. k. Florida sunshine.

●

KATHERINE SWAN, long assistant to D. A. DORAN, JR., when the latter was story scout for several of the majors, is en route to the coast.

●

BEN PIAZZA plans to stay around another week. Meanwhile, he's looking over plenty of talent for possible Paramount contracts.

●

JOSEPH SANTLEY'S "Ask Mrs. Foster," an original, has been bought by Warners for the possible use of ALINE MACMAHON.

●

MAURICE CHEVALIER is set to appear as LOUELLA PARSON'S guest on the Hollywood Hotel air program in the near future.

●

SHEMP HOWARD winds up work tomorrow on his latest Vitaphone comedy at the Brooklyn plant.

●

HOWARD DIETZ slipped off to the coast yesterday. He'll be away two weeks on business.

●

CONWAY TEARLE is Hollywood-bound and that sounds like picture work.

MERLE OBERON arrived late for the cocktail party in her honor atop the Music Hall yesterday afternoon, but, when she arrived, she was leaning on JOSEPH M. SCHENCK'S arm. There was a goodly crowd assembled, made up of U. A. executives, including AL LICHTMAN, in a swell coat of tan, ARTHUR W. KELLY, HAL HORNE, and others from that office as well as newspaper and magazine writers gathered in from around the town. Later in VAN SCHMUS' attractive cubicle, pictures were taken. LESLIE HOWARD, who was slated to attend, could not. A boil and a fever running with it kept him away. The reason for the party? Opening tomorrow of "The Scarlet Pimpernel" at that theatre.

●

JANET GAYNOR, accompanied by HENRY FONDA, stage player recently signed by Fox, has left for the coast. MISS GAYNOR, who has been vacationing here for some time, will do "The Farmer Takes a Wife" as her next and FONDA will have the lead opposite her.

●

BUSTER LOMAX who, during his past three years at the Roxy has been at the theatre all hours of the night, now quits at 5:30 P. M. sharp. Reason: Last week he married NELL KELLY, mistress of ceremonies.

●

HARRY M. WARNER is back from Miami with a swell coat of tan. He's matching colors with brother ALBERT, who returned last week from the same resort.

●

CLAUDE EZELL is back from Dallas again and plans to leave for his home town on Monday. He left WILLIAM UNDERWOOD, his partner, in Dallas.

●

RUTGERS NEILSON is still keeping those dental appointments and his office staff still passes around the candy, much to RUTGERS' delight.

●

HARRY H. THOMAS returned yesterday from a brief trip to the Quaker City. AL FRIEDLANDER is in the Windy City.

●

MAX COHEN, manager of Warners' Capitol, Newark, left for the coast yesterday. He'll be away three weeks.

●

JOE LEE goes to Chicago Friday to attend the two-day Fox district managers' meeting at the Congress.

●

EDDIE SCHNITZER is around again after spending the week-end in bed with a bad cold.

●

HERMAN RIFKIN was in and out yesterday. His happy hunting ground is Boston.

●

GEORGE BANCROFT braved the snow flurries yesterday on Broadway.

●

SAMUEL GOLDWYN is due in from the coast in about a week.

●

J. M. Jerauld tells one about the Bronx exhibitor who thinks he could do more business with the picture if Metro allowed him to change the name to "David Copperstein."

New Capital Building Will House Films

WASHINGTON, Feb. 5.—Films and sound recordings will be stored in the new National Archives Building to preserve for posterity the true facts of the history and government of the present day, it was learned today.

The collection of films was specifically provided for in the act creating the national archives, and eight special fireproof vaults have been constructed in the building, now nearing completion. Selection and preservation of the films will be under the direction of the chief of the division of motion pictures and sound recordings, and the building will contain a model projection room for the showing of historical films for public officials and students of history and government.

The chief of this division will be Capt. John G. Bradley, long associated with the film and theatrical industry as producer, writer and critic.

Offer of copies of a number of important films of historic interest has been made by the M. P. P. D. A., and it is planned also to include pictures taken by the Byrd polar expedition.

Truckers' Problems Set for New Orleans

Problems dealing with legislation affecting the trucking industry, particularly film deliveries, will be discussed by the National Film Carriers, Inc., in New Orleans on Feb. 25-29. The meeting is being held in conjunction with the annual M.P.T.O.A. convention and will be attended by all members of the association.

Clint Weyer, secretary of the film carriers group, stated yesterday that there are now pending in 44 states a total of 850 bills which, if passed, would work hardships on film trucking concerns. James P. Clarke, president, will be in Washington today to attend a meeting of the American Trucking Assn. policy committee, which will review the pending bills. Clarke is representing the film carriers.

In Missouri, Weyer said, there is a bill pending which would limit tank capacity on trucks to 30 gallons. In Massachusetts another bill to be voted on deals with a limitation of 1,000 pounds for trailers. In Illinois there is a compulsory insurance bill.

Salesmen Seek Talent

Not to be outdone by the Ampa, the M. P. Club and the Cheese Club, the M. P. Salesmen, Inc., is planning to have stars and other prominent speakers at regular meetings.

Jack Ellis, new president, who is responsbile for the plan, will bring it up for approval Saturday when the membership convenes at the Claridge.

Warners Boost Baldwin

HOLLYWOOD, Feb. 5.—Earl Baldwin, Warner scenarist, has been advanced to supervisor. His first assignment in his new post will be "The Irish Is in Us," for which he will also do the script.

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MOTION PICTURE DAILY

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Seek Formula For Producer Code Payment

Percentage Arrangement Being Worked Out

WASHINGTON, Feb. 6.—Development of a formula governing the payment by producers of their share of the producer-distributor assessments for administration of the code today received the attention of the NRA legal staff.

Following the hearing on assessments yesterday, at which it was brought out that statements for the distributors had not been sent out pending approval of a formula governing the proportion of the assessment that was to be passed along to the producer, Deputy Administrator William P. Farnsworth and other Administration officials discussed the

(*Continued on page 6*)

Two More Years of NRA May Be Sought

WASHINGTON, Feb. 6.—Extension of the NIRA for a period of probably two years, with only such changes as will give the administrative board greater discretionary powers, may be expected to be recommended to Congress by the President within a few days, it was indicated tonight.

A series of conferences between the President and Congressional leaders and administration officials have been held at the White House at which the

(*Continued on page 6*)

MPTOA Is Drafting New Code Attitude

Anticipating provisions in the new NRA legislation being drafted in Washington which will permit wide revisions of industry codes, the M.P.T.O.A. is formulating plans for drafting a new code policy for the organization during its annual convention in New Orleans late this month.

Immediate reopening of the code is expected to be asked by the organization and numerous amendments

(*Continued on page 6*)

Warners Will Test Airplane Broadcast

WASHINGTON, Feb. 6.—A plane of the Central Airlines, especially equipped for the showing of pictures, will make its first passenger flight tomorrow

(*Continued on page 3*)

New Paramount Appointees



HENRY HERZBRUN
He's vice-president in charge of production. Also general manager of the studio.



ERNST LUBITSCH
He's the new supervisor of production. First, however, he will make the next Dietrich.

Two Operator Cost Plans Up For Argument

Following elimination of the Harry Brandt proposal for a basic operators' scale for this territory, the first to be submitted, metropolitan New York exhibitors and operators are now studying plans recommended by Charles L. O'Reilly, president of the T.O.C.C., and Local 306. A meeting of exhibitors is expected within the next two weeks for an open discussion on both plans.

The O'Reilly plan, listed as Sched-

(*Continued on page 3*)

"U" Schedule Next Year to Be Unchanged

CHICAGO, Feb. 6.—Universal is planning to produce the same number of pictures next year as it did this year, said James R. Grainger, general sales manager, as he passed through here today en route to New York after spending six weeks at the studios. Thirty-six features, six westerns and the usual serials, Grainger continued, are on the schedule for next year.

Grainger expects to return to Hollywood about the middle of April to

(*Continued on page 3*)

Music Hall's Deal Extends To U. A. Program Complete

Negotiations for a hookup between United Artists and the Music Hall go beyond the 20th Century's lineup and extend to the distributor's entire program.

"I have been discussing a deal with the Music Hall," Joseph M. Schenck told MOTION PICTURE DAILY yesterday, "but at no time were those discussions confined to 20th Century, of which I happen to be president. The

(*Continued on page 8*)

Keough Given New Executive Jobs at Para.

Becomes Vice-President Of Film Subsidiaries

Austin C. Keough, secretary and general counsel of Paramount and subsidiaries, was named a vice-president of the company's picture subsidiaries yesterday in addition to his other posts.

The vice-presidencies he assumes, those of Paramount Pictures Corp. and of Paramount Prod., Inc., were formerly held by Emanuel Cohen. In these capacities, according to the brief announcement of the appointment by Adolph Zukor, Keough will coordinate the production departments in New York.

In addition to his new vice-presidencies, Keough is secretary and a member of the board of Paramount Prod. and secretary of Paramount Pictures. He is considered a likely nominee for the board of reorganized

(*Continued on page 6*)

Legislatures Have 111 Film Measures

In the 39 state legislatures which convened during the past month, 111 measures affecting the industry have been introduced, it was learned yesterday.

Five more legislatures will convene during the next month and before the 44 sessions close next summer the

(*Continued on page 3*)

William Fox's Name Linked to Audubon

William Fox's name crept into Broadway rumors last night as active bidder for the Audubon, upper west side house once part of Fox Theatres Corp. and recently dropped by the Skourases by court mandate. Joe Leo, Fox's brother-in-law now operating the Los Angeles theatre in that city, was mentioned as managerial head.

Milton C. Weisman, receiver for Fox Theatres, stated yesterday several deals were under way with no cash in sight.

J. F. Dermody Dies After An Operation

James F. Dermody, Universal district manager for New England, died suddenly Tuesday at St. Vincent's

(*Continued on page 8*)

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Moray Finds South Is On the Upgrade

Norman H. Moray, Vitaphone sales executive in charge of short subjects and trailers, has returned from a trip through the southeast and his company's branch offices in Atlanta, Charlotte and Washington and declares he has found a definite improvement in theatre business throughout these sections.

"I have spoken with such film men as E. J. Sparks, Frank Rogers, Robert W. Wilby, Col. Arthur Lucas William Jenkins and H. F. Kincey, and each of them, in turn, spoke very hopefully of the future and was satisfied that we had turned the corner and were definitely on the way to better business," he said.

Moray also said "the general high standard of short subjects from all companies is proving most helpful in combating the double feature program."

Wisconsin ITPA to Use Publicity Group

MILWAUKEE, Feb. 6.—An advertising and publicity committee has been named by the Independent Theatres Protective Ass'n. of Wisconsin.

The committee, headed by A. D. Kvool, and consisting of R. J. Patterson, Ross Baldwin and A. C. Gutenberg, all of Milwaukee, will attempt to organize a strictly independent publicity committee of merchants to educate the public to patronize independent merchants and theatres rather than the chain operator.

Purely Personal

LEON J. BAMBERGER is beaming all over the RKO offices these days. He was just made an uncle for the second time when his brother, HERMAN C. BAMBERGER, manager of the Paramount in North Adams, Mass., wired him his wife had just presented him another daughter.

•

BOB SIDMAN of Columbia's exploitation department, is receiving congratulations these days. RAY SIDMAN, his wife, became the mother of a girl Monday at the Park East Hospital. Mother and daughter are doing fine.

•

LOU SMITH and TOM BAILY of the Paramount publicity department, are on a tour of principal cities paving the publicity ways for the forthcoming "Ruggles of Red Gap," "All the King's Horses," "Mississippi" and "How Am I Doin'?"

•

PAT CASEY, NATHAN YAMINS, SIDNEY SAMUELSON, WALTER GOULD, ABE MONTAGUE, HERMAN GLUCKMAN and HERMAN ROBBINS, veritable strangers at the M. P. Club of late, put in an appearance yesterday.

Quip of the Day

Jack Ellis supplies the following conversation between two exhibitors after a preview:

Sam: "How did you like it?"

Joe: "Well, I think it would make a swell double feature during a blizzard."

CHARLES D. HILLES, Paramount bankruptcy trustee, left for Florida last night. CHARLES E. RICHARDSON, a former trustee, is due in from his Philadelphia home today for a brief business visit.

•

TOM TERRIS, the Vagabond Adventurer, will relate one of his experiences for RUDY VALLEE over the Fleishman hour tonight. "The Mysterious Mummy Case" is the tale he'll tell.

•

GOVERNOR HAROLD G. HOFFMAN of New Jersey has been invited by SIDNEY SAMUELSON to attend the next Allied of New Jersey meeting at the Stacey-Trent Hotel in Trenton on Feb. 21.

•

SAM FLAX, Washington representative for Monogram, was in town and out again yesterday. Business brought him up.

•

JOHN C. FLINN returned yesterday from a hectic day in Washington on Tuesday.

•

R. B. WILBY is in town from the south for theatre conferences with Y. FRANK FREEMAN of Paramount.

•

ETHEL BARRYMORE, KITTY CARLISLE and TOM HOWARD are on RUDY VALLEE'S radio program tonight.

•

NICHOLAS M. LUDINGTON, president of First Division Prod., is due to from the coast shortly.

•

JACK SCHLAIFER, Gaumont British sales representative here, is off on a four-week tour of the west coast.

GENE RAYMOND, MERLE OBERON, JANE WYATT, JIMMY CARLISLE, RUDY VALLEE, EDDIE CANTOR, BEN HECHT, CHARLES MACARTHUR, MARTHA SLEEPER, HARDIE ALBRIGHT, HOPE WILLIAMS and NOEL COWARD are among those who have accepted invitations to appear at the Press Photographers' Ball at the Astor this week.

•

STEPHEN CALLAGHAN, one of those slated to become a member of Paramount's new board of directors, has been appointed a temporary trustee of the Prudence Co. in its reorganization proceedings. He is also a trustee of Allied Owners, the Paramount creditor which nominated him for the company's board.

•

JOE RIVKIN hasn't decided yet whether the new apartment will be on Park Ave. or in the Parc Vendome. Members of Radio's publicity department are all in a dither over the choice. They are wondering whether it will have to be MR. RIVKIN in the future.

•

MERLE OBERON, by the way, is having her troubles these days now that the name of her hotel is known. Several people have tried to see her by posing as newspaper men, but no luck so far. That appears to be an old English trick.

•

NANCE O'NEIL and EFFIE SHANNON, both stage veterans and not unfamiliar in film circles, are up-front members of the cast of "Bitter Oleander," stage play due to bow in at the Lyceum Monday.

•

HERB BERG'S newest pipe tops all the others in size. He is having trouble getting tobacco, however. His contributors are shying off trying to fill that bowl.

•

BERNICE CLAIRE, well known stage and radio star, starts work tomorrow in a Vitaphone short at the Brooklyn plant. MILTON DOUGLAS and BILLIE LEONARD are also in the cast.

•

CLYDE ELLIOT has been popping in and out of the Columbia office for some time now. He expects to be off for Europe soon, however.

•

FRANK CONKLIN has been named assistant general manager of the Hearst hotels. He will supervise special service for film celebrities.

•

FREDDIE MEYER, RKO executive, is rapidly becoming known as the master of the Westchester hounds, Mt. Vernon branch.

•

CRESSON SMITH has been the envy of all his friends around town since those tropical post-cards have been arriving from Havana.

FWC Group Returning

LOS ANGELES, Feb. 6.—Ending conferences with division managers and Fox West Coast partners on future operating plans, Spyros and Charles Skouras, Charles Buckley, Elmer C. Rhoden and others tonight were on their way east, where final signatures will be affixed to the Skourases' 10-year operating contract.

Germans' 10-Month Takes $12,500,000

WASHINGTON, Feb. 6.—During the first 10 months of 1934, more than 40,000,000 people attended theatres in Berlin, according to a report to the U. S. Department of Commerce from Trade Commissioner George R. Canty in Berlin. Nearly $12,500,000 was grossed by the theatres, of which $965,974 was collected as tax.

An average of 385 theatres operated during each month (including the theatres running daily as well as those on less frequent schedule) with a high of 391 in October, 1934, and a low of 375 during July.

The number of theatres operating daily in Berlin during October, 1934, totalled 387, with a seating capacity of 194,476. They grossed $1,634,202.40.

October grosses, the highest of the 10-month period, exceeded those for the corresponding month of 1933 by more than $120,000, as well as the January figures, usually the best of the year.

During the first five months of the 1934-35 season, a total of 82 features was approved by the censor. Of these, 57 were German, 10 American, four Czechoslovakian, three each Austrian and French, two British, and one each Swiss, Hungarian and Polish.

These figures show an increase in the German production, a heavy decline in the American share, and an increase in exports from other European countries.

Loew Finishes His Booking Testimony

Cross examination of David Loew was completed yesterday by Bruce Bromley, counsel for RKO, in the arbitration hearings of breach of lease charges brought by Meyer & Schneider. Loew has been on the stand for the last three hearing days.

Meyer & Schneider allege that RKO violated provisions of the leases under which the latter operates the Hollywood and Apollo and seeks to compel RKO to play the same product in the houses that is played in other RKO spots. Involved in the hearings is a product agreement of last September under which Loew's made available its Fox, Columbia and Universal product to RKO metropolitan houses. Yesterday's testimony was largely technical, and concerned production, distribution and exhibition trade practices. The hearing was adjourned to Saturday due to the inability of the arbitration board to convene today or tomorrow.

Censure "Hei Tiki" Ads

Complaints against the theatre front advertising being employed by the Globe on "Hei Tiki," describing it as "suggestive" and "indecent," have been received by the Advertising Advisory Council of the M.P.P.D.A. The complaints may be turned over to License Commissioner Paul S. Moss, as the council is without jurisdiction over the distributor of the picture, First Division, and the theatre operator, Harry Brandt.

B. & K. to Play Gaumont

Gaumont British product will go into the 34 B. & K. houses in Chicago as a result of a deal closed by Abe Fischer of the producing company's office there.

Two Operator Cost Plans Up For Argument

(*Continued from page* 1)

ule "C," is based on a point system with classification of runs a primary factor in determining booth costs. The Local 306 plan, under the heading Schedule "B," is also based on a point system, but eliminates runs as a determining factor. This schedule lists seating capacity and admissions only.

Although the O'Reilly plan was submitted in toto in Washington as late as Friday, a vote of the fact-finding committee immediately favored it by five to one. The incomplete proposal of Local 306, submitted by C. S. Thide, representing the I. A. T. S. E., was voted down by five to one. A compromise is expected between O'Reilly interests and I. A. T. S. E. leaders before another meeting is called by Compliance Director Sol A. Rosenblatt, who will finally approve a booth plan for this area.

Negotiations are under way to merge the working card men of Empire State and Allied Operators' unions with Local 306. Under the proposal, an arbitration committee is to be named to meet every two years after the date of acceptance of an agreed-upon plan for revision of the scale if it is warranted. The agreement is to be for 10 years.

Break for Exhibitor

In both plans, the costs are based on highest admissions five week nights. This is considered a break for exhibitors, as practically all but a few houses boost prices on Saturdays, Sundays and holidays, which are not taken into consideration. In both instances, it is said, there are considerable savings. However, the Local 306 proposal calls for considerable increases in theatres with smaller seating capacities. The minimum cost for a booth in a 600-seat house under the plan is $81. There are numerous exhibitors who are paying only from $35 to $45 a week at present. Under the O'Reilly schedule, a theatre seating 600 or less must pay a minimum of $60.

According to the Local 306 recommendation, theatres under 600 seats are calculated on a 70-hour week basis, and for houses over 600, the plan is calculated on an 80-hour week. For theatres with stage shows, an increase of $63 is sought. Overtime is to be paid at the rate of time and a half.

Under the O'Reilly schedule, a flat 70-hour week is called for with overtime to be based on a pro-rata basis. Both plans have point systems, the union recommendation figured at $9 a point, while the exhibitor proposal calls for $12 a point.

The O'Reilly scale provides for a minimum of $60 and a maximum of $420 a booth, while the Local 306 plan calls for a minimum of $81 and a maximum of $531. The two plans differ in minimum and maximum admissions, the former calling for a low of 25 cents and a high of 75 cents or more, while the latter provides for a 15-cent low and a 50-cent top.

Under the union recommendation a theatre under 600 seats with 15-cent admission would pay $81 a week. If the admission is 20 cents, the scale jumps to $99; if 25 cents, $117. For 30-cent admissions the booth cost would be $135. For houses seating from 600 to 800, the minimum booth charges for a 15-cent theatre would be $117. If the theatre charges 20 cents, the scale would be $135; if 25 cents, $153; if 30 cents $171. Theatres seating from 3,801 to 4,000, under a 15 cent week-day top would pay $405. If the admission is 20 cents, $423; if 25 cents, $441; if 30 cents, $459.

According to the O'Reilly plan, theatres are divided into seven classifications: de luxe, borough, second, third, fourth, fifth and sixth. The de luxe type house is a theatre which plays pictures on Broadway the first in the territory. The borough house is that which plays first run in neighborhoods, such as the Paradise, Valencia, Albee and Metropolitan. The second type classification are theatres of Loew's and RKO playing product of their parent company exclusively with exceptional outside films. The third type is the "B" class house of major circuits.

Other Classifications

The fourth type includes Skouras, Randforce, Consolidated, Springer & Cocalis and a number of other circuits which play after major theatres. The same circuits are grouped in the fifth classification, but are said to be houses of the same circuits following runs of theatres identified with the circuit. The sixth unit incorporates houses playing last runs in the particular neighborhood. These theatres usually play product from eight weeks to three months after release.

A theatre with 1,800 seats, charging 35 cents and classified under group four would pay $180 a week for the booth. If this theatre under the same classification charged 30 cents, the booth payroll would be reduced to $168. If the admission were 25 cents, projection maintenance cost would be $156. Overtime on a pro-rata basis of a 70-hour week would bring the per-hour scale for the 35-cent house to $2.57 an hour; the 30-cent house to $2.40 an hour and the 25-cent theatre to $2.20 every 60 minutes.

With all factors the same, theatres not playing vaudeville, the 35 cent house under the union plan would pay $279 a week, a difference of $99 from the O'Reilly schedule, and $5.24 an hour for overtime; for 30-cent houses, $261, or $93 more than the exhibitor proposal, and $4.89 an hour for extra work; for 25-cent theatres, $243, or $87 above the independent schedule, and $4.50 for overtime.

The "306" Plan

SEATS	ADMISSION PRICE 15c	20c	25c	30c	35c	40c	45c	50c
	POINTS							
Less than 600	9	11	13	15	17	19	21	23
600 to 800	13	15	17	19	21	23	25	27
801 to 1,000	15	17	19	21	23	25	27	29
1,001 to 1,200	17	19	21	23	25	27	29	31
1,201 to 1,400	19	21	23	25	27	29	31	33
1,401 to 1,600	21	23	25	27	29	31	33	35
1,601 to 1,800	23	25	27	29	31	33	35	37
1,801 to 2,000	25	27	29	31	33	35	37	39
2,001 to 2,200	27	29	31	33	35	37	39	41
2,201 to 2,400	29	31	33	35	37	39	41	43
2,401 to 2,600	31	33	35	37	39	41	43	45
2,601 to 2,800	33	35	37	39	41	43	45	47
2,801 to 3,000	35	37	39	41	43	45	47	49
3,001 to 3,200	37	39	41	43	45	47	49	51
3,201 to 3,400	39	41	43	45	47	49	51	53
3,401 to 3,600	41	43	45	47	49	51	53	55
3,601 to 3,800	43	45	47	49	51	53	55	57
3,801 to 4,000	45	47	49	51	53	55	57	59

Stage Show—Add seven points.
Houses Under 600 Seats—Calculated on a 70-hour basis.
Houses Over 600 Seats—Calculated on an 80-hour basis.
Overtime—To be paid at the rate of time and a half.
Value of point—9c.

The O'Reilly Plan

RUN	DeLuxe	Borough	2nd	3rd	4th	5th	6th
Points	21	18	15	12	9	6	3
CAPACITY	Over 4,000	4,000	3,000	2,400	1,800	1,200	600
Points	7	6	5	4	3	2	1
PRICE	75c or over	60c	50c	40c	35c	30c	25c
Points	7	6	5	4	3	2	1

Value of the point—$12.
Calculated on a 70-hour operating basis. Additional hours to be figured on a pro-rata basis.

Nebraska Has Three Bills Hitting Films

LINCOLN, Feb. 6.—With the close of bill introduction in the Nebraska legislature, the amusement group was a consistent target. Three bills are up which will work hardship on picture men if passed. One proposes a two per cent sales tax which includes theatre admissions, one calls for two men in a booth, and the third a graduating circuit theatre occupation tax.

Legislatures Have 111 Film Measures

(*Continued from page* 1)

number of measures involving the industry which will be introduced is expected to raise the total to 250. Congress has received comparatively little adverse film legislation to date.

A state censorship bill comes up in the South Carolina legislature tomorrow, and an admission tax bill is scheduled for hearing in Georgia early next week.

To Change 'Whole Town'

Columbia has returned the first print of "The Whole Town's Talking" to the coast for changes recommended by home office executives. The picture opens Feb. 21 at the Music Hall.

Ampa Meeting Closed

Ampa's session today will be closed with discussion centered on the Naked Truth Dinner to be held at the Astor on April 27. Paul Benjamin is in charge of the annual event.

"U" Schedule Next Year to Be Unchanged

(*Continued from page* 1)

map out the production schedule, for which 12 stories have already been bought. The production budget will be approximately the same as this year, he said.

It has been reported that Universal is planning to remake "The Hunchback of Notre Dame," but it was revealed here today that Carl Laemmle intends to sound out exhibitors to get their reaction to this plan before going ahead with the production, which will cost $600,000 or more.

The company's national sales convention will be held in New York late in May, Grainger continued. He also revealed that Universal's releases are up to schedule.

'Devil Dogs' Opening Brings Out Marines

The marines landed yesterday—at the Strand—and captured Broadway's attention. The occasion was the opening of "Devil Dogs of the Air," Warners' initial Cosmopolitan release, and the marines, brought in motor lorries from the Brooklyn Navy Yard, were there to provide the proper atmosphere for the premiere, which drew all three of the Warner brothers—Harry M., Albert and Jack L.—to the theatre.

More of the proper atmosphere was supplied by the presence in the audience of those famous aviators, Roscoe Turner and Eddie Rickenbacker, and the following marine and naval officers: Rear-Admiral Yates Stirling, Jr., commandant at the Brooklyn Navy Yard; Commander B. Ware, his aide-de-camp, Capt. Collins, Col. G. M. Kincade of the Marine Corps, Capt. L. W. Hesselman, Lieut.-Commander L. J. Witse, Rear-Admiral Reginald Belknap, Commander G. E. Rosendahl, Lieut.-Commander Reichelderfer, Lieut.-Commander Fischer, Col. William A. Taylor, Col. Grimlay, Major Gardner.

The naval militia band played for the folks out front—of the theatre.

There were four shows, each playing to a packed house.

Warners Will Test Airplane Broadcast

(*Continued from page* 1)

afternoon after its christening here as the "Flying Theatre." The initial attraction will be "Devil Dogs of the Air," first Cosmopolitan production to be released by Warners. A number of government officials will be aboard.

The trip will end in Pittsburgh. The doings will be broadcast in flight, thus making the event what is said to be the first screening-broadcast to take place in mid-air. The broadcast will be over stations in Pittsburgh, Washington and Cleveland, where the film will open simultaneously Friday.

The affair was arranged by Mort Blumenstock, Joe Feldman and Frank LaFalce of Warners.

Bartholomew Is Cast

HOLLYWOOD, Feb. 6.—The role of Greta Garbo's son in "Anna Karenina" has been assigned by M-G-M to Freddie Bartholomew.

HELD



W C. FIELDS as Micawber | LIONEL BARRYMORE as Dan Peggotty | MADGE EVANS as Agnes | MAUREEN O'SULLIVAN as Dora | FREDDIE BARTHOLOMEW as David | LEWIS STONE as Mr Wickfield | BASIL RATHBONE as Mr Murdstone | FRANK LAWTON as David the Man | ELIZABETH ALLAN as Mrs. Copperfield | ROLAND YOUNG as Uriah Heep | EDNA MAY OLIVER as Aunt Betsey

D

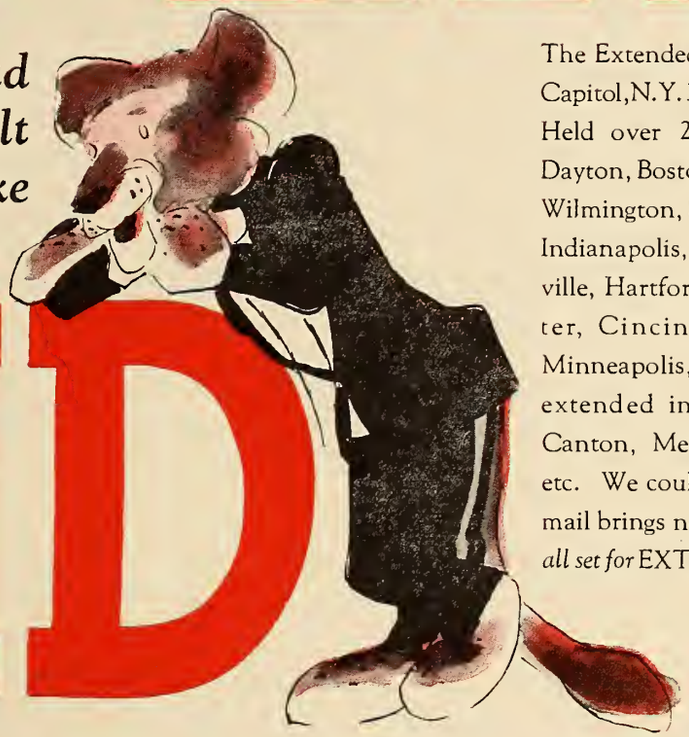
COPPE

Produced by DAVID O. SELZNICK. Directed by GEORGE CUKOR. A METRO-GOLDWYN-MAYER PICTURE.

ARE YOU ALL SET

OVER!

"I have never had a picture that built from day to day like this one!"



The Extended Run Hit! 4th Week Capitol, N.Y. 3 Weeks in Philadelphia. Held over 2nd Week Cleveland, Dayton, Boston, Columbus, Toledo, Wilmington, St. Louis, Kansas City, Indianapolis, Youngstown, Nashville, Hartford, Richmond, Worcester, Cincinnati. New Haven, Minneapolis, Atlanta. Engagements extended in Akron, Evansville, Canton, Memphis, Portland, etc., etc. We could go on forever, every mail brings new hold-overs! *Are you all set for* EXTRA PLAYING TIME?

AVID
RFIELD

—and another M-G-M sweetheart—"SEQUOIA"

FOR EXTRA TIME?

Seek Formula For Producer Code Payment

(*Continued from page* 1)

matter at length with John C. Flinn, executive secretary of Campi.

Heretofore, while the distributors were supposed to pass along a part of the assessment to their producers, there have been no regulations on the matter. While this was probably no subject of controversy with the major distributors and producers, it was indicated that some of the independent distributors had encountered difficulty in their attempts to saddle some of the expense upon independent producers.

The Administration has before it the proposal of Campi, and will attempt to so phrase it as to meet all legal and other contingencies which may arise, and will provide for a uniform distribution of the cost between distributors and producers.

It is anticipated this will be achieved by providing that the producer's assessment shall be a proportionate part of the amount allocated to the distributors for collection and payment and that the proportion which the producer shall pay shall be in the ratio which his share of his pictures' gross bears to the gross of the distributor.

Under this plan, it was explained, if a distributor represented but one producer who received 70 per cent the producer would pay 70 per cent of the assessment. If a distributor represented two companies, one of which received 70 per cent and the other 60 per cent, the first would pay 35 per cent and the second 30 per cent, and the distributor would pay the remaining 35 per cent.

No attempt is to be made to set up a fixed percentage to be charged back to the producer, this being considered impracticable in view of the varying nature of the contracts between producers and distributors, but the formula proposed would allocate to each individual his proper share of the assessment. Campi will, as heretofore, bill only the distributors, who will make the allocation to his producers in accordance with the contracts with them.

Salt Lake Ruling Changed by Campi

Modifying a decision of the Salt Lake grievance board, Campi has ruled that the year's clearance extended to the Gem, Magna, Utah, over the Pleasant Green Ward of the L. D. S. Church, in the same city, was unreasonable and reduced the length of time to exactly six months. In the case of the Rialto, Salt Lake, case against the Belvedere Ward of the L. D. S. Church and 21 other wards, the local board held that the churches cannot play pictures until 90 days after the last run. This decision was modified to provide a six months' clearance after first run in the territory.

After the Pittsburgh grievance board had unanimously decided against the Granada, Pittsburgh, and five exchanges, on complaint of E. J. Golden of the Golden, same city, for reducing admissions, Campi reversed the local board. It was found that the distributors and exhibitor had agreed to reduce the admission scale at the Granada and had so provided in contracts. This agreement was made before a complaint was filed. It was held not in violation of the code.

Dismissal by the New York grievance board of a complaint by David Kahn of the Llewellyn, West Orange, N. J., against Moe Rosenberg of the West End, and David Weinstock of the Rialto, Newark, on interference with a lease was upheld by Campi. The Code Authority also affirmed the Cleveland clearance and zoning board's decision allowing Warners' first runs in Wheeling, W. Va., 14 days protection over the Fenray, Martins Ferry, O. The overbuying complaint against Springer & Cocalis filed by the Roosevelt, Beacon, was thrown out by Campi, following dismissal by the lower board.

Start Academy Award Vote Feb. 12; Finish on Feb. 27

HOLLYWOOD, Feb. 6.—Balloting for the annual Academy awards begins Feb. 12 with the winners to be announced at the banquet on Feb. 27. The nominations from which one in each division will be selected follow:

Best Production: "Barretts of Wimpole Street," "Cleopatra," "Flirtation Walk," "Gay Divorcee," "Here Comes the Navy," "The House of Rothschild," "Imitation of Life," "It Happened One Night," "One Night of Love," "The Thin Man," "Viva Villa," "The White Parade."

Best Actor: Clark Gable in "It Happened One Night"; Frank Morgan in "The Affairs of Cellini"; William Powell in "The Thin Man."

Best Actress: Claudette Colbert in "It Happened One Night," Grace Moore in "One Night of Love," Norma Shearer in "The Barretts of Wimpole Street."

Best Direction: Frank Capra for "It Happened One Night," Victor Schertzinger for "One Night of Love," William Van Dyke for "The Thin Man."

Best Original: Norman Krasna for story and screenplay of "The Richest Girl in the World," Oliver H. P. Garrett and Joseph Mankiewicz for screen play of "Manhattan Melodrama" from Arthur Caesar's original; Frances Goodrich and Albert Hackett for screenplay of "Hideout" from an original idea of Mauri Grasnin.

Best Adaptation: Robert Riskin for "It Happened One Night," Albert Hackett and Frances Goodrich for "The Thin Man," Ben Hecht for "Viva Villa."

In the short subject field, one award will be given jointly for the outstanding production in each of three classifications.

For Cartoons: "Holiday Land" (Columbia), "Jolly Little Elves" (Universal), "Tortoise and the Hare" (Disney-U. A.).

For Comedy: "La Cucuracha" (Radio), "Men in Black" (Columbia), "What, No Men" (Vitaphone).

For Novelty: "Bosom Friends" (Skibo Prod. for Educational), "City of Wax" (Stacy and Woodward for Educational), "Strikes and Spares" (M-G-M).

The three nominations for the most outstanding work to receive a certificate of merit for assistant directorship or unit management are Scott Beal for "Imitation of Life," Arthur Rosson and John Waters for "Viva Villa" and Cullen Tate for "Cleopatra."

A certificate of merit also will go to one of the following for music and lyrics:

Vincent Youman for the music and Edward Eliscu and Gus Kahn for the lyrics of "Carioca"; Con Conrad for the music and Herb Magidson for the lyrics of "The Continental"; Ralph Rainger for the music and Leo Robin for the lyrics of "Love in Bloom."

Additionally, there will be an award to the studios for the best recording job. Those in line are Columbia for "One Night of Love" and Radio for "The Lost Patrol" and "The Gay Divorcee." Nominations in other technical branches will be announced next week.

Century Clearance Case Set for Today

Century's clearance complaint against RKO Park and Columbia theatres in Far Rockaway and the Alden, Jamaica, L. I., for elimination of a seven-day protection these houses have over the Fantasy, Rockville Center, is slated for hearing today by the main New York clearance and zoning board.

On three different occasions, postponements have been granted, twice on request by the respondent and once by Century. Century is ready to go on with the case today and will oppose any move by RKO for any further delay.

The case is of wide local interest in that a decision by the local board may subsequently affect all Long Island theatres.

N. H. Clearance to Be Discussed Today

New Haven's clearance and zoning schedule is slated for discussion and possible adoption today by Campi, following disposition of four individual zoning appeals by theatres in overlapping territories in the Los Angeles area. Code Authority last Thursday accepted the coast plan, but withheld final approval until the four cases were decided.

Kansas City and Milwaukee schedules are next in line after New Haven and it is possible that these plans may also be discussed today with approval to be left for the following session. A number of other appeals heard by committees during the last week are on the calendar for disposition.

Nominations are expected to be received this morning from J. O. Donovan, in charge of the coast Campi office, on a committee to hear the contract complaint between C. C. Burr and Larry Darmour in connection with the services of Ken Maynard. If, and when, the recommendations arrive, Campi will appoint the group to hear the case in Hollywood.

MPTOA Is Drafting New Code Attitude

(*Continued from page* 1)

will be drafted for submission, it was learned yesterday. The new Federal NRA legislation may be made public late next week in Washington and will be available for discussion when the M.P.T.O.A. convention sessions open.

Among the major revisions in the code which the national exhibitor organization is on record as favoring are an increase in cancellations; restrictions on double featuring and code elimination of score charges.

Keough Given New Executive Jobs at Para.

(*Continued from page* 1)

Paramount Publix, having the support of important creditor groups. His chances for this post were further brightened yesterday with the passing of a resolution by the principal reorganization factors which states that the board shall consist of "not more than 18" members, and naming the 16 already agreed upon.

If the board is not confined to the 16 named, Keough, it is believed, stands an excellent chance of filling one of the two remaining vacancies. The Munger debenture group is also in the running again and, according to reports, is advancing the name of R. C. Cramer, executive of the Corticelli Silk Co. and the Hahn chain stores, as its nominee for one of the two vacancies. The possibility remains, however, that the board will be maintained, at least until after its formal approval by Federal Judge Alfred C. Coxe, at the present 16. Judge Coxe has reserved the right to veto any member proposed.

Meanwhile, Paramount personnel both in New York and Hollywood, regard the new Paramount production setup headed by Henry Herzbrun and Ernst Lubitsch with obvious satisfaction. Zukor and George J. Schaefer leave for Hollywood tomorrow to confer with Herzbrun and Lubitsch on their new posts and on production plans for the coming season.

Karp Succeeds Herzbrun

HOLLYWOOD, Feb. 6.—Jack Karp has been made Paramount studio attorney as successor to Henry Herzbrun, now vice-president in charge of production, whose assistant he has been for several years.

Two More Years of NRA May Be Sought

(*Continued from page* 1)

details of the new legislation have been discussed.

Presentation of the legislation at the Capitol is expected to unleash several attacks on the NRA and the codes which have been held in abeyance so far this session in the House of Representatives. Congressman Connery of Massachusetts will attack the present setup with a demand that labor be given equal representation with employers on all code bodies.

In the Senate, Senators Borah of Idaho and Nye of North Dakota will attack the whole organization.

Charnow Case Delayed

Because of the absence yesterday of two principals interested in settling the clearance dispute filed by Julius Charnow of the Leonia, Leonia, N. J., against Skouras and Loew's, the matter is being held in abeyance until another session is set. Illness prevented Edward Golden from attending a scheduled meeting at the Astor and David Loew was downtown testifying before an arbitration committee hearing a contract dispute between M. & S. and RKO.

- MALOY
- COHEN
- TIME (the inside story)

in

MOTION PICTURE
HERALD

Out today

Celler Avers Booking Bill WasRequested

WASHINGTON, Feb. 6.—Representative Emanuel Celler today addressed members of the M.P.T.O. of the District of Columbia and explained the aim of his anti-block booking bill now before a House committee, declaring it was introduced virtually at the request of his constituency.

Celler further said he held no brief for any branch of trade and was willing to listen to arguments advocating continuance of the practice.

Free and open competition for all exhibitors and relief for independents from any present restraining practices are the aims of the bill, the Representative explained, and he further declared he would withdraw the measure as willingly as he had introduced it if it be proven there was no need for it.

Following Celler's discussion, President A. Julian Brylawski threw the meeting open for general discussion and the consensus of exhibitors, affiliated and independent, was that block booking was no burden, but that restrictions on cancellations should be removed.

Sidney B. Lust, Louis Bernheimer, J. W. Cleveland and W. E. S. Wilcox were named as a committee to call on Celler and discuss recommendations for changes, members were urged by the president to oppose Celler's bill and similar legislation proposed by Representative Francis D. Culkin, Democrat, New York, who would establish Federal censorship, abolish block booking and classify the industry as a public utility.

Opposition was noted to the music tax, score charges, W. E. charges, preferred playing time, insufficient prints in exchanges and producer-owned theatres.

J. F. Dermody Dies After An Operation

(*Continued from page* 1)

Hospital, following an operation for removal of his tonsils. The funeral will be held late this week at his home, 9057-50 4th Ave., Elmhurst, L. I.

Dermody's headquarters since joining Universal in 1933 have been in Boston.

He entered the business with Fox in 1921 as a stenographer in the contract department during a sales drive conducted by R. A. White, at that time sales manager. His progress was rapid. The following year he was sent to Washington as assistant manager. In 1924 he became a salesman and later that year he was made acting manager at New Orleans. This was followed by his transfer to New Haven as manager in 1925. He was transferred again that year to Albany as manager and stayed there until 1929, when he was again sent to Washington as manager. In 1931 he became Boston manager for Fox.

He joined Universal shortly after James R. Grainger became sales manager.

Mrs. M. C. Hoffman Dead

OLD ORCHARD, Feb. 6.—Mrs. M. C. Hoffman, operator of the Old Orchard which is closed for the winter months, is dead.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Little Colonel"

(Fox)

HOLLYWOOD, Feb. 6.—Shirley Temple, sensational baby star, endears herself again in a vehicle especially tailored to her extraordinary talents.

After Evelyn Venable, a southern belle, marries John Lodge, a Yankee, and is turned out by her father, a Confederate colonel (Lionel Barrymore), the couple goes west seeking fortune. Shirley is born. When she is four she is made a colonel of a regiment at a military outpost. Evelyn returns to her ancestral home, while Lodge stays west. Colonel Shirley ingratiates herself with Colonel Barrymore and, after a series of delightful conflicts, effects a reconciliation.

Charming, lovable, without the slightest trace of precociousness, Shirley will capture audiences' affections with her amazing versatility, being equally at home in comedy, drama, pathos or charm.

With Bill Robinson she tap-danced to the salvos of a preview audience. She sings and weeps and is adorable in hoop skirts and poke bonnet. In Technicolor her personality radiates as one in a million.

Barrymore presents another portrait that is noteworthy. Robinson, ebony aristocrat who elevated tap dancing to an art, is a sensation in his first flicker and should be in demand, with his personality, comedy and dancing definite screen assets.

The cast also includes Sidney Blackmer, who plays the heavy; Hattie McDaniel, Shirley's colored mammy, pickaninnies and colored choristers.

David Butler directed with distinction from William Counselman's screen play, adapted from Annie Fellows Johnston's story. Arthur Miller's photography is good.

Shirley's drawing power, plus Barrymore, plus Robinson, should gratify box-offices as much or more than previous Temple films.

Code Seal No. 596. Running time, 80 minutes. "G."

"The Scarlet Pimpernel," this morning's opener at the Radio City Music Hall, was reviewed by cable from London on Jan. 9.

"Devil Dogs of the Air," which opened at the Strand last night, was reviewed by wire from the coast on Jan. 31.

"The Gilded Lily," opening tomorrow morning at the Paramount, was reviewed from Hollywood by wire on Dec. 27.

"The Winning Ticket," which will be previewed at the Astor tomorrow night, was reviewed from Hollywood by wire on Jan. 10.

Wall Street

Columbia Off 1 on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	34¾	34¾	34¾	—1
Consolidated Film	5⅞	5¾	5¾	— ⅛
Consolidated Film Ind. pfd (½v)..	20⅛	20	20	— ⅛
Eastman (4a)....	112	111½	111½	— ½
Fox Film "A"..	10⅝	10½	10½	.....
Loew's (1a).....	31⅞	31⅜	31½	— ⅜
Paramount	3⅝	3½	3½	— ¼
Pathe	1	1	1	— ⅛
Pathe "A"	15⅛	13⅝	13⅝	— ⅞
RKO	1⅞	1¾	1¾	— ¼
Warner	3¾	3½	3⅝	.....
Warner pfd	20¾	20¼	20¼	— ¼

Trans-Lux Off ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	12⅛	12	12	.....
Trans Lux	2⅞	2⅞	2⅞	— ⅛

RKO Bonds Off 8⅝

	High	Low	Close	Net Change
General Theatre 6s '40	8¼	8¼	8¼	— ¼
General Theatre 6s '40 ctf.....	8¼	8⅛	8⅛	— ⅛
Loew's 6s '41 ww deb rights..	104	103¼	103¼	—1½
Param'nt B'way 5½s '51	48	48	48	+1
Paramount F. L 6s '47	66¾	66¾	66¾	—1
Paramount Publix 5½s '50	67	66⅜	66⅜	—1⅛
RKO 6s '41 pp..	32	32	32	—8⅝
Warner Bros. 6s '39 wd.....	54¾	54¼	54¼	— ¼

(a) Plus cash extras. (c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 6)

Delay on Clearance Asked by K. C. ITO

KANSAS CITY, Feb. 6.—The I.T.O. has asked Campi to defer consideration of the Kansas City clearance schedule, reported due tomorrow, pending possible agreement between independents and Fox Midwest on the plan proposed by the exhibitor group.

Campi was informed that imposition of the schedule proposed some time ago by the local board would precipitate legal action. The reference was to the I.T.O.'s threat to file a Federal injunction suit or take the matter to the Department of Justice.

The I.T.O. demands Campi keep its hands off until the group has had an opportunity to work the problem out locally with Elmer C. Rhoden of Midwest, who wired from Los Angeles he was willing to get together with the I.T.O. on his return late this week.

Lose Coast Code Suits

LOS ANGELES, Feb. 6.—Suits brought by the Oxnard, Oxnard, and O. W. Lewis, operating the Mission, San Gabriel, to restrain the grievance board and major distributors from cutting off film service for alleged bank night violations were dismissed today in Federal court on the ground the plaintiffs should have appealed to Compliance Director Sol A. Rosenblatt first.

M. H. Dicker Includes Full U. A. Program

(*Continued from page* 1)

negotiations have been under way in my capacity of president of United Artists and the deal, if closed, will include the Goldwyn productions, those made by Reliance, 20th Century, London Films and other producers in our setup."

Progress looking to a momentary decision advanced in double time yesterday, it was learned elsewhere. Percentage terms covering the attractions involved were reported to have been agreed upon, or virtually so. The Goldwyn output plays a particularly vital part in the barter with the Music Hall, reputedly eager to make certain that any deal embraces this producer's releases.

The hurdle yet to be jumped concerns the Rivoli, on which United Artists holds a long-term lease and about which some action has to be taken. Originally held at $1,000,000, by substantial report at least, U. A. has been insistent that there will be no deal unless the Rockefeller interests agree to take over the theatre. The understanding late yesterday was that the Music Hall is not averse to assuming operation on a basis which would cut U. A. into operating profits, but also into operating losses, if and when.

Moves for New N. E. Group Are Reported

BOSTON, Feb. 6.—Another New England independent circuit is prophesied for Jerome Parker Jerome, who recently left the F. E. Lieberman combine to open the Imperial in Pawtucket, R. I. Jerome, who was formerly with Loew's in Paris, is reported to be after 14 theatres. The Bates in Attleboro, the Park in Woonsocket, and the Metropolitan in Providence are said to be under consideration. If Lieberman closes the Columbia here, which Jerome managed until replaced by Edward Sellette a few weeks ago, this subsequent run situation may be taken over by the concern.

Producers' Answer To Writers to NRA

LOS ANGELES, Feb. 6.—Major James O. Donovan today dispatched to Washington the producers' brief answering writers' demands for a code of fair practice. Although he refused to divulge its contents, the document, prepared by Edwin Loeb, is believed to contend that writers' demands have no place in the code as there exists already adequate machinery here to handle disputes.

M-G-M in Printer Deal

CHICAGO, Feb. 6.—Bell & Howell has closed with M-G-M for a second battery of automatic film and sound printers for installation in M-G-M's Culver City laboratory. The deal, which was signed by Eddie Mannix for M-G-M, will put the studio's laboratory on the basis of 100 per cent. automatic printing on release pictures, it is said.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 33 NEW YORK, FRIDAY, FEBRUARY 8, 1935 TEN CENTS

Patent Probe Sensation in Capital Seen

Sirovich Gets Set for Start; Booking Up

WASHINGTON, Feb. 7.—"Sensational disclosures" of patent practices in the film, radio and aviation industries and legislation dealing with block booking loomed in Congress tonight.

Hearings on his resolution for an investigation of patent pools in industry will begin before the patents committee, of which he is chairman, next Monday, it was stated by Representative William Sirovich of New York. The committee will meet tomorrow to work out its program.

The aviation industry will be taken up first, the Congressman said, to be followed by the films and radio, and sensational developments are promised.

Legislation dealing with block booking will be introduced in the near

(*Continued on page* 15)

Academy Approves Contract Revision

HOLLYWOOD, Feb. 7.—Approval of the new standard players' contract just ratified by the actors' and producers' branches has been given by the board of directors of the Academy. It will go into effect March 1.

The new pact covers all free lance players receiving between $15 per day and $40,000 per picture.

In announcing the vote Frank Lloyd, president, said producers had

(*Continued on page* 15)

Warner Theatre Men To Discuss Policies

Warner theatre zone managers will hold a quarterly meeting Monday, Tuesday and Wednesday of next week at the home office for a discussion of operating policies.

Joseph Bernhard, general manager, will outline a program for transfering various home office functions to the zone offices in the field.

No Cooper Fight for Cohen, Insists Moss

HOLLYWOOD, Feb. 7.—Stories that Gary Cooper intends to protest against the removal of Emanuel Cohen as

(*Continued on page* 15)

Roosevelt NRA Message Goes to Congress Today

WASHINGTON, Feb. 7.—President Roosevelt is expected tomorrow to send to Congress a message asking for continuation of the National Industrial Recovery Act.

Details of the legislation being prepared for introduction after the message are being closely guarded, but they are understood to provide for a two-year extension of the law, retention of Section 7A dealing with the right of labor to organize for collective bargaining, grant the President the authority to order changes in code provisions at will, and prohibit the inclusion in codes of provisions permitting monopolistic practices where such practices are considered detrimental to the public.

While the above are held to be practically certain of incorporation in the law, there are rumors that the

(*Continued on page* 8)

Committee Named in Burr-Darmour Case

Following nominations by O. J. Donovan, in charge of the coast office, Campi yesterday appointed Henry Herzbrun, I. E. Chadwick, Harry Weber, J. Farrell MacDonald and Ned Marr as a committee to hear the dispute between C. C. Burr and Larry Darmour in connection with Ken Maynard's services.

The first two members represent producers; Weber, agents; MacDonald, players, and Marr, impartial observer. Marr is identified with the Los Angeles city attorney's office.

Another Booth Cost Hearing Called Here

WASHINGTON, Feb. 7.—Another hearing on projection booth costs in Greater New York will be called in the near future, it was said today by Compliance Director Sol A. Rosenblatt.

No decision has been made as to the date, that depending largely upon how long it takes to analyze the two new formulae which were submitted at the hearing last week.

Coincidence

Hollywood, Feb. 7.—On Feb. 4 Emanuel Cohen announced that he had "terminated" his connection with the Paramount studio.

On Feb. 5 the studio announced that five titles had terminated their connection with pictures now in work.

The changes are: "Paris in Spring," replacing "Two on A Tower"; "Night Drama" for "Small Miracle"; "Annapolis Farewell" new title for "Target"; "Now Give Us This Night" instead of "End of the World," and "College Scandal" for "Terror By Night."

Objections of Lawyers Slow L. I. Hearing

First round in the long-awaited hearing of Century's clearance complaint against RKO, which seeks seven days' protection over the Fantasy, Rockville Center, for its Alden, Jamaica, and Strand and Columbia, Far Rockaway, ended yesterday with 29 objections by Louis Nizer, representing the respondent, and 17 for Mitchell Klupt, for the plaintiff. Nizer's tally, according to MOTION PICTURE DAILY's tabulation, was 15 objections in the morning session and

(*Continued on page* 8)

Seattle Labor Row Starts Court Test

SEATTLE, Feb. 7.—Another local theatre has gone into court in a fight against the code, following closely on

(*Continued on page* 8)

Announcement

Harry E. Nichols of the Quigley organization, at the request of the New Orleans arrangement committee, has set up a bureau in New Orleans to arrange accommodations in private homes for exhibitors who will attend the M. P. T. O. A. convention Feb. 25-28.

Because of the Mardi Gras, hotel and housing facilities in New Orleans will be severely taxed. If Mr. Nichols can help you, wire or write him at 1418 Cleveland Ave., New Orleans, La.

Way Smoothed For Disposal Of Clearance

Adoption of Los Angeles Plan Speeds Others

Settlement of several controversial points in the Los Angeles clearance and zoning schedule centering around geographical areas and adoption of the plan by Campi yesterday paved the way for acceptance of other schedules in territories where exhibitors have shown a desire to draw up clearance setups. The Los Angeles schedule supersedes all previous clearances on contracts now in existence.

Twenty-nine zones in 150 cities, covering 450 theatres served by the Los Angeles exchange, are incorporated in the plan. Tyree Dillard, Jr., legal head of Code Authority, is now busy framing the legal language of the plan which will be put into effect in about two weeks.

Although the New Haven schedule was slated for action yesterday, discussion of the plan was put over until next Thursday because of the

(*Continued on page* 8)

Treble Damages on Bankrupt Attacked

An opinion which may result in reducing by two-thirds claims against Paramount Publix for treble damages aggregating $10,000,000 as a result of alleged anti-trust law violations was submitted to Federal court here yesterday by Special Master John E. Joyce.

The opinion held that treble damages cannot be asked of a bankrupt,

(*Continued on page* 15)

Fox Executives Meet For Chicago Talks

John D. Clark, general sales manager for Fox, will preside at a two-day district managers' meeting at the Congress Hotel in Chicago tomorrow and Sunday. Clark, accompanied by home office executives, will leave here

(*Continued on page* 15)

Allied Program Set For Directors' Meet

WASHINGTON, Feb. 7.—Allied has lined up its program for the annual meeting of the board of directors at the Carlton Hotel here beginning Feb. 13. Among the matters to be taken

(*Continued on page* 15)

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Dermody's Funeral Tomorrow Morning

Funeral services for James F. Dermody, district manager for Universal for northern New York and New England who died Wednesday after an operation, will be held tomorrow morning at the home of his parents, Mr. and Mrs. James Dermody, 90-57 54th Ave., Elmhurst, Queens. A requiem mass will also be sung at St. Bartholomew's Church, Elmhurst. Burial will be in St. John's Cemetery, Middle Village.

Educators to See "Duke"

"The Iron Duke" will have a special showing at the monthly forum of the Board of Education tonight at the 23rd St. building of City College. On the program, which is being sponsored by the Bureau of Visual Education of the New York Society for the Experimental Study of Education, will be talks by Dr. Frederick M. Thrasher of New York University, whose subject will be "The Motion Picture Theatre as a Community Agency," and William Lewin, chairman of the film committee of the National Education Ass'n's secondary education department, whose topic will be "A Teacher Looks at the Movies."

Would Raise Ohio Fees

CLEVELAND, Feb. 7.—A bill to increase censorship fees from $1 to $3 per reel was introduced this week in the House by Representative William J. Zoul. Distributors estimate this would cost an additional $100,000 yearly.

Insiders' Outlook

By RED KANN

ADD to the thousands of words written to date on the Paramount situation, these: Despite vigorous efforts by Adolph Zukor to obtain contracts for Henry Herzbrun and Ernst Lubitsch which would give the comfort signatures on the dotted line imparts, representatives of Paramount's ruling creditor and reorganization groups have refused. Zukor, who leaves for Hollywood today with George Schaefer, is reported to have persisted in his fight to obtain the contracts up to late last night, without avail. . . .

▼

His feeling, it is said, was dictated by his firm belief in the need for investing the entire studio organization with a sense of security which only written contracts for the two new appointees could effect. Also said to have been a consideration was his desire that the studio regime remain undisturbed even after Paramount emerges from bankruptcy, possibly by April 1. The disastrous consequences of a change coming at this time, close to the company's annual spring sales meeting and the start of the new selling season—or even the possibility of change—was in Zukor's mind when he asked for the contracts, according to those close to the center of action. . . .

▼

The reorganization dictators, having their say, explain their refusal with the declaration that they do not feel they have the right to bind the company to important contracts on the eve of reorganization—contracts which might not meet with the approval of the new board of directors when it comes into being and power within the next two months. Moreover, they add, the top studio positions may be made permanent by the performances delivered between now and reorganization, at which time contracts may be forthcoming. Zukor, however, who wanted those contracts now, leaves for the coast without them. . . .

▼

Charles E. Richardson, the only nominee for the Paramount board of the 16 agreed upon by creditors' committees who has not signified his willingness to serve, will probably give notice of his acceptance soon. However, he may remain on the board only until the new company is launched and stabilized, resigning or refusing reelection thereafter. It appears fairly certain that the slate of 16 will remain as the list which will be submitted for Federal Judge Alfred C. Coxe's approval on Feb. 14, despite sentiment in reorganization circles which favors a board of either 15 or not more than 18. That there will be sharpshooting at some of the proposed members when the list goes into court is certain. . . .

▼

Some of this may come from important creditor sources. Some of it is almost certain to be aimed at John D. Hertz, Richardson and one or two others. Whether it will have any effect in influencing Judge Coxe to exercise the right he reserved to veto any member of the initial board remains to be seen. Discussion is now veering to the selection of a chairman with one school of creditors proposing Frank A. Vanderlip and another still urging that Zukor be made chairman and Schaefer, president. The agreement on Zukor as president, however, appears to be sufficient at this time to make it a fact. Other quarters are still to be heard from. Undoubtedly, they will be. . . .

▼

Space cramped the idea the other day when the news was spot, but not so this morning. Aside from that, what Bob Cochrane told Attorney General of New Jersey Wilentz about the newsreel situation at Flemington is much too good not to be used. In the Cochranian style, which is a very good and a very compelling one, the Universal vice-president said plenty. Here it is:

"Illness has prevented an earlier answer to your telegram in which you registered a protest against the use of scenes from the Hauptmann trial in our newsreel. The Universal Company has violated no agreement with the court in using trial scenes in our newsreel. The truth of the matter is that the whole trial has been ballyhooed in some of the newspapers and over some of the radio stations day after day while the newsreels have been so decent and dignified that they have defaulted in their duty to the theatres they serve.

"Some of the newspapers have spread the trial over innumerable pages. They have not stopped with handling the news. They have editorialized in articles by special writers and in cartoons. They have found Hauptmann guilty, so have millions of readers who have been soaking up the verbatim report of the trial with all of the questions and answers. On the radio the trial has been handled directly from Flemington at fifteen minute periods.

"On some of the stations, actors and actresses have been used to impersonate Hauptmann, his wife and you, yourself. I do not know whether this has been done with

(*Continued on page* 15)

Air Film Broadcast Proves Successful

PITTSBURGH, Feb. 7.—The first combination broadcast from and showing of a picture in a plane was completed with the arrival here tonight of a Central airliner from Washington. During the flight "Devil Dogs of the Air," the first Cosmopolitan picture to be released through Warners, was shown with some of the film dialogue and comments of the audience being broadcast over stations WCAE and WRC of the NBC network. The flight was arranged as an exploitation stunt for the openings here and in Washington.

With a passenger list including General Douglas C. McDougal, assistant commandant of the Marine Corps; Senator Guffey of Pennsylvania; Gene Vidal, director of air commerce; Stephen Cisler, superintendent of mails, and newspapermen, the ship, which had been christened "The Flying Theatre" before the takeoff, left Washington at 5:35 o'clock. Helen Richey, only licensed woman transport and airmail pilot, was at the controls.

At 5,000 feet the picture was flashed on the screen. Half an hour after the takeoff, Allen Trench, NBC announcer, commenced the broadcast. The ship landed here at 7:15.

The stunt was conceived and executed by Joseph Feldman, Warner advertising director in the Pittsburgh zone under Harry Kalmine. Frank LaFalce, of the Warner Washington office, handled things from that end. Mort Blumenstock, director of advertising for Warners' theatres, supervised it.

New System Adopted In Rating Pictures

A new system of classifying pictures as published by the *Catholic News* for the New York Archdiocese has been adopted, according to Rev. Edward Roberts Moore, secretary of the Legion of Decency for the archdiocese.

Under this new system there are in effect four classifications. This is brought about by the division of Class A so that some of the films in this division get approval for both adult and juvenile audiences and others are approved for adults only. The classification, out for the first time this week, reads: "Class A—Section 1—General Approval" and "Class A—Section 2—Approved for Adult Audiences." Class B continues to include films neither recommended nor condemned and Class C is for condemned films.

In describing the second section of Class A, Father Moore says: "These pictures may readily provide thoroughly acceptable and wholesome entertainment for the adult, yet might raise in the child's mind questions preferably deferred to a more mature age."

Norwegian Film Opening

"En Stille Flirt" ("A Little Flirt"), Norwegian musical film starring Tutta Berntzen, will be given its American premiere by Scandinavian Talking Pictures at the Brooklyn Academy of Music on Saturday.

Zukor, Schaefer West

Adolph Zukor, George J. Schaefer and Russell Holman leave for the Paramount studios today.



Daily Variety: "Combination of Harold Bell Wright's name on one of his best known stories, plus an interesting and fast-tempoed production, makes this one top-notch entertainment. All of the punch of the author's story has been transferred to the screen."

Motion Picture Daily: "This speedy, human, high-class western gives George O'Brien the best role of his career and presents top-notch entertainment to all houses demanding this type of show. Should clean up, as star, story and amusement values tab it for higher brackets."

Sol Lesser and John Zanft present

GEORGE O'BRIEN

FOX

HAROLD BELL WRIGHT'S

"WHEN A MAN'S A MAN"

with

Dorothy Wilson

Paul Kelly

Directed by
Edward F. Cline

ONE MORE TRIUMPH *and their greatest*

Emerging gloriously from the vital smash-seller of today by Robert Nathan come the adventures of two who suffered, strove and triumphed . . . . . guided by a pure, unselfish love that no man or circumstance could crush. Life and laughter . . . . . depth and drama . . . . . played with inspired fervor by your favorite star team!



FOR THE STARS WHO GAVE YOU "DADDY LONG LEGS" AND "PADDY"!

Janet

GAYNOR

Warner

BAXTER

in

ONE MORE SPRING

with

Walter King Jane Darwell Roger Imhof
Grant Mitchell Rosemary Ames John Qualen
Nick Foran and Stepin Fetchit

Produced by Winfield Sheehan
Directed by Henry King
From the novel by Robert Nathan
Screen play and dialogue by Edwin Burke

FOX

For Showmen Only

Details of sensational campaign that gave "Baboona" 2 smash Broadway weeks despite historic cold and blizzard!

(including big national tie-ups that mean profits at your box office)

Radio:

• Pre-opening broadcast over WOR featuring UNCLE DON, children's radio favorite.

• Nightly broadcast during run by UNCLE DON over WOR with passes offered to children on their birthdays.

• "BABOONA" program over WOR with Martin Johnson outlining his experiences.

• International broadcast over Columbia Broadcasting System and affiliates (62 stations) to Admiral Byrd with Martin and Osa Johnson exchanging notes with South Pole explorer.

• National hook-up (27 stations) on Shell Petroleum hour. Eddie Dooley interviewed the Johnsons on their experiences in making "Baboona." Tie-ups follow with Shell Petroleum during local "Baboona" showings.

Newspapers:

• 10-day contest in N.Y. Evening Post on "My Thrilling Experience" during run of picture. This tie-up is possible in all situations with sectional prizes of 75-day African trip. (Also run in Cleveland News, Louisville Times, Indianapolis Times.)

• Special story on 25th Wedding Anniversary of the Johnsons in leading dailies.

• Flashy smashing theatre ads selling unique thrills of production.

• Special illustrated six-column Story Strip series, "Danger Trails" in N.Y. Evening Post...syndicated in many other key city newspapers.

• Column upon column of general publicity and photos in all New York papers.

Stunts:

• "The Flying Theatre"... an aerial preview to newspaper publishers, critics, etc., in co-operation with Eastern Airlines, Inc. Played up big in all dailies.

• Special showings for schools with Department of Education distributing circulars to children.

• Displays in Public Libraries and Museum of Natural History. Endorsed by them.

• Window and interior displays in travel bureaus through American South African lines.

• National advertising tie-up with full-page Coca Cola ad in American Magazine. Local Coca Cola tie-ups with fountains.

• Window displays in the great Reeves grocery store chain, tied in with products used by the Johnsons on safari.

Lobby:

• Flash jungle-style lobby plastered with high-power selling lines, cutouts, special gorilla-mouth box-office, colored enlargements, hundreds of arresting stills, unique marquee display.

SEE the big FOX press book for greater detail on these and other showmanship items

•

MR. & MRS. MARTIN JOHNSON'S

"BABOONA"

An Aerial Epic Over Africa

Supervised by Truman Talley

FOX

Short Subjects

"Going Places with Lowell Thomas"
(*Universal*)

Starting in Turkey, Lowell Thomas journeys on to Mount Hood in America and then to Bermuda. His remarks are by far the most interesting part of this short which includes ground already covered by many a travelogue. It should please audiences, however. Production Code Seal, No. 0259. Running time, 9 mins. "G."

"Going Places with Lowell Thomas"
(*Universal*)

In an interesting and entertaining manner, Lowell Thomas takes the audience through a Mexican fishing ceremony, the manufacturer of billiard balls, the mountains of the west and festive Japan in this reel. To be recommended. Production Code Seal No. 0260. Running time, 10 mins. "G."

"Stranger Than Fiction"
(*Universal*)

This, the seventh of the series, is equally as interesting and as entertaining as any before it. It contains scenes of a girl bathing a lion cub, the world's smallest mail train run by batteries, fishing for pearls, an artist who draws with a typewriter, a one man town, a blind violin maker and a pet cemetery. James Wallington, of the radio, does the off-screen commentating. Production Code Seal No. 0299. Running time, 10 mins. "G."

"Hill Billys"
(*Universal*)

This Oswald cartoon has all the characters of the series as hill billys, and their songs and antics should prove entertaining. Oswald is in love, but the object of his affections is a member of the family with whom he is feuding. To the accompaniment of mountain music the lovers manage to get married and stop the feud, but only momentarily. This one is slightly above the average set by preceding members of the series. Production Code Seal No. 549. Running time, 9 mins. "G."

"Parrottville Old Folks"
(*Van Beuren-Radio*)

Here is a cartoon done in color that should have particular appeal to children. The characters are all parrots and their antics are amusing. An old parrot sea captain and his mate go over to the old folks' home to entertain the inmates, with the result that several songs and a dance are presented. No code seal. Running time, 7 minutes. "G."

"Stranger Than Fiction"
(*Universal*)

Tricks with liquid air, a girl with a weird variety of pets, screen-writer John McDermott's odd house in Hollywood, the world's tallest newsreel cameraman, a rooster with a 13-foot tail, a windmill boat, a man who makes his living tasting soap and the mining of quicksilver are all shown in this, the sixth of the series, and combine to make an interesting short. James Wallington, radio announcer, is the commentator. Reviewed without production code seal. Running time, 9 minutes "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Captain Hurricane"
(*Radio*)

HOLLYWOOD, Feb. 7.—A slow moving story produced without much imagination tells of a retired Cape Cod sea captain and his romance of 15 years which has never culminated in marriage because of his temper. There is a minor plot involving an adopted daughter and a visiting youth who comes to the Cape to work on an invention.

In trying to weave these elements into an entertaining story, the picture gets tangled and seldom becomes convincing. New England characters reflect penury with hearts of gold while the atmosphere is mostly drab.

James Barton, who makes his feature debut, is handicapped by material, although on several occasions he overcomes these obstacles, turning in superbly finished scenes. With a better vehicle Barton should be a good bet. Helen Westley, playing opposite, suffers from the same trouble, never being able to rise above the situations and lines. Douglas Walton and Helen Mack are cast as the young lovers and struggle valiantly to make their characters seem natural. Gene Lockhart and Henry Travers have occasional moments as comedy relief. John Robertson directed from heavy-handed material. Frank O'Heron produced.

No production code seal. Running time, 76 minutes. "G."

Looking 'Em Over

"Northern Frontier"
(*Ambassador*)

Here is red-blooded entertainment for young audiences. The film should satisfy to a "t" the most ardent of action fans. Its story, while by no means original, is told in fast tempo with considerable suspense against a north country background that offers an opportunity for some fine outdoor shots captured by Edgar Lyons' camera. Hard riding, gun play, fisticuffs, these are to be found in generous proportions.

Kermit Maynard has the role of a Mountie in this film, based on James Oliver Curwood's "Four Minutes Late." Set to work on a counterfeiting case, he finds himself on several occasions a hair's space from death. To get the goods on the counterfeiting gang, he passes himself off as Russell Hopton, a fugitive from the States on his way to join the outfit when he is captured by the Mounties.

The suspense is supplied by Maynard's efforts to keep the gang from suspecting the truth. When his identity is finally revealed, Maynard finds himself in a pretty spot, but help comes in the nick of time and the fadeout has the hero and the girl friend (Eleanor Hunt) being married.

Other players include J. Farrell MacDonald, Roy Mason, Ben Hendricks, Jr., Gertrude Astor and Lloyd Ingraham. Sam Newfield directed.

No code seal. Running time, 57 minutes. "G."

Just a Publicity Yarn

Fox publicity department sends this one out sans blushes:

"Fox Producer B. G. DeSylva has cabled the final shooting script of 'Under the Pampas Moon' to Bert Glennon, chief of a camera crew making atmosphere shots for the picture in Buenos Aires. The cable amounted to 45,236 words.

"Glennon has been in the Argentine for several weeks getting background sequences."

Not from the Fox publicity department:

The cost of this message by night letter rates would be $6,333.04 at 14 cents per word. By airplane in a pigskin portfolio carried by a special messenger it would have taken eight days and cost $1,267.20 for the round trip. By air mail it would have taken eight days and cost $99 for a five pound manuscript at 55 cents per half ounce.

Short Subjects

"The Simp-Phoney Concert"
(*Radio*)

The old vaudeville star, Eddie Conrad, is featured in this short that appears to be ideally suited for his talents. Audiences should get many a laugh out of this.

Conrad, an impresario, arranges a concert at a barn theatre and presents a comedy quartet and a duet along with himself at the piano. Things go along swell until a duck spoils things for the four singers and a leaking pipe ruins the act of the duet. Conrad winds things up with himself at the piano. Production Code Seal, No. 453. Running time, 21 minutes. "G."

"Doin' the Town"
(*Mentone-Universal*)

Billy Taylor in this escorts Gracie Worth through the night club belt in search of entertainment. With this as a story thread there are introduced turns including Rachel Carley, the Holman Sisters who do tricks at the piano, the hot Rhythm Racketeers and Kuznetzoff, Russian basso with a gorgeous voice. This miniature vaudeville show pleases and emerges as satisfactory entertainment. Milton Schwarzwald directed and Josef Gershenson handled the orchestra well. Production Code Seal 0301. Running time 20 mins. "G."

Approves A. T. & T. Quiz

WASHINGTON, Feb. 7.—The Rayburn resolution calling for an investigation of the A. T. & T. and its subsidiaries by the Federal Communications Commission was approved today by the House Interstate Commerce Committee.

Wall Street

Universal Up 2½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	35¾	35½	35¾	+1
Consolidated Film..	5¾	5⅝	5¾	...
Consolidated Film pfd (½v)	20½	20⅜	20½	+ ½
Eastman (4a) ...	112⅜	111⅞	112⅛	+ ⅝
Eastman pfd (6).144	144	144	.....	
Fox Film "A" ..	10¼	10	10⅛	— ⅜
Loew's, Inc. (1a)	32	31¼	32	+ ½
Loew's, pfd (6½).104	104	104	— ⅜	
Param'nt Publix.	3¾	3½	3⅝	+ ⅛
Pathe Exchange.	1⅛	1	1⅛	+ ⅛
Pathe "A"	14	14	14	+ ⅜
RKO	2	2	2	+ ¼
Universal pfd ..	40	40	40	+2½
Warner Bros. ...	3⅝	3⅝	3⅝	.....
Warner Bros. pfd	20⅛	20⅛	20⅛	— ⅛

Technicolor Up ½ on Curb

	High	Low	Close	Net Change
Technicolor	14½	12⅜	12½	+ ½
Technicolor	12½	12⅛	12½	+ ½

Warner Bonds Up 1¾

	High	Low	Close	Net Change
General Theatre 6s '40	8	7¾	8	— ¼
General Theatre 6 '40 ctf.....	7⅝	7½	7½	— ⅝
Paramount B'way 5½s '51	47⅞	47⅞	47⅞	.....
Paramount F. L. 6s '47	67¾	67¾	67¾	+1
Paramount Publix 5½s '50	68	66¼	68	+1⅝
Pathe 7s '37, ww	102	102	102	.....
Warner Bros. 6s '39 wd	56	54	56	+1¾

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 7)

Objections of Lawyers Slow L. I. Hearing

(Continued from page 1)

14 in the afternoon, most of which were sustained. Klupt had 11 in the morning and six in the afternoon.

Twice during the hearing Leo Abrams, chairman of the main clearance and zoning board, had to call executive sessions for decisions on objections by Nizer. In both instances Nizer was sustained. When it became apparent about 5 o'clock that the hearing would drag a long time, the board went into executive session and agreed to adjourn until next Wednesday afternoon. Although the board usually adjourns until the next day, this procedure had to be discarded. Harry Shiffman, a member, leaves for Bermuda today on a postponed honeymoon and will return next week in time for the resumed hearing.

Many RKO Men on Hand

RKO representatives who attended the hearing included Major I. E. Lambert, of the legal department; John O'Connor, head booker and buyer for RKO Film Booking Corp.; Charles B. McDonald, division manager for Manhattan, Bronx, Queens and Brooklyn; Walter Gutteridge, manager of the Strand and Columbia, Far Rockaway; Fred Meyers, Lou Goldlberg, Max Fellerman, Al Judkowitz and John Heinz, manager of the Alden, Jamaica. Thomas Murray and Fred Schwartz were principal witnesses for Century. Sitting on the board in addition to Abrams and Shiffman were ex-judge Alfred E. Steers, Eugene Picker of Loew's, Edward Rugoff of Rugoff & Becker circuit, Robert Wolff, manager of the RKO Radio exchange, and Laurence Bolognino, president of Trio-Consolidated.

O'Connor was grilled by Klupt for the major part of the morning concerning his relationship with RKO and the booking pool between the circuit and Century. McDonald was quizzed for about an hour on the mailing list of the Alden, roads and distances between Rockville Center and Jamaica and advertising by the RKO house. Gutteridge was next on the stand and testified mostly to ways and means of traveling to Far Rockaway from adjacent towns. Murray was next and followed by Schwartz, who testified about clearance of the Fantasy from 1931. Nizer raised strenuous objections to testimony by Murray and Schwartz when contracts substantiating their statements could not be introduced. He was sustained.

Basis of Century Complaint

Century's complaint is that during the five years since the Fantasy has operated, RKO houses in Far Rockaway have not had protection, running day-and-date. For three years there was an operating pool between the litigants. Last year Skouras' Lynbrook house had seven days' protection on the Fantasy, which was waived this season when a booking arrangement was set between Skouras and Century.

With the lifting of the Lynbrook clearance, RKO is now buying a week's protection over the Fantasy for the Far Rockaway Strand and Columbia and Jamaica Alden.

RKO's contention is that it held the key to the Rockville Center situation all along because it gave up two weeks' protection for three years as a result of the Schwartz pool. RKO had 14 days' clearance on all Kings, Queens and Nassau county theatres and for a consideration by A. H. Schwartz waived its protection rights.

On certain distribution contracts made last year, Schwartz testified that the only theatre getting protection on the Fantasy was Skouras' Lynbrook, but these pictures did not involve the RKO split.

New Three-Dimension Test Stirring Coast's Interest

HOLLYWOOD, Feb. 7.—Gregg Toland, head cameraman for Samuel Goldwyn Prod., is enthusiastic over a new development in three dimensional photography devised by William Adler of Pasadena. Alder was camera man until three years ago. He is now an associate in the California Institute of Technology, the institution of which Dr. Robert Millikan, Nobel prize winner, is head.

The Alder process is claimed to be different from any other three-dimensional process, in that it uses only one image on the film, whereas the others used two, in the manner of old stereopticon machines. Like other experimenters, Alder started from this angle, he says, but found that by the use of two pictures, one gets an illusion of greater depth in the third dimension than actually exists. A further disadvantage was that pictures taken this way could not be seen clearly from all parts of a theatre. Alder, therefore, discarded all attempts to solve the problem by using dual images, and adopted instead, a three mirror attachment which fits over the lens of the camera. The mirrors twirl with the turning of the camera, and each figure photographed is recorded on the same strip of film from three different angles.

Tested by Goldwyn

Samuel Goldwyn has put the process to various tests, and one reel of film which was tried out at Grauman's Chinese, proved satisfactory in every way, it is claimed. The three dimensional illusion was plain from every seat, and the general effect was that of looking at a scene as if there were no screen. The depth shown was claimed to be the same as would be visible to a normal eye viewing the scene as it was photographed.

With the Alder process, no additional equipment is needed in theatres, according to the inventor. The film is projected exactly as it is now. From the producers' standpoint, additional cost will be entailed for lighting. It will also mean that more location trips will be needed, as the sets now used would not stand up under the new camera. The cost of the mirror attachment for the camera lens is nominal, it is said. From the actors' standpoint, it will mean that all of their features will be caught, and it will be impossible to bolster up their weaknesses by catching them from their best angles as is done now.

Laemmle Better

Hollywood, Feb. 7.—Carl Laemmle's eye condition has improved to a point where he may return to active duty at Universal by the end of the week.

Seattle Labor Row Starts Court Test

(Continued from page 1)

the heels of the Sterling suit, which is now awaiting a Superior Court decision here.

Sam Sax's Mayfair, formerly the Rex, has entered charges that R. D. Horning, state NRA compliance officer, is prejudiced in favor of organized labor. The theatre refused to appear before an NRA arbitration meeting. Its attorneys made a brief appearance to state they would challenge the constitutionality of the recovery act as applied to this case.

The action followed a walkout of 10 union musicians, and also stagehands and operators at a late evening show. Fifteen members of a negro song and dance troupe, appearing in addition to a dual-feature second-run film program, also walked out. During the confusion, it is reported, musical instruments were damaged, a stench bomb was thrown, and the projection equipment was damaged.

The dispute originated over wages paid to union employes. The theatre has been paying $1 an hour, it is claimed, but the union and NRA officers believe the scale should be $1.60 for a house seating 1,800 persons.

Ban Neb. Bank Nights

OMAHA, Feb. 7.—Osland & LaHue, State, Central City, Neb., have been ordered to stop bank nights. C. J. Riggs, manager of the Sun, was the complainant.

Riggs was represented at the hearing by his wife, he being taken to a local hospital for a serious operation the day before the hearing.

Order Iowa Film Stopped

DES MOINES, Feb. 7.—Discontinuance of film service to the Strand and Casino at Marshalltown, Ia., managed by Don Thornburg, has been ordered by the grievance board effective Jan. 24 for refusal to comply with an order to discontinue bank nights. Thornburg's appeal to Campi was denied.

Charge NIRA Violation

KANSAS CITY, Feb. 7.—Violation of the NIRA provision prohibiting requirement of union affiliation as a condition of employment is alleged in a complaint lodged with the regional labor board here against E. S. Young, Central Theatre, Kansas City, by the Independent M. P. Operators' Union.

Breach of contract and discrimination is alleged. Young's contract with the group was to expire next May, but he disdharged their man last Sept. 1 and hired an operator from Local 170, I. A. T. S. E. The former operator also demands a sum equivalent to his pay from the time of his discharge.

Way Smoothed For Disposal Of Clearance

(Continued from page 1)

amount of business on hand. With prices as the basic factor in the coast setup, and a provision protecting distributors from possible print shortages where theatres with similar admissions get like availabilities, the New Haven and other schedules will be adopted in quick order.

Five Kansas City independent exhibitors have asked Code Authority not to vote on that schedule in the hope that an amicable arrangement will be worked out with Elmer C. Rhoden of Fox Midwest. However, Campi did not reach the Kansas City plan, but when it comes up on the calendar, it is understood that Code Authority will discuss its various angles and hold in abeyance its adoption until the Fox Midwest matter is disposed of. Milwaukee and Detroit schedules will be discussed following the K. C. plan.

Leonia Case Again Delayed

Action on the Leonia, Leonia, N. J., clearance complaint against Loew's and Skouras was again delayed for another week. A meeting of Edward Golden and Skouras and Loew officials was to have taken place Wednesday in an effort to settle the controversy, but Golden was ill and David Loew spent the entire day before an arbitration committee hearing a complaint by M. & S. against RKO. Loew has been on the stand for three days. A meeting of the committee is expected to take place within the next few days.

John C. Flinn reported on the Washington public hearing on the financial budget of $360,000 for 1935. He also advised the members that the two Los Angeles suits, brought by the Oxnard, Oxnard, and Mission, San Gabriel, to restrain the grievance board and distributors from shutting off film service for refusal to abide by decisions on bank nights, were dismissed.

Vaudeville amendments to the code were approved by Campi and Washington is now drawing an order for the changes. This will come through in about a week.

Questionnaires sent by Flinn to impartial members have not been returned 100 per cent and no report on the matter was made.

Roosevelt Message To Congress Today

(Continued from page 1)

measure may go further and may permit industries to elect whether or not they shall continue under codes.

The recovery legislation will be followed by a bill now being prepared by Senator Wagner of New York, creating a Federal board to enforce the labor provisions of the law.

$9 a Point, Not 9 Cents

The value of a point in the Local 306 operators' booth plan is $9 and not nine cents as inadvertently published in the tabulation which appeared in yesterday's MOTION PICTURE DAILY.

Kansas City Again Stops Bank Nights

KANSAS CITY, Feb. 7. — Bank nights and similar devices continue to fall under the ban of the local grievance board, which has ruled against offenders in new cases.

Finding competition exists between the theatres despite a distance separating them of more than three and one-half miles, the board has reaffirmed its original judgment that Frank H. Cassil, Rialto, St. Joseph, Mo., discontinue the nights because of unfairness to the Olive, operated by W. A. Leucht, same town. Campi receptly upheld the board's decision against Cassil, but the latter requested a rehearing on the element of actual competition. This case is now closed as far as the local board is concerned.

Cassil's cash night complaint against Leucht's Valley, St. Joseph, resulted in a desist order against the respondent. The complaint was dismissed as against Barney Dubinsky, named as the alleged owner of the Valley, because evidence failed to substantiate the claim.

A desist order was entered against A. B. McNabb, Gem, Neodesha, Kan., on complaints charging bank night and merchants' free shows filed by Glen Klock, same town. Taking an Oklahoma case as a precedent, the board also ordered Klock to file a certificate of compliance on evidence of reduced admissions.

Tom Steele, Fox Midwest manager at Pittsburg, Kan., has complied with an order to drop bank night and discontinue reduced admissions. J. A. Lenski, Cozy, same town, has agreed not to resume cash nights or similar stunts.

Pouzner Wins Clearance

BOSTON, Feb. 7.—Morris Pouzner, protesting in behalf of Reading Theatre Corp., has been sustained by the clearance and zoning board in his appeal for action against George Ramsdell and William McLaughlin. The decision states "that Malden shall be the key city to determine clearance over the theatre of the complainant in Reading and the theatre of the respondent in Wakefield and the theatre in Stoneham, which is an interested party to the petition; and that Malden shall have 14 days' clearance over theatres in Reading, Wakefield and Stoneham charging admission price of not less than 35 cents or 21 days' clearance over theatres charging less than 35 cents but not less than 25 cents.

Seek Missouri NRA Law

KANSAS CITY, Feb. 7.—The Greater Kansas City Council of Code Authorities is preparing a "big stick" for code violators in the form of a bill making violations punishable by state as well as Federal law.

Representatives of 24 code boards voted to support the bill in the Missouri legislature. The bill was devised by the national NRA board. Similar acts have been passed by 14 legislatures.

Stop "Economy Cards"

NEW ORLEANS, Feb. 7.—The Lyceum, which for a long time has been selling "economy cards," 10 admissions for $1, has been notified by Code Authority to stop the practice. The theatre will obey the order.

Purely Personal

NATE SPINGOLD isn't neglecting his bridge now that he is in sunny Florida. He and MRS. SPINGOLD have as their house guests in Palm Beach none other than HAL P. SIMS and his wife. SPINGOLD will probably have a few more pointers for the boys when he returns, for reports reaching New York say he is more than holding his own with the expert.

•

JULES LEVY has decided he'll attend the M.P.T.O.A. convention in New Orleans late this month. But he'd better not count on those flannels and sport clothes that cut such a figure in Florida, because it's colder in Louisiana.

•

LEO ABRAMS of Universal rates a big hand for the way he conducted the hearing yesterday on the Century-RKO clearance issue. He was chairman of the board.

•

MAJOR I. E. LAMBERT of RKO almost fell asleep yesterday afternoon while attending the session. He thought he heard someone mention Century's film rentals and then he was all ears.

Quip of the Day

Mike Marco, now in Los Angeles, wrote Harry C. Arthur, in the east, the other day that he understood the Music Hall was in a deal with U. A. for all of the latter's product. Marco added it would be a good idea to try and get some of the product for the Roxy.

Arthur wrote back:

"I saw the story in MOTION PICTURE DAILY. *It would be cheaper to buy the Music Hall."*

HYMAN RACHMIL leaves for the coast Sunday afternoon and will be away five weeks. While in Hollywood he will visit his son, SIDNEY, vice-president of Goldsmith Prod., Ltd.

•

DON ALESSANDRO TORLONIA and his bride, the former INFANTA BEATRIZ of Spain, were at Loew's Ziegfeld yesterday to see the newsreel shots of the recent wedding.

•

WALTER ABEL of the "Merrily We Roll Along" cast, who was recently signed by RKO, leaves for the coast next week.

•

ED SMITH, the nerve of him, sends greetings to JIMMY CRON from Miami where there's no weather problem.

•

CHARLES MOSES has been home with the grip ever since his birthday party last Monday.

•

LESLIE HOWARD is back again before the footlights in the "Petrified Forest" after recovering from a minor ailment

•

R. B. WILBY left for Charlotte last night.

•

M. A. LIGHTMAN returned to Memphis yesterday.

•

HARDIE ALBRIGHT will return to the coast on Feb. 19.

•

HARRY SHIFFMAN leaves today for Bermuda for a belated honeymoon.

HERBERT McINTYRE, RKO southern division manager, is due in town Monday for home office conferences. He'll pick up AL MERTZ, short subject sales manager, and tour the south with him, winding up at New Orleans at the en dof the month.

•

ED MCEVOY is phoning the weather man every half hour these days. He is supposed to play host at the Westchester Country Club Sunday at a tobogganning party and he wants to be sure of snow. So far the prospects for the party are not good.

•

TIM WHELAN, Gaumont British director, and his wife, MIRIAM SEEGAR, actress, are seeing the town's sights before pulling out for the coast next week. They arrived on the *Ile de France* early this week.

•

JOHN BOETTIGER, recent addition to the Hays organization, is being schooled in all departments of the M. P. P. D. A. prior to receiving a permanent working assignment.

•

DOLORES COSTELLO is due in town any day from Hollywood. She is coming to join her husband, JOHN BARRYMORE, who recently arrived from abroad.

•

ALEC MOSS is all steamed up over the "Ruggles of Red Gap" advertising and exploitation contest. He even dreams about it at night, it is claimed.

•

ERIC HATCH has sold his story "1011 Fifth," which appeared in *Liberty*, to Universal as a probable vehicle for Cesar Romero.

•

JOHN LODGE, who has been working at the Fox plant in Hollywood, is in town on a short vacation. He plans to return to the coast late next week.

•

HUGH WILLIAMS will appear with KATHERINE CORNELL in "Flowers of the Forest," new play by JOHN VAN DRUTEN.

•

EDWIN JUSTUS MAYER is responsible for a new play, described as a satiric comedy. New York probably will see it next season.

•

LEON JANNEY has been signed for the Theatre Guild's cast for SHAW's "The Simpleton of the Unexpected Isles."

•

CHARLES J. GIEGERICH of Celebrity Prod. is on an extended visit to southern and mid-western exchange centers.

•

J. H. LANG has been placed in charge of the Fox home office personnel department.

•

TALLULAH BANKHEAD opens in the revival of "Rain" (stage) Tuesday at the Music Box.

•

JOHN BOLES ended his personal appearance tour in Chicago yesterday and is on his way back to the studios.

•

Ben Goetz, stooging for Al Lichtman while Al was in Florida, on the type of bridge played at the Motion Picture Club:

"They play for 10 cents a point. If you can't think about the game at five cents a point, they don't even let you be a kibitzer."

Shea Is Ordered to Release 25 in Ohio

CINCINNATI, Feb. 7.—The local grievance board has ruled that M. A. Shea, Zanesville, overbought for the Weller, and has ordered him to release 24 features of the 1934-35 product to Zanesville Theatres Co., Inc., operating the Grand, Liberty and Imperial, same city. It is understood that an appeal would be made to Campi.

Sam E. Lind, executive head of the complainant organization, is said to have taken the matter up with the Department of Justice, at Washington, prior to the local hearing.

Prof. E. V. Hollis, of the Morehead, Ky., State Teachers' College, has appealed to Campi on the board's recent ruling, ordering distributors to discontinue serving him on the ground that he represented a non-theatrical account. Complainant was Paul M. Hooven, Trimble, Mt. Sterling, Ky., who claimed that Hollis was in competition since he ran half-page display ads in the Mt. Sterling papers stating that certain pictures would not be shown in complainant's town this season. It was brought out that Hollis incurred no expense of operation, except the film rental, as the college is a tax-supported enterprise, towards the maintenance of which Hooven contributed as a tax payer. Space in the Mt. Sterling papers was donated, the evidence showed.

Glen Klock Files Appeal

KANSAS CITY, Feb. 7.—Balking at confining his operations to six features weekly, which was the determination of the local grievance board, Glen Klock, Neodesha, Kan., has appealed to Campi the decision that he release surplus product to A. B. McNabb, his competitor.

Klock claims he has to use seven or eight features a week in order to keep up with neighboring towns, which play close to release date. He also says there is some product which he has not bought and is available to

Delay N. O. Complaint

NEW ORLEANS, Feb. 7.—The clearance and zoning board has postponed for a second time the hearing of Tony Demharder's Peacock Theatre on zoning. No date for the hearing has been set. Demharder, whose house is in a zone with the Gentilly, has complained that he could not get Fox to fulfill a first run contract in that zone and that he had to wait after the Dreamland, which the clearance and zoning board had placed in another zone.

Kenosha Case Dropped

MILWAUKEE, Feb. 7.—The local grievance board has dismissed the case of the Southport Theatres Co. vs. Saxe Amusement Management, Inc., because of insufficient evidence. The former, operators of the Butterfly in Kenosha, charged the latter, operators of the Orpheum in that city, with reducing admission prices.

Denton House Complains

WILMINGTON, Feb. 7.—The Dentonia Theatre of Denton, Md., has filed complaint with the grievance board in Washington, against the Ridgely at Ridgely, Md. The Dentonia charged the Ridgely with making cash giveaways in violation of the code. Both are independent houses.

PARAMOUNT

—takes MIAMI



George Raft and Carole Lom

with Margo, Lynne Overman, Monroe Owsley, Iris Adrian, Gail Patrick . .

"RUMBA" by Storm!







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OVER CAPACITY AUDIENCE OF WORLD PREMIERE OF RUMBA TONIGHT ENTHUSIASTICALLY ACCLAIMED PICTURE AUDIENCE INCLUDED MANY SOCIAL CELEBRITIES AND BUSINESS LEADERS FROM ALL OVER THE UNITED STATES THE REACTION TO THE PICTURE UNANIMOUSLY FAVORABLE RESPONSE HERE UNMISTAKEABLY INDICATES RUMBA SURE FIRE HIT=

E J SPARKS.

10,000 people jammed Flagler Street, Miami, trying to get into the world premier of "Rumba"

ard in "RUMBA"

Paramount Picture . . . . Directed by Marion Gering

Paramount Pictures

"Lancer" Big In 2nd Week On the Coast

LOS ANGELES, Feb. 7.—"Lives of a Bengal Lancer" maintained its position as an outstanding box-office draw in its second week at the Paramount by grabbing $22,000, over the first week average by $4,000.

"Baboona" did good business at the 4 Star with $4,000, and a dual, "A Notorious Gentleman" and "Million Dollar Baby," was better than fair with $3,900 at the Pantages, but elsewhere business was in the doldrums. "The County Chairman" took only $8,400 at the Chinese. Heavy rains part of the week had a bad effect.

Total first run business was $73,700. Average is $91,200.

Estimated takings for the week ending Feb. 6:

"COUNTY CHAIRMAN" (Fox)
CHINESE — (2,300), 30c-65c, 6 days. **Gross:** $8,400. (Average, $12,500.)

"MAN OF ARAN" (Gaumont British)
FILMARTE—(800), 40c-55c, 2nd week, 7 days. **Gross:** $2,400. (Average, $2,750.)

"BABOONA" (Fox)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $4,000. (Average, $3,250.)

"COUNTY CHAIRMAN" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $11,000. (Average, $14,000.)

"LIVES OF A BENGAL LANCER" (Para.)
PARAMOUNT—(3,595), 30c-55c, 2nd week, 7 days. Stage: F. & M. revue, Clarence Muse in person. **Gross:** $22,000. (Average, $18,000.)

"ROMANCE IN MANHATTAN" (Radio)
RKO-HILLSAREET—(2,700), 25c-65c, 5 days. **Gross:** $4,800. (Average, $8,000.)

"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)
"MYSTERY WOMAN" (Fox)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's "Crazy Show." **Gross:** $3,790. (Average, $3,500.)

"ROMANCE IN MANHATTAN" (Radio)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 5 days. **Gross:** $7,100. (Average, $14,000.)

"THE WHITE COCKATOO" (Warners)
"ENCHANTED APRIL" (Radio)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $6,400. (Average, $12,000.)

"A NOTORIOUS GENTLEMAN" (Univ.)
"MILLION DOLLAR BABY" (Monogram)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,200.)

Fox Midwest Tries "Semi-Art" Theatre

KANSAS CITY, Feb. 7.—Fox Midwest is attempting to establish a "semi-art" theatre at the Apollo in Kansas City, showing pictures first run which appeal to discriminating and special audiences.

"The Unfinished Symphony" recently completed a second week at the Apollo, being followed by "Power," which is being sold as "Jew Suss," the original title of the Feuchtwanger book. Other Gaumont British releases and product from other foreign studios will be shown.

Exploitation is in the hands of James Long, manager of the Fox Warwick. Douglas Desch is the Apollo's house manager.

To Improve N. O. Houses

NEW ORLEANS, Feb. 7.—E. V. Richards has been authorized by Federal Judge Borah to expend funds to repair the conditioning systems of the Tudor and Globe.

Hollywood Personals

Hollywood, Feb. 7.—Isabel Jewell is entertaining her papa, here for the first time from Shoshone, Wyo. . . . James Barton off on a hunting trip.

Frank Reicher in "Star At Midnight" for Radio.... George Offerman, Jr., in "Spring in Paris" for the same studio.

Lon Chaney, Jr., exhibiting about 20 cups won by his dog.

Florine McKinney in Radio's "Strangers All," which features Preston Foster. . . . Teddy Billings, Universal's "man about town," gets a good role in "Return of Frankenstein."

Warner Oland in second lead in "The Werewolf of London," starring Henry Hull at Universal, with Stuart Walker directing. . . . Rosalind Shepherd, who left the Warner publicity department to be married, returns as feature writer, handling the woman angle.

"Forsaking" Pulls $12,500, Montreal

MONTREAL, Feb. 7.—Despite cold days, colder nights, winter sports and the annual auto show, theatres did a little better than aggregate average last week. "Forsaking All Others" played the Palace for eight days before the house closed down for a complete overhaul and gathered in $12,500.

"The First World War" at the Imperial proved a success at $5,500, considerably above par, and was held for a second week. "The Secret Bride" and vaudeville grossed $10,500 at Loew's, which was ordinary.

Total business was $43,500. Average is $40,500.

Estimated takings for the week ending Feb. 2:

"SWEET ADELINE" (Warners)
"DR. MONICA" (Warners)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

"THE FIRST WORLD WAR" (Fox)
IMPERIAL—(1,914), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $3,500) Held over.

"THE SECRET BRIDE" (Warners)
LOEW'S — (3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Carmela Ponselle; Keyes, Shafer & Keyes; Pritchard & Goldie; Carroll & Howe; Art Frank; Sylvia & Clemence. **Gross:** $10,500. (Average, $10,500)

"FORSAKING ALL OTHERS" (M-G-M)
PALACE—(2,600), 30c-34c-40c-50c-65c, 8 days. **Gross:** $12,500. (Average 7 days, $11,000)

"LADY BY CHOICE" (Col.)
"NO GREATER GLORY" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $6,500. (Average, $6,000)

To Film Rhodes' Life

HOLLYWOOD, Feb. 7.—After much deliberation M-G-M has decided to produce a picture based on the life of Cecil Rhodes. The picture will start next summer with Charles Laughton in the leading role. Irving Thalberg will produce.

Hit Delaware Censoring

WILMINGTON, Feb. 7.—Opposition to the pending censorship bill has been expressed by the Wilmington Advertising Club and the State Federation of Labor. Action by the latter was taken at the biennial convention in Dover.

Flint Back in Boston

BOSTON, Feb. 7.—Larry Flint, on a temporary leave of absence from the Utica, N. Y., theatre of which he is now manager, is back at the Keith Memorial as orchestra leader for the month of top vaudeville which has been booked in by Manager George French to celebrate the 52nd anniversary of B. F. Keith.

"Copperfield" Gets Indianapolis High

INDIANAPOLIS, Feb. 7.—This town went for "David Copperfield" in a big week and pushed the Palace gross up to $10,000, over normal by $5,500.

Business elsewhere was hit by the competition, with the exception of the Lyric which had a strong $7,500 on a combination of "Red Hot Tires" on the screen and a vaudeville bill on the stage.

Total first run business was $27,750. Average is $25,000.

Estimated takings for the week ending Feb. 1:

"BORDERTOWN" (Warners)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"LIVES OF A BENGAL LANCER" (Para.)
CIRCLE—(2,800), 25c-40c, 4 days. **Gross:** $1,250. (Average, $4,000)

"BROADWAY BILL" (Col.)
CIRCLE—(2,800), 25c-40c, 3 days. **Gross:** $1,000.

"GILDED LILY" (Para.)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"RED HOT TIRES"
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $7,500. (Average, $7,000)

"DAVID COPPERFIELD" (M-G-M)
PALACE—(3,600), 25c-40c, 7 days. **Gross:** $10,000. (Average, $4,500)

Ann Sothern Is Hurt

HOLLYWOOD, Feb. 7.—Ann Sothern is nursing bruises suffered while at work on a storm-at-sea scene.

Butler at Moncton, N. B.

TORONTO, Feb. 7. — Jack Butler, formerly exchange manager of both Empire Films, Ltd., and Vitagraph, Inc., has taken over the Imperial at Moncton, N. B. Associated with him is Percy Fielding.

Legislators Get Passes

LINCOLN, Neb., Feb. 7.—Passes have been issued by the Lincoln Theatres Corp. and the Capitol Theatre to the Legislature now in session here. Bills now before the legislature call for two men in a booth, a circuit theatre tax, and censorship.

Denver, Pueblo Reelect

DENVER, Feb. 7.—The Denver and Pueblo have reelected their officers for another year. Denver picked Michael Muro, president; G. A. Foster, vice-president; F. J. Leibold, recording secretary, and John Herr, financial secretary. Pueblo elected J. D. Byrne, president: Bernard Kelley, vice-president, and James S. Tooher, secretary-treasurer.

"Copperfield" $14,000 Top, Kansas City

KANSAS CITY, Feb. 7.—"David Copperfield" was the week's ace grosser with a take of $14,000 at the Midland. Best comparative showing was recorded by "County Chairman," which soared to $7,100 at the Uptown, where average is $3,500. Outstanding business was also garnered at the Mainstreet, where Olsen and Johnson on the stage and "Maybe It's Love" on the screen took $12,500.

Against these attractions, "Gilded Lady" and "The Best Man Wins" had to be satisfied with lesser grosses.

Total first run business was $46,900. Average is $36,300.

Estimated takings:

Week Ending Jan. 31:
"MAYBE IT'S LOVE" (F. N.)
MAINSTREET — (3,100), 25c-35c-40c. 7 days. Stage: Olsen & Johnson and show, featuring Gene Austin with Candy & Coco. **Gross:** $12,500. (Average, $9,000)

"DAVID COPPERFIELD" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $14,000. (Average, $9,000)

"THE GILDED LILY" (Para.)
NEWMAN — (1,800), 25c-40c, 8 days. **Gross:** $6,500. (Average, $6,800)

"THE BEST MAN WINS" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: Hadji Ali & Co., Jeanette Twins & Cook, Arthur Turelly, Vox & Walters, Clarence Rand, others. **Gross:** $6,800. (Average, $8,000)

Week Ending Feb. 1:
"THE COUNTY CHAIRMAN" (Fox)
UPTOWN — (2,000), 25c-40c, 7 days. **Gross:** $7,100. (Average, $3,500)

Fox in Own 'Change

CHARLOTTE, N. C., Feb. 7.—Plans are going forward for construction by W. H. Williamson, Jr., of a building to house the local Fox exchange, the project to represent an investment of approximately $60,000. The building is to be erected on South Church St.

Open at Grand Island

LINCOLN, Feb. 7.—Among the openings in this territory is the Island, Grand Island, Neb., by Fred Haitor, former Hastings, Neb., operator. This leaves the town with A. H. Blank's two houses faced by two independent competitors, Harry Shillers, Grand and Haitor's Island.

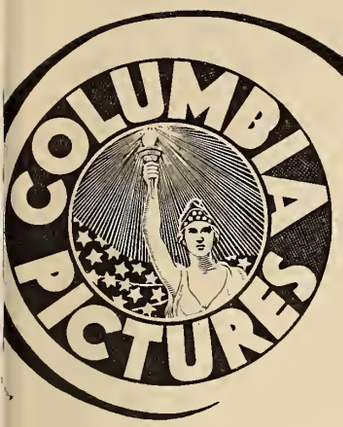
Form Two Film Concerns

ALBANY, Feb. 7.—Two new film companies have been chartered. One is the Independent Producing-Distributing Corp., formed by Louis L. Hiller, Samuel K. Wiesenthal and Jack Hayes. The other is Intercontinental Distributing Corp., chartered by Ida Schwartz, Dorothy Frank and Godfrey Julian Jaffe.

Golding in Old Post

TORONTO, Feb. 7.—The appointment of Ken Finley, formerly of Guelph, Ont., to manage the Capitol, St. John, N. B., in succession to Walter H. Golding did not work out, and Finlay has been brought to Toronto for other duties.

Golding has been manager of the St. John Capitol for more than 20 years and he was recently promoted to the position of "managing director," with Finlay in active charge. Theatre fans did not enthuse over the absence of Golding and now he has been returned "by public request."



We are the company..

Producers of

BROADWAY BILL
ONE NIGHT OF LOVE
IT HAPPENED ONE NIGHT
LADY FOR A DAY

•

Inspired by the biggest front page sensation in recent years, "THE WHOLE TOWN'S TALKING", starring EDWARD G. ROBINSON, is we believe, the most exciting picture in a decade.

It represents a quality of entertainment in thrills, chills, laughter and drama as fine as anything we have hitherto attempted.

MR. ROBINSON'S startling performance gives promise of being the most notable accomplishment of his screen career.

We cheerfully and confidently offer "THE WHOLE TOWN'S TALKING" for your entertainment and your profit.

Columbia Pictures Corporation

WORLD PREMIERE
Radio City Music Hall
February 21st

Goldwyn to Produce Cantor Stage Show

HOLLYWOOD, Feb. 7.—Samuel Goldwyn enters the lists of Broadway stage producers in the fall when, in conjunction with Vinton Freedley, he will star Eddie Cantor in a musical written by the craftsmen who turned out "Anything Goes," current Broadway stage wow. Howard Lindsay, Cole Porter and Russel Crouse are the triumvirate. The forthcoming musical will later be filmed by Goldwyn.

Cantor goes to Hollywood in April to make his annual picture for Goldwyn, later returning to New York to prepare for his first stage play in five years, or since "Whoopee."

Switch K. C. Booking

KANSAS CITY, Feb. 7.—Breaking a precedent, M-G-M has switched "Society Doctor" from Loew's Midland, its first run outlet here, to the RKO Mainstreet. It is understood the RKO house is to take individual pictures from M-G-M later this season.

Reports the Mainstreet is discontinuing stage shows are denied with the statement that the cessation is merely temporary.

Mamoulian Gets Offer

HOLLYWOOD, Feb. 7.—The New York Theatre Guild has offered Rouben Mamoulian the job of stage director on the forthcoming presentation of "Opera of Porgy." George Gershwin is penning the music.

Mamoulian, who is now directing "Becky Sharpe" for Pioneer, wants to accept, but is uncertain as to whether his film work will interfere.

Dinehart Is Kept Busy

HOLLYWOOD, Feb. 7.—Allan Dinehart wound up work in "Dante's Inferno" Saturday and immediately drew two more assignments on his term contract with Fox.

Dinehart, who holds a four-way ticket with the studio, will have a featured role in "$10 Raise," which went into work Monday, and "Secret Lives."

Wheeler to New York

KANSAS CITY, Feb. 7.—Al Wheeler, M-G-M booker here, will arrive in New York Monday to join the company's booking department in the big city. Joseph McGuire takes over Wheeler's duties locally, while Al Adler is added to the booking force.

M-G-M Gets Bruce Cabot

HOLLYWOOD, Feb. 7.—Bruce Cabot has been signed to a long term ticket by M-G-M. No definite assignment has been lined up. Cabot has just arrived back from a four-month trip to Europe with his wife, Adrienne Ames.

Hal Roach in Bed Again

HOLLYWOOD, Feb. 7.—Hal Roach, who has been in Palm Springs for the past week endeavoring to recuperate from the flu, has been ordered to bed again by his physician following his return to Hollywood.

Tarbox Gets "Frontier"

C. Tarbox, head of F. C. Pictures Corp., Buffalo, has closed a deal with Spectrum Pictures for the distribution rights to "Frontier Days" in his territory.

To Censor Soviet Film

TORONTO, Feb. 7.—Without waiting for the opening of the Provincial Legislature on Feb. 20, the Ontario Government has passed an order-in-council requiring regular censorship of the Soviet picture, "Ten Days That Shook the World," before it is again exhibited. This release is a 16-millimeter film and, up to the present time, only 35-millimeter prints have come under the scope of the Ontario censors.

At the coming session of the Legislature, the theatre regulations will be amended so that all narrow prints will have to be passed upon by the censor board when intended for public presentation.

Snow Closes Maine Spots

BOSTON, Feb. 7.—Cold has clamped down hard on New England since the recent storm that Maine theatres have been forced to close in many instances because of lack of product. Roads have not yet been opened in many parts of this section and train service is far from normal.

Betty Haney Re-Signed

HOLLYWOOD, Feb. 7. — Betty Jean Haney, a screen youngster signed by Warners for a small role in "Wanderlust," did so well that the studio has re-signed her to play opposite Jackie Cooper in "Dinky."

Cincy Strand Cuts Scale

CINCINNATI, Feb. 7.—The Strand, first run independent, has reduced matinee prices to 15 cents, with an evening scale of 15 and 25 cents for balcony and lower floor. Previous tariffs were 20 cents for matinee, and 20 and 30 cents evenings.

Kansas Labor Case To Regional Board

KANSAS CITY, Feb. 7.—The regional labor board here will hold a hearing Monday on charges of discriminatory discharge filed by stagehands' Local 206, Topeka, against W. G. McKinney of the Best in that city. A similar dispute with the operators' local is reported settled with McKinney taking the union men back.

Several attempts at arbitration and conciliation have failed to compose differences between union operators and the Isis, Arkansas City, Kan. The case has been shuttled between various NRA boards. The union charges a lockout.

Sack Bros. Get Liberty

Alfred and Lester Sack, operating the Sack Amusement Enterprises, have closed a deal with Budd Rogers, general sales manager of Liberty Pictures, for the Oklahoma City franchise. This gives Liberty full national distribution since the Oklahoma territory was the last to be sold. The Sack brothers formerly operated in San Antonio, Texas.

Santell to Do "Brady"

HOLLYWOOD, Feb. 7.—Al Santell has been assigned to direct "Diamond Jim Brady" at Universal. The start is scheduled for next week.

Wheeler, Woolsey Back

HOLLYWOOD, Feb. 7.—Bert Wheeler and Bob Woolsey have returned to Hollywood from Chicago. Their next picture is scheduled to start Feb. 17, with George Stevens directing.

Variety Club Chatter

Cincinnati

CINCINNATI, Feb. 7. — MEYER (BLACKIE) LENTZ, charter member of Tent No. 3, is on his annual jaunt to Florida, where he says he is "enjoying" the cold weather.

E. C. FLANIGAN and PHILIP MEEKS, barkers of Cleveland tent, were visitors here last week.

PETE WOOD, actively identified with Tent No. 2, circulated around local quarters recently.

Columbus

COLUMBUS, Feb. 7.—Leo Haenlein, chairman of the Variety Club sideshow committee, has secured Cash Miller and several of Ripley's leading "Believe It or Not" oddities for the sideshow which is to precede the club's annual banquet at the Deshler Wallick Sunday night.

Tables for the banquet will be arranged in a terrace of four tiers, thus affording the 400 diners a full view of the center of the ring.

BEN POLLOCK and his band, many vaudeville headliners and others will comprise the "main show."

Kansas City

KANSAS CITY, Feb. 7.—Barker HARRY TAYLOR, Columbia branch manager, is a Kentucky cunnel, sho nuff.

Probably prophetic or perhaps with something of a premonition, the Kaycee Variety Club Chatter has been referring to Brother TAYLOR as "Colonel" for some time.

When asked for a speech at the last club meeting, Colonel TAYLOR arose and begun: "You will haf to podden my sudden oxcent, mine frands. . . ."

TOM COLLINS, not the drink but Sunday editor of the *Journal-Post*, played his second return engagement, giving another of his humorous talks for which he has become justly noted. ARTHUR COLE was chairman.

Chief Barker HENSLER has appointed a committee on new quarters.

FRANK LAMBADER, manager of the Pla-Mor alleys, is the newest member, and ERNIE MEHL, assistant sports editor of the *Star*, has been welcomed as associate member.

HARRIS P. WOLFBERG is around again after an illness.

For the time being, luncheon meetings will be held every other Monday.

Minneapolis

MINNEAPOLIS, Feb. 7.—St. Paul was the scene of this week's luncheon. Buses took the boys across the river.

STAN HUBBARD and JOE FRIEDMAN were kings for the day.

The club bulletin this week has the following: "If you fellows don't patronize the 'stag nites' more often than you have been doing in the past, the club will institute 'bank nights' and give away a slot machine and all its contents to anyone who pulls lemons. This is just a supposition, not opposition."

Philadelphia

PHILADELPHIA, Feb. 7.—Tent No. 13 gets into full swing this month with a series of events planned.

Tomorrow a smoker is planned in the new home. At this time, members will be able to inspect the improvements and redecorations. Appropriate ceremonies are being arranged.

On Feb. 18, at the Penn A. C., a gala entertainment has been scheduled.

A premiere of a picture, all the acts playing in town as well as screen stars and other features from other cities are listed. With the proceeds, the club plans to get a treasury balance. LEONARD SCHLESINGER is active in this work, with the assistance of a committee.

Tent No. 13 mourned the death of H. BART MCHUGH, veteran theatrical man. His funeral was attended by a large delegation of members.

Chief Barker EARLE SWEIGERT is in command of the work of the various committees and is priming the unit for the spring season.

Washington

WASHINGTON, Feb. 7.—Lambasting effigies of the five local dramatic editors with sundry solid missiles was one of the major diversions offered the barkers of Tent No. 11, when EDWARD DES. MELCHER, dramatic editor of the *Evening Star*, and WILLIAM C. EWING, Warner publicist, as kings for a day, spread their royal smoker and repast recently.

The Varieteers were no respecters of persons, for their deadly aim was leveled at MABELLE JENNINGS, of the *Herald*, the only dramatic editrix in town, with no less frequency than at her four confreres.

The principal guest of honor was (DAVID) RUBINOFF — without his violin!

Since about the first of the year the weekly Monday luncheons have been replaced by weekly Friday night smokers, but this rule was pushed aside when PETE MACIAS, proprietor of the Heigh-Ho Club, and OSGOOD ROBERTS, publicist for the Mayflower Hotel, tossed a luncheon at the club.

In a dance contest—yes, this was a Ladies' Luncheon—the senior award went to A. JULIAN BRYLAWSKY, whose partners were his mother and his wife. EDWARD DES. MELCHER took the junior title, with MRS. CHICK (CARTER T.) BARRON, wife of Loew's division manager, as his partner.

Last Friday, the first, HARRY C. BUTCHER, CBS announcer, and ANDREW R. KELLY, dramatic editor of the *Times*, resumed the night smokers.

Kings for a day for the next few weeks are as follows:

Feb. 8—LOUIS BERNHEIMER and BEN LUST.

Feb. 15—JOHN CHEVALIER and DON CRAIG.

March 1—EDWARD HALEY and MORRIS SIMON.

March 8—ROBERT M. GRACE and SAM M. FLAX.

Academy Approves Contract Revision

(Continued from page 1)

consented to a revision which includes terms more favorable to actors than those contained in the present contracts.

When the companies sign the agreement it cannot be amended before March 1, 1937, and then only with the consent of a majority of the signatories then active and also the consent of Academy executives and players.

The signatories are RKO, Warners, M-G-M, Paramount, Universal, Fox, Educational, Columbia, Century, Roach, First National and Harold Lloyd. The agreement will be presented for signing by all other companies which may wish to do so.

The new deal requires a continuous call bureau with the record open to any one who desires to use it. It also outlaws the one-picture deal.

Approval of the new contract by the Academy and producers will not affect the stand of the Actors' Screen Guild. It will continue its fight for code recognition, it was stated today, and will insist upon what it calls a more equitable method of arbitrating disputes.

Under the terms of the new contract the Academy acts as arbitrator if the actor wants it. If he objects, there is no other form of arbitration provided.

Fox Executives Meet For Chicago Talks

(Continued from page 1)

today, returning late next week. This season's product, exploitation and advertising of coming pictures will be the topics of discussion.

Those from the home office who will make the trip include James A. Clark, advertising sales manager; C. E. McCarthy, director of advertising and publicity; E. C. Grainger, eastern division manager; W. C. Kupper, western division manager and William Sussman, assistant to John D. Clark. Joe Lee, sales manager of the local exchange, will also attend the session.

Usher Union Moves Disturb St. Louis

ST. LOUIS, Feb. 7.—It is reported here that a meeting of all theatre heads was held here recently to discuss the rumored formation of an ushers' union in this city.

Managers and theatre operators have been disturbed for some time over the report that ushers were organizing, and it is said that John Nick, head of the stagehands' union here and an important factor in the national organization, is supporting the ushers.

It is expected that an announcement from the usher leaders will be forthcoming some time next week.

Sensation in Patent Investigation Seen

(Continued from page 1)

future by Congressman Charles Kramer of Los Angeles. The representative explained that as soon as the Dickstein committee completes its present investigations he will give the matter consideration. There will be no effort to regulate the entire industry, he said.

Insiders' Outlook

(Continued from page 2)

your consent, but whether it has or not a great show has been made of the whole trial. I am told that tickets of admission in the form of subpoenas have been issued to Park Avenue debutantes and to Broadway stars.

"Meanwhile, the newsreels have continued during the course of the trial to handle the whole thing with repression. I therefore, take the full responsibility for instructing our newsreel editor to cover the trial in scene and sound on the day when Hauptmann took the stand. I told him to act as a reporter not as an editor, and he carried out my instructions to the letter. He handled the whole matter with impartiality and dignity and with all due respect to the court.

"Meanwhile we have been pilloried in some of the newspapers and to a certain extent in your telegram for doing something dishonorable. You and I are both well aware of the fact that the motion pictures of the trial were not made by trickery or concealment. We know very well that no apparatus has been concealed in the court room. Not only because it is too cumbersome to conceal, but because no newsreel representative has done anything on the sly. All talk of photography by trickery is nonsense. In view of the above and because I believe your request is inconsistent, I have not recalled our picture from circulation. . . ."

▼

Reprinted from MOTION PICTURE DAILY of Wednesday, this bit of the record having to do with the NRA hearing in Washington on Campi maintenance:

"Recital of the economies effected in setting up and maintaining Code Authority disclosed that Flinn (John C., of course) has set up the machinery with an eye to the possibility that the organization may be temporary. . . ."

Scissors and paste columning from yesterday's edition:

WASHINGTON—Extension of the NIRA for a period probably of two years with only such changes as will give the administrative board greater discretionary powers may be expected to be recommended to Congress by the President. . . . Presentation . . . is expected to unleash several attacks . . . which have been held in abeyance so far this session in the House of Representatives. . . . Congressman Connery of Massachusetts will attack. . . . In the Senate, Senators Borah of Idaho and Nye of North Dakota will attack the whole organization."

So! . . .

▼

"It's a continuous first run." So said Paramount when "Bengal Lancers" closed at the Paramount last Thursday to open at the Rialto the following morning. "It's a second run and that sets our houses back," retorted the Loew circuit.

There followed talk, mostly excited and mainly rash, about an injunction to stop the Rialto run with Loew Building inhabitants glowering across Times Square at Paramount Building residents in anything but a neighborly manner. Better judgment prevailed ultimately and all is now serene. More or less. . . .

▼

If—

The report is more than mere rumor that Bill Fox is negotiating to resume operation of the upper West Side Audubon

Then—

Is there any reason to view it as remote that this may be the first step in a planned re-entry of the New York theatre field?

And, accepting that—

What will Messrs. Loew and RKO think and feel about the come-back of a once formidable competitor? . . .

▼

Did you catch the opening line of Dick Watt's *Herald-Tribune* review on "Devil Dogs of the Air":

"The Warner Brothers are so lavish in their new screen drama about the air force that it may be ungracious for me to wish that they had sold one or two of their planes and used the money to buy a new story."

Nevertheless, the air opus is heading for big grosses, backed by bigger Hearst newspaper ballyhoo. . . .

▼

It's a business, this business of serving as arbitrator under contracts, such as the one between M. & S. and RKO which calls for round tables in private as against gavels in court to settle the fight over the East Side Hollywood and Apollo. Three outsiders are sitting in judgment. They earn $30 per hour, the cost dividing itself between the litigants. . . .

▼

Next chapter in the Music Hall-United Artists deliberations takes place in a Southern California setting. Joe Schenck, flanked by Nate Burkan, is expected to go west in a hurry and any day now to tell Sam Goldwyn all about it. . . .

Two film colossi found themselves in the dead center of a terrific argument the other day. Things happening as they do in this business, much may come out of that. . . .

Spanish Censoring Hit

MADRID, Feb. 7.—Spaniards don't want censorship, it seems. Introduction of a bill in Parliament which would permit censorship of films, newspapers, radio and magazines has stirred up general protest.

Treble Damages on Bankrupt Attacked

(Continued from page 1)

but that if actual damages can be proved the claimants are entitled to a claim for the amount provable. The remedy for treble damages is a common law action, not an action in bankruptcy, Joyce held. The opinion was written in answer to a motion by the Paramount trustees to expunge the claims of A. B. Momand of Oklahoma and E. M. Loew of Boston, which are based on alleged anti-trust law violations and sought treble damages aggregating $10,000,000. If the damages are provable at all, under Joyce's ruling they may not be trebled. The opinion is subject to review by the Federal district court.

Joyce also approved a proposal by the Paramount trustees for expediting the reorganization of Olympia Theatres, New England subsidiary, under which Paramount is authorized to purchase for $50,000 outstanding Olympia stock and allow a claim for breach of agreement filed against Paramount by the Olympia stockholders' committee.

Studios Are Again Upset by Magazines

Summary action may be taken against several "fan" magazines within the next month if objectionable material published counter to an understanding arrived at some time ago with the Advertising Advisory Council is not discontinued, it was learned yesterday.

The objectionable material has been evidenced in only "two or three" publications, it was said, and consists for the most part of stills of undraped night club entertainers presented in such a manner that they appear to be screen personalities. Continued use of the material in its present form may result in the shutting off of all editorial and pictorial service to the publications by film companies and barring of the magazines' representatives from studios.

No Cooper Fight for Cohen, Insists Moss

(Continued from page 1)

Paramount's production head are "absolutely absurd," declares Jack Moss, Cooper's manager.

The yarn was given wide circulation on James Fidler's national broadcast this week.

Cooper is now on his way east with his wife, Sandra Shaw.

Says Moss: "Cooper, like other stars, liked Cohen, but is not disposed to champion internal studio politics. His contract expires in August."

Allied Program Set For Directors' Meet

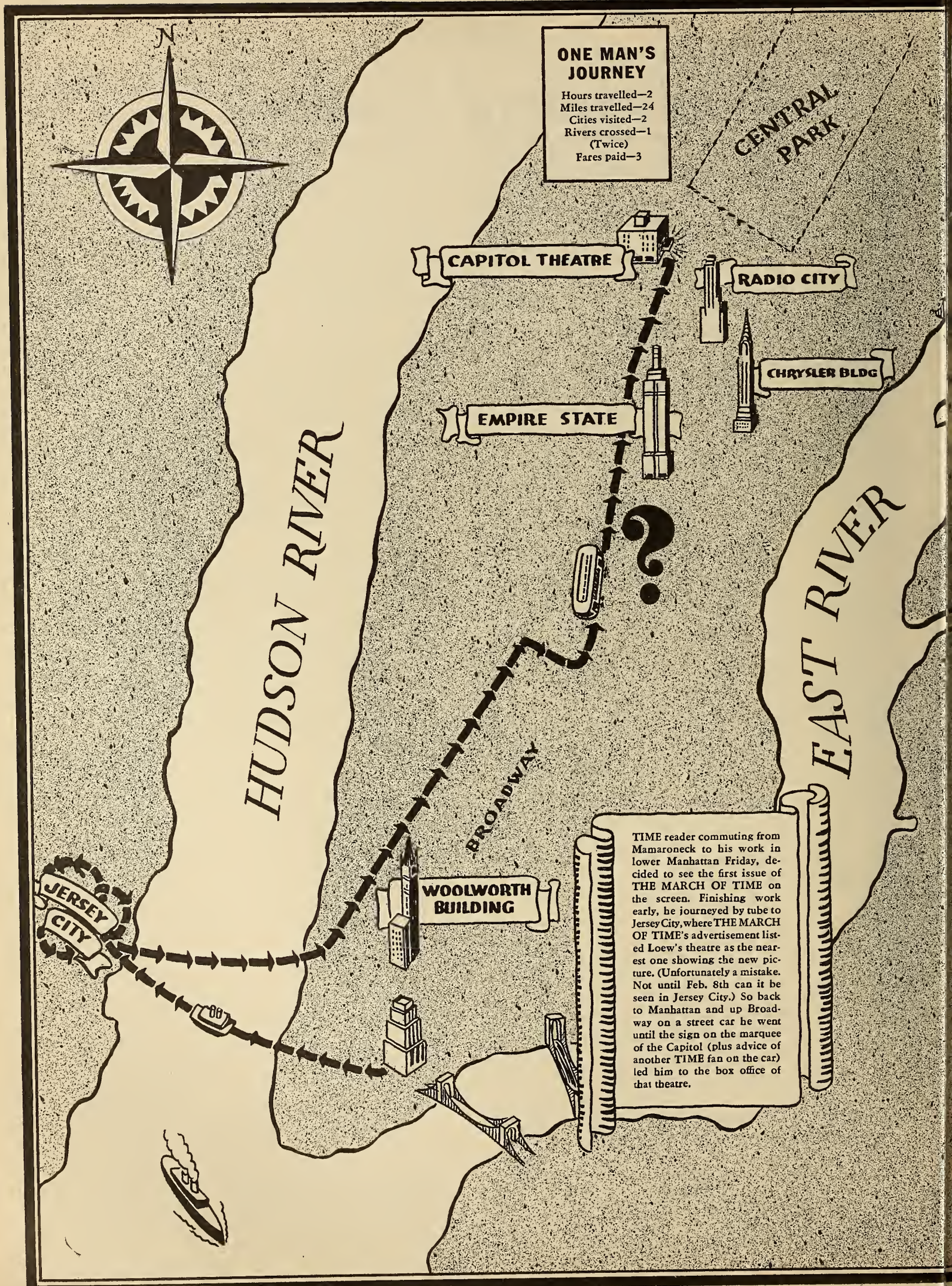
(Continued from page 1)

up are the election of officers for the ensuing year, the adoption of a budget and the discussion of plans for a convention in Atlanta at a later date.

It is expected the meeting will last two days and the second day will be devoted to a legislative program.

Ince Joins Warners

LONDON, Feb. 7.—Ralph Ince has signed with Warners as supervisory director at the Teddington studios.


ONE MAN'S JOURNEY
Hours travelled—2
Miles travelled—24
Cities visited—2
Rivers crossed—1 (Twice)
Fares paid—3
N
CENTRAL PARK
CAPITOL THEATRE
RADIO CITY
CHRYSLER BLDG
EMPIRE STATE
HUDSON RIVER
EAST RIVER
BROADWAY
WOOLWORTH BUILDING
JERSEY CITY
?
TIME reader commuting from Mamaroneck to his work in lower Manhattan Friday, decided to see the first issue of THE MARCH OF TIME on the screen. Finishing work early, he journeyed by tube to Jersey City, where THE MARCH OF TIME's advertisement listed Loew's theatre as the nearest one showing the new picture. (Unfortunately a mistake. Not until Feb. 8th can it be seen in Jersey City.) So back to Manhattan and up Broadway on a street car he went until the sign on the marquee of the Capitol (plus advice of another TIME fan on the car) led him to the box office of that theatre.

AMAZING

THIS is a true story. It happened Friday afternoon on a Broadway surface car. Overhearing a passenger questioning the conductor about the Capitol Theatre and noticing a copy of TIME under his arm, our informant* asked if he was looking for THE MARCH OF TIME. This story was the answer, an amusing tale of the efforts of one TIME reader who made up his mind to see THE MARCH OF TIME, even though misdirected all the way to Jersey City (for which THE MARCH OF TIME offers full apology).

Unusual, of course—but the determined action of this one TIME reader is typical of the public interest that has marked the start of this monthly series. That's why managers everywhere report constant phone calls asking "What time will it go on?" It's why audiences in theatre after theatre are applauding every performance. It's the reason why THE MARCH OF TIME on the screen of your theatre means a new kind of audience that will come back month after month. Talk to your nearest First Division exchange at once.

**Name on request to the March of Time, Inc., Radio City, N. Y.*

THE MARCH OF TIME

Released by **FIRST DIVISION**

Harry H. Thomas, Pres., Radio City, N.Y.



UNDERWOOD & UNDERWOOD

At the Washington première of The March of Time was Col. Edwin Halsey, Secretary of the United States Senate.



UNDERWOOD & UNDERWOOD

Soviet Ambassador Alexander Troyanovsky and Boris Skvirsky, counselor of the Soviet Embassy, also at the Washington première, viewed The March of Time and its analysis of the Pacific situation.



UNDERWOOD & UNDERWOOD

Other figures prominent in social and diplomatic circles included Mme. Sze, wife of the Chinese Minister, Dr. Alfred Sze, with their daughters, Misses Julia and Alice and nephew, Wilbur Sze.

REVIEWS FROM COAST TO COAST

NEW YORK HERALD TRIBUNE: This feature should prove popular, for it is lively... current and brief.

WILLIAM BOEHNEL IN NEW YORK WORLD-TELEGRAM: It is . . . a comprehensive pictorial record that shows why and how things happen, as weli as the climax.

ELSIE FINN IN PHILADELPHIA RECORD: March of Time entertains as it informs. The camera work, editing and selection of material promise much for the future of this new type of picture.

BALTIMORE MORNING SUN: At first sight The March of Time seems to be a revolutionary movement in the newsreel field . . . The first reel offered humor, satire, pathos . . . At the end there was applause.

BRIDGEPORT POST . . . It looks like the best thing since Mickey Mouse.

ABEL IN VARIETY . . . Each 20-minute short ought to prove potent b. o.

Australians' Quota Plans Irk British

By BRUCE ALLAN

LONDON, Jan. 28.—A memorandum addressed to the Government of New South Wales by the Film Producers' Group of the Federation of British Industries has been published here. It is a strongly worded protest against the proposed legislation in Australia whereby British films will be put upon the same footing as imports of other nationalities.

The memorandum stresses the fact that films made in Australia rank as British for quota purposes in England and says:

"It is scarcely credible that films made in Australia for Australian quota purposes will continue to be permitted to serve as British quota in Great Britain if British films are not only excluded from serving as quota in Australia but are actually treated on all fours with foreign films.

"The British film industry would be forced, however reluctantly, to press His Majesty's Government to debar Australian films from serving as British quota . . . if the N. S. W. bill in its present form were to become law."

The memorandum sees as illusory provisions in the bill limiting the right of cancellation of British films, declaring that American importers would book their programs with a compulsory proportion of Australian made subjects, leaving no room for British films. The obligation to distribute Australian films would also rest on British firms and severely handicap them, it is urged.

* * *

Film interests confidently expect that they will have a new champion in the House of Commons after the next general election, in view of the adoption as Conservative candidate for Wood Green, London, of A. Beverly Baxter, director of public relations for Gaumont British and previously managing editor of the *Daily Express*.

The Wood Green seat is regarded as a "safe" one for the Conservatives, the retiring member having returned large majorities since 1918.

* * *

Radio's "Gay Divorcee," at the end of its first two weeks at Paramount's Carlton in Haymarket, London, had beaten all attendance records for a corresponding period in 1934, when "I'm No Angel," "Cleopatra" and "One Night of Love" were among the films shown.

"Gay Divorcee" drew in the fortnight just over 50,000 patrons out of physically possible 58,000.

* * *

The Home Office is to be asked, at the instance of the Entertainment Committee of the London County Council, to make it obligatory to carry all inflammable film intended for educational or other non-commercial use in red containers. The request is a sequel to a recent fire at a school display using inflammable films.

* * *

Herbert Brenon has signed with B. I. P. and will cooperate with Thomas Bentley in a King George "jubilee" film and later direct "Honours Easy."

Wants New Zealand Pictures Selected

WASHINGTON, Feb. 7.—Greater discrimination on the part of American producers in the number and type of pictures sent to New Zealand would improve the position of U. S. distributors, according to Vice-Consul W. W. Orebaugh, at Wellington, in a report to the U. S. Department of Commerce.

It is the belief of a large section of the New Zealand trade, the report states, that too many American pictures are being shown in that country. Several American companies now make selections of pictures to be marketed in New Zealand. One large company, it is stated, sent only 26 last season, all of which were of high entertainment value, whereas other American companies sent as many as 75 or more, a proportion of which were not rated highly in New Zealand.

If each renter, the vice-consul states, would offer only about 30 films in a season, American pictures would gain a higher reputation for quality, which would in turn be reflected in increased box-office receipts.

That the dominion is overbuilt is indicated in the report. It is stated that a dozen new theatres will be erected in the near future by a large circuit. This, it is pointed out, must sooner or later force out the less strong units.

Swedish Receipts Gain

WASHINGTON, Feb. 7.—The purchasing power of the Swedish population has risen with improved economic conditions, according to acting American Commercial Attache Osborn S. Watson, of Stockholm, and theatre receipts for 1934 showed a gain of approximately $125,000 over 1933. The amusement tax collected by the government, a greater part of which came from theatre revenues, amounted to approximately $100,000.

Danzig Films 30% U. S.

WASHINGTON, Feb. 7.—The origin of films exhibited in the Free City of Danzig is German, 65 per cent; American, 30 per cent; miscellaneous, five per cent, according to a report from American Consul John H. Bruins to the U. S. Department of Commerce.

The report states that there are 22 theatres in the city of which all but one are equipped for sound, with a 20 per cent amusement tax.

First Latvian Film Out

WASHINGTON, Feb. 7.—"Tataus Dels" (The Son of the People), the first dramatic sound film played by a Latvian cast in the Latvian language, is being shown in several Latvian theatres, according to a report from American Vice-Consul Leslie Gordon Mayer, in Riga, to the U. S. Department of Commerce.

Transfer Nebraska Spots

OMAHA, Feb. 7.—Several changes in Nebraska ownership have just taken place. M. Biemond has taken over the Liberty at Loup City from A. H. Sorensen; L. F. Tiede has acquired the Moon at Otoe from J. O. Miller; Rev. Bede Cernik has taken over Catholic Hall at Prague from Rev. A. Biskup, and W. H. Brune has taken the Brunada at Winside formerly held by J. Jorgensen.

Colombia to Acquire Portable Projectors

WASHINGTON, Feb. 7.—The Government of Colombia is interested in educational films, according to a statement issued by the U. S. Department of Commerce, based on a report received from its Bogota office. The Colombian government will purchase during the current year portable sound equipment to be used in small towns and villages. The Ministry of Education is now making a study of the needs.

Although handicapped by taxes, the industry had better business in 1934 than for several years previous. Box-office receipts for the year amounted approximately to $1,080,000, compared with $1,320,000 in 1933.

Sound Dominates in Netherland's Indies

WASHINGTON, Feb. 7.—Sound films have finally ousted silent films from the Netherland India market, according to a report made to the U. S. Department of Commerce by Trade Commissioner C. E. Brookhart in Batavia.

Until this year, Brookhart states, silent pictures, including those from China, had retained a position of their own in this area.

American films on a basis of footage accounted for 57 per cent of the film imports of Netherland India in the first nine months of 1934, with German pictures accounting for 20 per cent; Dutch, 11; French, seven; and British, two.

The United States, Germany and the Netherlands improved their respective positions, the report stated, in the market during the nine months' period. French pictures maintained their former position, while British pictures lost ground.

N.S.W. Bars "Stingaree"

SYDNEY, Feb. 7.—Because it has a bush-ranger theme, Radio's "Stingaree" has been banned in N.S.W. despite the fact that its exhibition in other States is permitted. The ban means that RKO will lose about 25 per cent of "Stingaree's" earning possibilities in the Commonwealth.

McClelland Back on Job

TORONTO, Feb. 7.—Another veteran has returned to his post. Ronald McClelland is back as manager of the Capitol. He built the theatre 15 years ago. Eventually its operation was taken over by Famous Players. He retired last summer to look after other interests, but the patrons are greeting him once more in the foyer. The Capitol has had two managers during the past six months.

Again Milwaukee Shows

MILWAUKEE, Feb. 7.—Shows are slated for a comeback at several of the downtown Fox houses with the "Barn Dance" booked for one week the middle of the month at the circuit's Alhambra. The future policy for this house, which has been playing dual flickers for the past several months, is still vague. Reports have it that the circuit will also put stage shows into its ace house, the Wisconsin, before long. E. J. Weisfeldt's Riverside is the only house on the avenue now playing vaudeville.

Northwest Is Cold to Film Rating Moves

SEATTLE, Feb. 7.—There is no movement on foot in the Pacific northwest to mark pictures according to audience appeal and opposition is being expressed.

The plan instituted by Warners in Philadelphia was declared to be entirely unnecessary by Frank L. Newman, general manager of the Evergreen Circuit which operates houses in Seattle, Portland, Tacoma and several other spots.

"With the clean-up campaign now in effect, segregation of films as to adult or family appeal seems to me to be entirely uncalled for," Newman said. "I have seen scores of pictures during recent weeks and there hasn't been a film previewed that I wouldn't call fully fit for family trade, as well as adult consumption. In fact, there is a great field for argument as to what type of film might be suitable for adult appeal, and what type for family trade, assuming that the 'moral' appeal was entirely proper in both cases, as is the case with all pictures now."

A similar viewpoint was expressed by Hal Daigler, general manager of John Hamrick's circuit in Seattle, Tacoma and Portland, where Warner product is featured. According to Daigler, also, there is no need to try to limit attendance in theatres by designating who should and who shouldn't attend certain pictures, when all pictures are morally fit for everyone to see, and generally have some appeal to all classes.

Blank Men Against Ratings for Films

OMAHA, Feb. 7.—The Warner Philadelphia plan of designating pictures as suitable either for adults or for families is regarded by A. H. Blank circuit executives as "dangerous practice and it certainly will not be tried here."

Evert R. Cummings, district manager of the Blank theatres in Omaha and Nebraska, and a number of his house managers said it would be poor policy, especially in this region where the Legion of Decency is still active.

"It appears to us," Cummings said, "that it would be too great an admission on the part of the showman that something might be wrong with a picture to offer it as 'adult entertainment.'"

Jack Reel, a former showman of many years standing and now picture reviewer for the Hearst *Bee-News*, declared he heartily favored the segregation idea.

Lieberman Houses Close

BOSTON, Feb. 7.—The circuit headed by Frederick E. Lieberman, which has grown rapidly in the last few months, is undergoing a temporary shrinkage. The Victory and Capitol in Lowell, operated in conjunction with Norman Glassman, have closed because of removal of sound equipment. The Rialto is now the only one of the circuit's former trio now running in Lowell.



TOPS 'EM ALL

THE IRON DUKE

NEW YORK "Radio City Music Hall—Arliss starrer gets Hall back to more comfortable position than it's been last two weeks. (Last week's blizzard no help to biz: the worst since '88) $70,000. Strictly okay."—*VARIETY*

BOSTON RKO Memorial—substantial $12,000. (Suburban roads just being uncovered after record-breaking blizzard.)"—*VARIETY*

EVERGREEN

LOS ANGELES 4-star—"Gross; $4,750. (Average $3,250)"—*M. P. DAILY*

United Artists—"Gross; $4,000. (Average $3,500)". —*M. P. DAILY*

CHU CHIN CHOW

BUFFALO Lafayette—"topped average by $1,000. Zero temperature."—*M. P. DAILY*

CHICAGO McVickers—"Life saver for house. Gross $10,000. (Average $9,000.)"—*VARIETY*

MAN OF ARAN

NEWARK Little, Arty House—"2G, Good. Going good. Expects $2,000, which will be swell."—*VARIETY*

BOSTON Fine Arts—"Breaking house records. Going into fifth week. Good for another month's run." —*FILM DAILY*

POWER

MINNEAPOLIS World—"Severest cold in 22 years. They liked this one here."—*VARIETY*

CHICAGO McVickers—"Big $13,000. Excellent notices. Making a handsome box-office return." —*VARIETY*

GB PRODUCTIONS

PHYSICAL DISTRIBUTION • FOX EXCHANGES • CANADA, REGAL FILMS, LTD.

WE DON'T DOUBT YOU, MR. STROMBERG!



Comes a telegram from Mr. Hunt Stromberg, producer at the M-G-M Studios.

Mr. Stromberg calmly announces the GREATEST MUSICAL SINCE TALKIES BEGAN!

Those are big words, but we're inclined to believe Mr. S. because he gave us the advance tip-off on such others of his pictures as *"Thin Man"*, *"Penthouse"*, *"Chained"*, *"Hideout"*, *"Treasure Island"*, *etc.*

Here are his exact words:

> "NAUGHTY MARIETTA, STARRING JEANETTE MACDONALD AND NELSON EDDY IS IN THE BAG. REALLY GREAT PICTURE. IN MY ESTIMATION AND OTHERS WHO PRIVATELY SAW ROUGH CUT TODAY MOST SENSATIONAL MUSICAL SINCE PICTURES BEGAN. SHOOT THE WORKS. THE SKY'S THE LIMIT."

We've been so excited about "David Copperfield"; "Sequoia"; Wallace Beery's "West Point of the Air"; Helen Hayes, Robert Montgomery in "Vanessa—Her Love Story", Clark Gable, Connie Bennett in "After Office Hours"; Jean Harlow, Bill Powell in "Reckless" that we hesitated to talk about "Naughty Marietta".

But now we've done it. You've heard what Mr. S. thinks about it. You can check us up if *we're* wrong, because *we're* going to check up on Mr. S.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 34 NEW YORK, SATURDAY, FEBRUARY 9, 1935 TEN CENTS

Missouri Bill Seen as Boon To Code Board

Bank Night Ban Would Cut Work by 90%

KANSAS CITY, Feb. 8.—Should the bill introduced in the Missouri legislature at Jefferson City go through to outlaw bank nights, cash nights and all other forms of gift enterprises at theatres, it would reduce by 90 per cent the number of complaints filed with the Kansas City grievance board.

At whose instigation Representaive Frank F. Catron of Lexington, Mo., presented the bill is a deep mystery here and something premium interests are trying to run down. The measure is drastic and sweeping in scope, and specifically aims at the various price-reduction devices dealt with in the code. It would ban prizes even though the only consideration is attendance and would declare violation a misdemeanor punishable by a heavy fine.

The Kansas City Better Business

(Continued on page 4)

Mexican Legitimate Shows Get Tax Cuts

MEXICO CITY, Feb. 8.—More official aid to keep the moribund Mexican theatre alive, in the face of heavy competition from films, has been granted by the government, which has exempted from special tax payments all houses that present exclusively dramas, comedies, revues, musical comedies, operas, concerts, ballets and the like. This exemption does not apply to film spots nor to stage houses that present pictures as a part of their regular programs.

Theatres that receive this exemtion must guarantee that their shows are always clean and essentially artistic.

Cooper Denies Any Protest Intention

CHICAGO, Feb. 8.—Gary Cooper during a train stop here today denied Hollywood reports that he was on his way east to protest on behalf of Paramount stars against the removal of Emanuel Cohen as production head of the company.

"I am not interested in studio politics or who the producer is," said the actor. He added that his trip was purely a vacation and that he and his wife, Sandra Shaw, who is with him, would spend a month in New York.

Brown Moves To Overhaul Chicago Union

Understood Opposed to Maloy's Policies

Groundwork for the reorganization of Chicago's operators' union along conservative lines is understood to have been laid by George Brown, I.A.T.S.E. president, who returns to New York today after attending the funeral of Tom Maloy, slain "czar" of the Chicago local.

Brown personally directed the reorganization of Local 306, here, following the deposition and sentencing of Sam Kaplan, and continues to direct the local himself.

Chicago exhibitors and a large representation of union members there are reported anxious to effect a complete overhauling of the union's affairs and officialdom to guard against a continuation of Maloy's policies and a succession by any of his recognized cohorts.

Maloy Rites Held; Buried at Evanston

CHICAGO, Feb. 8.—Following brief services at his South Side home, Thomas E. Maloy, business agent and dictator of the M. P. Operators' Union, slain by gangsters Monday, was buried today in Calvary Cemetery, Evanston. The funeral cortege, led by 10 cars carrying floral tributes, extended more than a mile.

George Brown, I. A. T. S. E. head, was one of the pallbearers.

Portland Theatres Seek License Cuts

PORTLAND, Feb. 8.—Independent theatres want their license fees cut and have appointed a committee to negotiate with the Portland City Council to put it over. In other words they state, they are not going to wait for the state legislature to figure out

(Continued on page 4)

Protest Is Stirred By A. H. Blank Ads

OMAHA, Feb. 8.—A storm of protest has broken over the A. H. Blank district office here for alleged salacious advertising and publicity on "The Continental Revue," which will be a feature of the reopening of the

(Continued on page 4)

Another Jolt

Washington, Feb. 8.—When A. T. & T. called for stockholders' suggestions for directors Peggy Hopkins Joyce and Will Rogers were urged by some, according to Walter S. Gifford, president. He was testifying before the Federal Communications Commission.

He may call for suggestions again, he said, but he didn't explain what would happen if the suggestions were repeated.

English Plan To Reorganize Circuit Ready

By BRUCE ALLAN

LONDON, Jan. 31.—The Joint Committee of Investment Trusts and Insurance Companies, which has been investigating the affairs of General Theatres Corp., Ltd., has accepted with modifications a scheme of rearrangement submitted by the directors, and will recommend the shareholders to adopt it.

The ordinary shares of G. T. C. are held by Gaumont British, but, at the annual meeting, the shareholders refused to hear a reconstruction scheme prepared by the directors. The preference dividend being 18 months in arrears, that class of shareholders had a voting majority and it was at their instance that the joint committee was

(Continued on page 3)

Ohio Censor Dickers On "Time" Newsreel

CLEVELAND, Feb. 8.—Negotiations are under way between the local office of First Division exchange and Dr. B. O. Skinner, head of the state censor board, to catalogue the "March of Time" as a newsreel. Dr. Skinner has declared the reel is subject to state censorship because it uses in its advertisements the line "not a newsreel." Newsreels are exempt from censorship in this state.

Seattle Censors to Take Up Complaints

SEATTLE, Feb. 8.—Grievances of exhibitors arising from their competitors' tactics may now be aired in private and in confidence, according

(Continued on page 4)

Warners Win Coast Fight On Clearance

Campi Rules Forum and Uptown Non-Competing

After three hearings on the Warner-Fox West Coast clearance dispute involving the Forum and the Uptown in Los Angeles, Campi has decided by a vote of six to one that the houses are non-competitive and in different zones. Code Authority's ruling sustains the local clearance and zoning boards, but reverses a decision by an appeal committee which upset the opinion of the coast body.

The complaint originated about last fall when Warners started to buy protection over the F.W.C. Uptown, Charles Skouras objecting on the ground that the Forum was in competition and had been for many years. In addition, F.W.C. had been buying protection that way. The Forum has 1,856 seats, while the Uptown has 2,100, both charge 35 cents and are on an equal footing in other respects.

When the case was called last Thursday, I. Levinson of Warners and William T. Powers of F.W.C.

(Continued on page 4)

Flinn Goes West to Discuss Clearance

John C. Flinn left for the coast yesterday on a 10-day trip. Upon his arrival in Los Angeles he will call a meeting of the local clearance and zoning board and explain various phases of the schedule which was approved last Thursday. He will probably meet with the board on Wednesday and later with the registration committee on extras. The list of approved extras is now ready for publication, but before this is done Flinn wants to give it the once-over.

The executive secretary of Campi intended to fly, but because of bad weather had to take a train to Chicago where he will hop a plane, providing the elements permit.

New Type Admission Cut Is Ordered Out

A unique form of reduced admissions came to the attention of an appeal committee, consisting of Walter Vincent, Louis Geller and A. J. Mertz, yesterday when Warners Appleton, Appleton, Wis., complained against the practice of the Embassy, Neenah, Wis., admitting children for one performance after they had at-

(Continued on page 4)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MAURICE KANN
Editor

JAMES A. CRON
Advertising Manager

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

Quigley to Publish Richardson's Book

The Quigley Publishing Co. has acquired publishing rights to F. H. Richardson's widely-known "Handbook of Projection" and is now preparing a new edition to be ready for distribution in March.

The coming edition is a totally new work in every detail. With the collaboration of Aaron Nadell, sound engineer, who prepared the section on sound reproduction, Richardson has brought his work up to date, including in it a full exposition of the latest types of projection and sound equipment and accessories as well as the theories, practices and methods now current. The book will contain more than 150 illustrations among which are wiring diagrams and schematics never before privileged for publication.

Richardson is an international authority on projection and a regular contributor to *Motion Picture Herald* and *Better Theatres.*

Managers and projectionists rate his "Handbook" as a standard piece of equipment for every theatre.

Retain G. B. Control

LONDON, Jan. 31.—Debenture holders in United Picture Theatres, in receivership, have accepted an offer by Gaumont British whereby the latter will continue its management. Interest, guaranteed by G. B., will be reduced from seven per cent to three and one-half per cent, with an additional one and one-half per cent from increased profits.

Purely Personal

DAVE CHATKIN and the missus, jointly postcarding it from winter headquarters of the film business: "This Miami Beach looks like a producers' and exhibitors' convention. They could use a few extra Astor tablecloths."

•

CHARLES WINNINGER plans to leave for the coast when he finishes seven weeks on the air for Good Gulf. He's going out to appear in "Show Boat." He says he would like to appear in the film role he is now playing in "Revenge with Music."

•

AL SHERMAN is about the various home offices these days demonstrating the methods of saying "hello" that he picked up in London. Quite the gay bird this SHERMAN is these days with those "fancy English airs."

Quip of the Day

Johnny Weissmuller is Louis Mayer's Tarzan and Buster Crabbe, Sol Lesser's and that leads to complications. Crabbe usually boils over at the mere mention of Johnny's monicker.

At a Hollywood eatery the other day, Crabbe, complaining about the double feature idea in Tarzan roles, remarked:

"What has Weissmuller got that I haven't?"

"Lupe," was the squelcher.

WALTER VINCENT sails today on the *Carinthia* for Nassau, taking a month's rest on doctor's orders. He says he hates the thought of missing the M.P.T.O.A. convention in New Orleans.

•

TOM CHALMERS, editor of "Pathe Topics," has had several of his contributions printed in *The Stage* lately. He is also planning more activities in conjunction with The Theatre Guild.

•

HARRY BRANDT, who left Miami to attend the Washington public hearing on the local operators scale and returned south after the session, is due back from Miami on Monday.

•

JOHNNY DOWD, after reading all the objections raised at the RKO hearings before the arbitration and code committees, now replies "I object" when someone says "good morning."

•

J. P. FRIEDHOFF, Monogram office manager, is not about the office these days. The flu had laid him low and though he's feeling better he isn't coming out in this weather.

•

J. J. UNGER winds up his southern trek the middle of next week. It was strictly a business trip, the vacation angle coming up later.

•

FRANK SPICKERS, Columbia art director, is busy receiving congratulations on his 15th wedding anniversary.

•

SIGMUND SPAETH is busy these days, more so than ever, for he's been making scenes for "Pathe Topics."

•

SIG WITTMAN returned yesterday from four days in the Pennsylvania area.

•

NEIL AGNEW is in Atlanta for a few days. He'll be back next week.

DEPARTING on the *Ile de France* today are:

MARGARET SULLAVAN, WILLIAM WYLER, director; GILBERT MILLER, stage producer; MARCEL ACHARD, French playwright; MRS. ROBERT E. SHERWOOD, former wife of the writer; MISS BERNICE PEKERS, song writer under contract to Gaumont British; JEAN TAPERNOUX, independent distributor of French films, and MR. and MRS. CARROLL DODGE DUNNING of Los Angeles.

•

ABE SCHNEIDER and NAT COHEN, of the Columbia Florida contingent, are having such a time that their return is now indefinite. They were due back early next week, but yesterday's reports revealed that plan canceled. BILL JAFFEE returns north any day now, however.

•

IRVING SHIFFRIN, of the Radio publicity department, was all steamed up over the Press Photographers' Ball yesterday and gave a preview of his new tuxedo for his co-workers. He also denied it was rented for the occasion.

•

HAZEL FLYNN of the Music Hall publicity staff is recovering from an appendicitis operation at the Roosevelt Hospital. She was taken ill suddenly last Saturday night and was operated upon Sunday.

•

ARCH REEVE entertained at stud at his apartment last night for "PINK" WINGART, AL WILKIE and some of the boys who collected from him at the last session at WINGART's den.

•

EDWIN H. CURTIS, stage director, has been signed by Fox. He will have charge of the training of players in the Fox stock company.

•

LOUIS ROSENFIELD, manager of Columbia's Canadian exchanges, sails for the coast today on the *Virginia.* JULES ALLAN joins him.

•

ANNA STEN did a scene from her latest, "The Wedding March," last night on the "Hollywood Hotel" radio program.

•

DOROTHY ARZNER returns to the coast tomorrow. There she will pick up the reins of a directorial job for Columbia.

•

BILL PERLBERG, casting director at the Columbia studio, here on a talent hunt, flies west tomorrow.

•

GEORGE GERHARD dusted off the evening clothes for the Press Photographers' Ball last night.

•

WALTER BROWN, head man for Ross Federal Checking Service in Chicago, is in town.

•

MRS. JOHN BARRYMORE (DOLORES COSTELLO) is ill in Hollywood of influenza.

•

JUDITH ALLEN is off to the coast to do a picture after a month's stay here.

Theatres Escape Levy

DENVER, Feb. 8.—Two per cent sales tax law, passed by the legislature and effective March 1, will not be levied on theatre tickets.

Wall Street

Eastman Up on Big Board

	High	Low	Close	Net Change
Columbia vtc (cl)	37⅞	36½	37⅞	+ ⅞
Consolidated Film	6⅜	6⅛	6⅜	+ ⅝
Consolidated Film pfd (½v)	21	20¾	20¾	+ ¼
Eastman (4a)	113⅛	112¼	113⅛	+1
Eastman pfd (6)	146	143½	146	+2
Fox "A"	10½	10⅛	10⅜	+ ¼
Loew's (1a)	33	32⅜	33	+1
Paramount	3¾	3⅝	3¾	+ ⅛
Pathe	1⅛	1	1⅛	....
Pathe "A"	14⅞	14⅞	14⅞	+ ⅞
RKO	2	7⅞	2	....
Universal pfd	38¼	38	38	—2
Warner	3⅞	3⅝	3⅜	+ ⅛

Technicolor Gains ⅞ on Curb

	High	Low	Close	Net Change
Technicolor	13½	13	13⅜	+ ⅞
Trans-Lux (.10k)	3	3	3	+ ⅛

Loew's Bonds Advance ¾

	High	Low	Close	Net Change
General Theatre 6s '40 ctf	7¾	7¾	7¾	+ ¼
Loew's 6s '41 ww deb rights	104¼	103⅞	104	+ ¾
Paramount F. L. 6s '47	68¼	67¾	68¼	+ ½
Paramount Publix 5½s '50	68½	62⅞	68½	+ ½
Pathe 7s '37ww	102	102	102	.....
Warner Bros. 6s '39 wd	56	55½	55½	— ½

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 8)

Ohio Pastors Seek Block Booking End

COLUMBUS, Feb. 8.—A resolution was adopted by the convention of Ohio pastors here to ask both state and national legislation against block booking and blind selling. Suggestions of the motion picture committee, adopted by the convention, included an appeal to Governor Martin L. Davey and Dr. Beverly O. Skinner, censor head, for more rigid censorship.

Dr. Fred Eastman, professor of religious literature and drama of the Chicago Theological Seminary, talked on the origin and application of block booking, and described the recent cleanup campaign.

"More people will see Mae West's next release than have seen 'Hamlet' in the 300 years of its existence," he declared.

Skouras Office to Move

George Skouras will move the headquarters of Skouras Theatres Corp. from the Paramount Bldg. to the Academy of Music about June 1, at which time the lease on the Times Square office expires.

I. T. O. Meets Feb. 26-27

CLEVELAND, Feb. 8.—The Independent Theatre Owners of Ohio held a meeting of the board this week, at which time it was definitely decided to hold a state convention on Feb. 26-27 at the Deshler Hotel, Columbus.

Metro-Goldwyn Dividend

Metro-Goldwyn Pictures has declared a regular quarterly dividend of 47½ cents on its seven per cent preferred payable March 15 to stockholders of record as of Feb. 28.

Jack Fier Leaves

Jack Fier, vice-president of Mascot, left for the coast yesterday with planned stopovers at Buffalo, Cleveland, Chicago and Kansas City.

English Plan To Reorganize Circuit Ready

(Continued from page 1)

asked to probe the company, the annual meeting being adjourned.

In the interval there have been strong rumors that an offer for the whole of the outstanding preference shares had been made by John Maxwell of Associated British Picture Corp., but it is unlikely that a definite statement will be made until the adjourned general meeting and special meeting to approve the reconstruction are held.

The issued capital of G. T. C. is £650,000 in £1 ordinary shares, held by G. B., and 1,250,000 7½ per cent cumulative preference shares of £1. There is outstanding £2,014,563 of 6½ per cent first mortgage debenture stock.

Mark Ostrer is Chairman and C. M. Woolf deputy chairman of G. T. C., of which they are joint managing directors.

* * *

Renewed efforts to obtain the cooperation of distributors in an attempt to control new theatre construction have been made by the General Council of the Cinematograph Exhibitors' Ass'n. At its last meeting it passed a resolution calling for immediate steps to set up a conference with the Kinematograph Renters' Society on this question.

Exhibitors want a permanent committee, on which distributors will be represented, to deal with overbuilding problems. Under the leadership of John Maxwell, the K.R.S. has declined to associate itself with the policy of controlling building by trade action, implying the possible withdrawal of film supplies, but this does not necessarily mean that it will not discuss the general question.

Lincoln Papers Now Sponsoring a Show

LINCOLN, Feb. 8.—Another set of Nebraska newspapers is entering the competitive field with their advertisers here with the announcement from two local dailies, *Star* and *Journal*, that they will sponsor the Feb. 14 appearance of the "Ballet Russe de Monte Carlo" in the University coliseum. The Omaha *World-Herald* is just out of a conflict with Omaha showmen over a like sponsorship.

Building for Paramount

LONDON, Jan. 31.—The famous Shoolbred site in Tottenham Court Road is being cleared for a theatre financially backed by Arthur Segal, who is associated with Paramount in the Astoria chain and the Paramount provincial theatres. It is believed the house, which will be just outside the recognized West End district, will be leased by Paramount. The nearest opposition is the Dominion, Gaumont British.

Asquith Gets Vehicle

LONDON, Jan. 31.—Anthony Asquith will direct "Elizabeth of England," for London Films. Flora Robson will star. Asquith was slated for the "King George" film, now abandoned.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Car 99"

(Paramount)

HOLLYWOOD, Feb. 8.—This is gripping and at times thrilling entertainment. It gives accurate backstage information about the radio police and the high-powered gangsters whom they battle.

The crooks, led by Sir Guy Standing, impersonating a professor, first learn the working of the state police radio system and then plan a bank robbery, with the method of beating radio pursuit cleverly figured out. In the early scenes they make State Trooper Fred MacMurray look foolish. MacMurray is fired, but later, when the gang is escaping after the robbery, he joins the pursuit, is instrumental in their capture and is restored to the force.

Despite the simplicity of the story and the weak love motive between MacMurray and Ann Sheridan, the picture holds the interest throughout because of the fine shadings introduced by director Charles Barton.

Though the cast lacks box-office names, the picture will stand up because of action and unusualness of theme. All players carry their roles well, excellent comedy scenes being turned in by Frank Craven and William Frawley, who play a sheriff and a police sergeant, respectively. Standing, though not thoroughly at home in a crook role, carries the part smoothly. Production by Bayard Veiller is workmanlike and the photography excellent. Good melodramatic entertainment.

Production Code Seal No. 583. Running time, 72 minutes. "G."

"The Right to Live"

(Warners)

HOLLYWOOD, Feb. 8.—A drama of love and sacrifice which shines in all departments, this film is designed for the sophisticated trade and metropolitan cities. The story features the ideal wedlock of Josephine Hutchinson and Colin Clive, tragically marred by an injury to the latter in an air crash. Miss Hutchinson sacrifices all youthful pleasures for her husband until his brother, George Brent, arrives on the scene.

At Clive's insistence Brent is placed in charge of escorting Miss Hutchinson to social functions, with an ensuing romantic triangle. As Brent and Miss Hutchinson decide to sacrifice their love for the sake of the cripple, Clive learns he is beyond recovery and subsequently commits suicide. Special Nurse Peggy Wood, who has fallen in love with Clive, believes his death to be a murder frameup until Henrietta Crosman, the man's mother, divulges his secret death-bed confession. Miss Hutchinson and Brent start anew as Clive would have wished it.

William Keighley's direction and all performances are of the highest calibre. Ralph Block penned an intelligent screen play from Somerset Maugham's story. There is high-class photography by Sid Hickox.

The appeal is limited to audiences of above-average intelligence.

Code Seal No. 443. Running time, 68 minutes. "A."

Looking 'Em Over

"Jack Ahoy"

(Gaumont British)

"Hilarious comedy hit with Jack Hulbert" is the way the ads describe it. This may be quite true from Southampton to the Shetland Islands, or is it the Orkneys? Hulbert, no doubt, has a following from the banks of the Thames to Clydeside. He may even have a following some place between South Ferry and Yonkers, but the rain kept most of it out of the Roxy at the first showing.

The music is catchy, the story moves along rapidly from the time the navy gets under way in England until it reaches China and complications develop through the efforts of Jack to get back a submarine stolen by Chinese pirates and to win the admiral's daughter, Mary O'Neil. There's plenty of atmospheric naval stuff. Money has been spent freely on the production angles.

Hulbert's burlesque characterization, his smirking and exaggerated gestures probably would be fine for a short sketch, but an hour or more of it with no change of pace, no softening of mood even in the romantic moments, little timing of gags is likely to prove a handicap in those sections of this country where Hulbert's name is just a name.

Production Code Seal No. 0141. Running time, 70 minutes. "G."

"Carnival," Big Show Hit Record in Hub

BOSTON, Feb. 8.—"Carnival" and an anniversary stage program at Keith's Memorial which included Joe Penner, the Boswell Sisters, Stan Kavanaugh and others, set a new record, $20,000. This is $8,000 over average for the house.

Roads were clogged and transportation was generally disrupted. In spite of this "Lives of a Bengal Lancer" ran up to $7,700 as a second run at the Paramount, thereby topping the first run.

Total first run business was $75,300. Average is $65,000.

Estimated takings for the week ending tonight:

"LIVES OF A BENGAL LANCER" (Para.) (Second Run)
JEALOUSY (Col.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $6,300. Average, $4,500.)

"CARNIVAL" (Col.)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. Stage: Joe Penner, Boswell Sisters, Stan Kavanaugh, Twelve Aristocrats, The Yacopis. **Gross:** $20,000. (Average, $12,000.)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 2nd week, 7 days. **Gross:** $11,000. (Average, $10,000.)

"WINGS IN THE DARK" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Duncan Sisters, Dave Apollon and "International Varieties." **Gross:** $18,000. (Average, $22,000.)

"LIVES OF A BENGAL LANCER" (Para.) (Second Run)
"JEALOUSY" (Col.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $7,700. Average, $5,500.)

"SCHOOL FOR GIRLS" (Liberty)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Radio Ramblers and six RKO acts. **Gross:** $12,000. (Average, $11,000.)

"Copperfield" at $11,000 in Denver

DENVER, Feb. 8.—"David Copperfield" was an $11,000 hit at the Denver last week. This tops normal by $5,000. The feature was moved to the Paramount for a few days additional.

The weather was remarkable—like early autumn—but grosses were down, except at the Denham where "Lives of a Bengal Lancer" took a par $4,000 and "Baboona" at the Orpheum was normal at $6,000.

Total first run business was $24,000 Average is $20,500.

Estimated takings for the week ending Feb. 7:

"THE RIGHT TO LIVE" (Warners)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $1,500. (Average, $2,500)

"LIVES OF A BENGAL LANCER" (Para.) (Second Week)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $4,000)

"DAVID COPPERFIELD" (M-G-M)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $6,000)

"BABOONA" (Fox)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

"JEALOUSY" (Col.)
"WHITE LIES" (Col.)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

"THE NIGHT IS YOUNG" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $900. (Average for week, $2,000)

Retitle Rogers' Next

HOLLYWOOD, Feb. 8.—The title of Will Rogers' next for Fox has been changed from "The Torch-Bearers" to "Doubting Thomas."

Warners Win Coast Fight On Clearance

(Continued from page 1)

appeared before Campi and gave summations. Levinson stated that the Uptown has a drawing population of 14,000, while the Forum could draw from 11,000 in its particular area. The houses are one mile apart. The Warner attorney added that the two theatres had enough people to draw from without hurting each other and hence were not competitive. However, Powers held that the houses were competitive and that the Uptown had to draw not only from the 14,000 in its area, but also from the 11,000 people designated in the Forum zone.

One Declines to Vote

Because Felix A. Jenkins of Fox and Harold S. Bareford of Warners represented companies involved, they could not vote. One member of the Code Authority elected not to cast a ballot. In the final tally one vote was chalked up in favor of Fox West Coast, but the other six voters held in favor of Warners.

Considerable importance is given the Campi ruling, which, it is held, will precipitate a plethora of complaints along the same lines. When Campi establishes a precedent by declaring non-competitive two theatres one mile apart with a drawing population of 25,000, and operation features of both theatres practically the same, it is opening the door for hundreds of complainants with similar situations, it is stated.

Code Authority, in handing down the decision, added that if the new setup doesn't work out, F.W.C. can bring a complaint before the local board. If such a complaint is brought and an unfavorable verdict is handed down for F.W.C., the circuit can appeal to Campi.

Postpone Boston Cases

BOSTON, Feb. 8.—Again the grievance board case of Oze Tessier against E. M. Loew, circuit owner, regarding giveaways in the New Bedford area has been postponed, this time to Feb. 11. The case of the Brockton Amusement Co. operating the Brockton and Strand in Brockton, against Interstate Theatres, operating the Plymouth and Old Colony in Plymouth, has been postponed for the time being. No date has been set. The former protests against Plymouth being served regardless of Boston precedent.

Gulf Sets Its Meeting

NEW ORLEANS, Feb. 8.—The Gulf States Theatre Owners' Ass'n. will hold its second annual convention here Feb. 27. Members of the association will have an opportunity to listen to the highlights of the M.P.T.O.A. convention which meets simultaneously in this city.

Rosenberg Gets Third

Moe Rosenberg, brother-in-law of Albert Warner, has acquired his third New Jersey house. That's the Lewellyn, West Orange. He also operates the West End, Newark, and Nutley, Nutley.

Variety Club Chatter

Pittsburgh

PITTSBURGH, Feb. 8.—Dinner Thursday night to J. HOWELL DAVIS, new chairman of board of censors, at club. JOE BERRIER accompanied him here. Those in attendance were: J. T. McGREEVEY, M. J. CULLEN, JOHN J. MALONEY, GILBERT KRIMM, JOHN H. HARRIS, JAMES G. BALMER, JUDGE M. A. MUSMANNO, AL BARNETT, BENNET AMDUR, DAVE KIMMELMAN, JUSTIN SPIEGEL, MARK GOLDMAN, HARRY MICHALSON, JOE BLOWITZ, IRA COHN, DR. PITTLER, A. E. KLEIN, HARRY KALMINE, BEN KALMENSON, WILLIAM J. LEWIS, TOM LYSAUGHT, JOE SKIRBOLL, ARTHUR MORRONE, HARMAR DENNY, JOSEPH MISRACH and others.

BENNY AMDUR is No. 1 man now in attendance at the Club. Dinner every night, several meals during the week and late supper after he closes his Emporium each night.

JAMES G. BALMER on sick list again for a few days.

EDDIE LOWRY, BOBBY PINCUS, GEORGE GIVOT nightly visitors.

BARKER SIG WITTMAN of Universal in town with AL BARNETT this week. Last week EDDIE BONNS of Universal shorts. Just looking the sitteeation over.

Every Monday luncheon broadcast at Variety Club gaining in popularity each week. Stations trying to crowd out present station.

ART LEVY on vacation in Florida when the cold spell hit Pittsburgh. AL BARNETT'S Miami trip canceled for the present.

Woman Who Failed To Get Prize Sues

TAMPA, Feb. 8.—A suit for $700 has been filed here against the Tampa Theatre by Mrs. Hazel Greene Felix. Of this $650 was for the bank night prize and the other $50 was for damages in refusing her the prize money.

Mrs. Felix claimed that she was outside the theatre in an overflow crowd when a name was drawn for the $650 prize. A little later she heard that it was her name which had been drawn, so she applied to the manager for the money. The management, she claims, refused to give her the money because she had not purchased an admission ticket.

About two weeks ago Attorney General Landis issued an opinion that bank night did not conflict with the lottery laws of the state, provided the winner was not required to purchase an admission ticket or token.

Portland Theatres Seek License Cuts

(Continued from page 1)

some additional taxes, but start making pleas to have their present taxes cut down.

William A. Cutts, executive secretary of Allied of Oregon, with Hal M. White, William Graper and I. Geller have been named on the committee.

The seat tax and the inspection charge will be the targets at which the committee will direct its fire.

Home Offices Closing

Warner home office employes, along with those of Columbia, United Artists, Paramount and Radio have been notified that in celebration of Lincoln's Birthday next Tuesday the offices will close at 1 o'clock. The Fox home office will be closed all day, however.

L.A. Law Limits Sound

LOS ANGELES, Feb. 8. — The City Council today adopted an ordinance decreeing that the sound from an open-air house must not carry farther than 50 feet from the property line of the theatre.

Seattle Censors to Take Up Complaints

(Continued from page 1)

to L. Kenneth Schoenfeld, president of the censor board.

The board has established a grievance committee of three, headed by Chairman Schoenfeld, that will hear all complaints on advertising, entertainment, etc., and will attempt to settle the difficulties amicably. The committee will not conflict with the code grievance board's work. According to Schoenfeld, the plan has been approved in a letter received from Will Hays, who states he will inaugurate the program in other cities if the Seattle venture is successful.

Protest Is Stirred By A. H. Blank Ads

(Continued from page 1)

Paramount today. Letters and telephone calls have been pouring in from Legion of Decency members.

Protests were inspired by the Catholic weekly, *The True Voice,* which urges a boycott despite the fact that the picture is "The Secret Bride," which has received an approved rating by the Legion of Decency.

E. R. Cummings, district manager for Blank, said he would keep silent and let the show go on.

Lubitsch Promised Full Co-operation

HOLLYWOOD, Feb. 8.—Ernst Lubitsch, new supervisor of production for Paramount, today held individual meetings with all of the company's writers and directors in a move to establish good-will and understanding as to the future operating policy. He emphasized in particular that he at no time would hamper individuality. He was assured of wholehearted co-operation in every instance.

Helen Westley East Soon

HOLLYWOOD, Feb. 8.—Helen Westley will check out for New York on completing her role in Radio's "Spring in Paris." She may appear in the Theatre Guild's final production of the season.

Missouri Bill Seen as Boon To Code Board

(Continued from page 1)

Bureau, which has been campaigning against bank nights, is of the opinion the bill is unnecessary because the attorney general of Missouri has ruled bank nights and similar drawings a lottery.

Meantime, the local grievance board continues to swat offenders. Competition was found to exist between the Majestic, Washington, Kan., and the Elite, Greenleaf, Kan., though separated by more than nine miles of highway, and a desist order was issued against the Washington house, which operated bank nights. Despite the distance between the towns, it was admitted they draw trade from each other.

J. Erwin Dodson testified one reason his Casino, Excelsior Springs, Mo., darkened shortly after reopening was bank night competition from the Fox Beyer, same town, and the board ordered it stopped. Both cases are to be appealed.

That Fox Midwest has no definite policy on the "nights" and is both for and against the practice, depending on local situations, is indicated in the filing of a complaint by Ray McLain, manager of the Fox Granada, Emporia, Kan., against E. O. Briles, Lyric, same city. In two or three other spots the circuit has been using the stunt.

New Type Admission Cut Is Ordered Out

(Continued from page 1)

tended 15 consecutive showings of a serial.

Children attending the showings each week of a serial were given cards which were punched in the order of attendance. Juveniles holding cards with 15 consecutive punches were permitted into the theatre after the chapter play completed its run. Warners objected on the ground that the theatre was actually giving 16 admissions for the price of 15. The committee upheld the circuit.

Although the State, New Haven, won its reduced admission complaint against the Lawrence, same city, for permitting five-cent admissions, the plaintiff appealed because the local grievance board did not hand down a cease and desist order. The respondent, at the New Haven hearing, promised he would discontinue the practice, and the board let it go at that.

The Campi appeal committee rendered a stop decision and in addition advised the local board the next time a complaint of this nature comes up to do likewise.

Omaha Closing Feb. 10

OMAHA, Feb. 8.—Date for closing the World for complete remodeling has been definitely set for Feb. 10, following the run of "David Copperfield." When the house reopens on Feb. 21, it will be known as the Omaha. New seats, new sound, new drapes, carpets and screen, new vertical sign and the addition of a canopy to the front of the house are expected to cost $30,000.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Barring Those Interested in Cases Sought

Suggestions of Impartial Men Before Campi

Changes in the makeup of local clearance and zoning boards are in the offing, following receipt of a number of recommendations from impartial men answering questionnaires sent out by John C. Flinn. Some of the letters were discussed at the last Campi session. While nothing was definitely decided, the matter will be brought up again when the 64 government representatives are checked in.

Opposition is chiefly directed to members sitting when cases involving affiliated companies are discussed and voted. Impartial men hold that after the open hearings are over and testimony and evidence completed by both parties, it is not unusual for one of

(*Continued on page 3*)

"Copperfield" at $160,120 for Run

Chalking up a gross of $50,370 for the third week, "David Copperfield" continues to keep the Capitol and Loew executives in a holdover frame of mind. For the first week the take was $55,750 and for the second, $54,000, or a total of $160,120 for the three-week period. The picture holds for a fourth stanza. Indications are that it may go a fifth. A decision on

(*Continued on page 3*)

Expect Early Call On Operator Scales

Charles L. O'Reilly, president of the T.O.C.C., is expected to call a meeting of all local exhibitors to discuss the two operators' booth plans. One has been prepared by the I.A.T.S.E. for Local 306 and the other by O'Reilly. Both use a point system, the former giving the value of a point at $9, while the latter figures it at $12.

The union schedule bases its booth costs on admission and seats, while

(*Continued on page 3*)

MPTOA to Discuss Effects of Repeal

The effects on theatre business of the first year of prohibition repeal will be discussed at the M. P. T. O. A. convention in New Orleans, Feb. 25 to 28.

The organization takes credit in a

(*Continued on page 2*)

Radio May Produce "Company" Films; No Producer Credits

Hollywood, Feb. 10.—Radio may try out a new idea in production during the coming year by turning out some pictures as "company" pictures with no special credits to producers. The idea is to make them the product of the combined studio talent.

The plan is only a possibility thus far, and just how many of this type of picture there will be is uncertain, it is understood.

First reports had it that the company intended to do a complete about-face on production and make all pictures this way, but this was emphatically denied at the studio. It was pointed out in refutation that Merian C. Cooper had just been re-signed as a producer and that Clifford Reid had just been given a producer's contract.

California's Film Measure Barrage Heavy

San Francisco, Feb. 10.—When the California legislature resumes its deliberations March 4 among the 3,448 bills introduced in both the Assembly and the Senate during the recent first month's session, there will be at least 177 proposed measures more or less affecting the films.

This number, the largest in the history of the industry, was arrived at by Hulda McGinn, manager of the California Theatre Ass'n., following a capitulation of each of the 3,448 bills, a job she and her staff has worked on since her return from Sacramento.

Among the 177 bills, 131 are Assembly measures, and 46 Senate. At least 98 of the 177 are taxation measures, of one form or another, some of

(*Continued on page 3*)

Ad Policies Studied In M. & S.-RKO Case

Advertising policies and film rentals prevailing at the Apollo, as compared with other major RKO houses in the metropolitan area, were scrutinized Saturday at the resumed hearing on

(*Continued on page 3*)

TOCC-ITOA Merger Moves Stir Again

Renewal of discussions of a merger of T. O. C. C. and I. T. O. A. are expected soon after Harry Brandt's return to the city from Florida today, it was learned Saturday.

Preliminary discussions were begun some time ago by Charles L. O'Reilly and Brandt with the object of establishing the merged local organization as a nucleus for a new national exhibitor body. O'Reilly and Brandt were to make extended tours to survey the exhibition field for likely regional affiliates to become a part of the national organization.

Questioned Saturday on the likelihood of new action being taken, O'Reilly intimated there might be but added, "We are interested only in a good sound working organization, not a debating society."

Bernerd Sails Home; Likes Setup in U. S.

Happy over the progress Gaumont British has made here in the past few months, Jeffrey Bernerd, managing director, sailed on the *Ile de France* Saturday after a three-week sojourn.

(*Continued on page 3*)

Announcement

Harry E. Nichols of the Quigley organization, at the request of the New Orleans arrangement committee, has set up a bureau in New Orleans to arrange accommodations in private homes for exhibitors who will attend the M. P. T. O. A. convention Feb. 25-28.

Because of the Mardi Gras, hotel and housing facilities in New Orleans will be severely taxed. If Mr. Nichols can help you, wire or write him at 1418 Cleveland Ave., New Orleans, La.

Report Ascap Suit Will Be Speeded Along

Justice Department Said To Have Assured This

Washington, Feb. 10.—That the Department of Justice will make every possible effort to speed prosecution of the monopoly suit filed in Federal court at New York against the American Society of Composers, Authors & Publishers is understood to have been the gist of a report given to Ed Kuykendall, M.P.T.O.A. president, in response to inquiries made here recently as to the status of the government's action.

Kuykendall, while here, sought information of the Attorney General's office as to the likelihood of an early trial of the issues, it is reported, in order to advise his organization's national convention at New Orleans late this month on the progress of the action, which was brought by the government last September. The action

(*Continued on page 2*)

Vaudeville Actors Seek Code Changes

A memorandum has been filed with the National Industrial Recovery Board by the American Federation of Actors urging revision of the vaudeville code.

The memorandum says the code has been of no value to the individual actor, that it has not been enforced, that maximum hours have not been

(*Continued on page 3*)

Studio Labor Talks Continue This Week

Meetings on new studio union agreements, begun recently, will be continued this week with a possibility of their being concluded by Friday or Saturday, Pat Casey, major studio labor representative who is holding the meetings here, said Saturday.

All unions included in the basic agreement with studios are involved in the current discussions which are centered on wage and other provisions for the current year.

Skouras Will Renew Talks on Contract

With the arrival of Spyros and Charles Skouras and Charles Buckley from the coast yesterday, negotiations

(*Continued on page 2*)

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MPTOA to Discuss Effects of Repeal

(*Continued from page* 1)

bulletin issued Saturday for Campi's action in approving the Los Angeles clearance and zoning schedule, stating it was alone in its insistence for action on pending schedules. The basic principles of clearance and zoning, the bulletin says, again become of immediate importance and will be discussed at the convention and in the committee on trade practices.

The bulletin urges that convention visitors arrange immediately for New Orleans hotel accommodations, as reservations at the Roosevelt, convention headquarters, are nearly exhausted and arrangements are being made to care for the late ones at three nearby hotels. A feature of the annual banquet, Feb. 28, will be the elimination of speeches, with professional entertainment being substituted.

No Date Is Set for Schaines-Roxy Case

No date has been set for the trial of Samuel L. Rothafel (Roxy), who is being sued in the Supreme Court in Brooklyn for $4,700 by Joseph A. Schaines, a lawyer.

Schaines claims the defendant owes him that amount for legal services in his unsuccessful suit to restrain the Roxy Theatre Corp. from using the name "Roxy." The defendant contends that the RKO circuit was obligated by contract to pay the expenses of that litigation.

Insiders' Outlook

By RED KANN

WESTBROOK PEGLER, in his column in the *New York World-Telegram* the other night, told 'em—meaning newspapers and radio and counsel—where they get off on the Hauptmann trial. What he had to say is one of the strongest defenses of the newsreels that has hit this disorderly desk. Waxing satirical, Pegler highlights are these:

"It is too bad that certain moving picture concerns, animated by sordid commercial motives, had to introduce the single, greedy, undignified note into the ethical symphony . . . at Flemington. . . .

"It is quite discouraging, after the fine example of decorum and altruism provided by the newspapers, the radio companies and counsel in the trial, that members of the moving picture industry alone should refuse to play cricket. . . . However, there is comfort in the fact that the conduct of the other industries and persons involved in the case has been uniformly too fine for exception. . . .

"Confining their accounts strictly to plain, wholesome coverage they (the newspapers) have resolutely refrained from exploiting the case for profit. Under these self-imposed restrictions they have avoided sensational heads and used photographs sparingly. And, greatest credit of all to the profession, they have refused to make extra circulation out of the trial lest this be converted into a talking point by the advertising department and thus a source of disagreeable profit. . . .

"If, at the conclusion of the trial, any newspaper should find that, despite its conscientious efforts, it has come through the period with a lift in circulation and a profit above the normal, the management will feel very unhappy about the extra circulation and will donate the surplus money to a school of ethics for the movie industry."

▼

Here is what the editors of two nationally known dailies think about Flemington, the comment resulting from an inquiry leveled in their direction by MOTION PICTURE DAILY:

Colonel Robert R. McCormick of the Chicago Tribune:

"It is only in exceptional cases that judges have allowed cameras in their courtrooms. I think this attitude is mistaken, but it has the precedents which make it law. Cameras can only obtain a right to the courtroom by the enactment of statutes which, in turn, the judges might find unconstitutional or by the consent of the court for such a length of time as to make it a custom. My own views are that courts should permit pictures to be taken either still or moving pictures if the cameramen comport themselves quietly and do not disturb the proceedings."

Paul R. Kelty, editor of the Oregonian of Portland:

"Judge Trenchard's prohibition against newsreel activity at the Hauptmann trial is a violation of the principle of a free press, just as much as though he had ordered reporters for newspapers and correspondents for news services to cease their activities there. If any newsreel photographer was making himself guilty of improper or unethical activities, he should have been disciplined just as any reporter should be for a similar cause. But a blanket order proscribing all newsreel activity cannot be justified. It is a precedent that ought to be combatted by newspapers as well as by the newsreel people."

▼

The ethics in the incident may be questionable, but no question is there about the enterprise displayed over how the *New York Daily News,* king of tabloidia, nabbed shots of Hauptmann on the stand. Three of that sheet's ace photographers were ordered to the Embassy. As paying patrons, but minus flashlights or bulbs, they calmly proceeded to snap away as the sequences they were after hit the screen. House attaches at the Embassy caught on, upbraided the marauders and put them out. Not soon enough, however. Enough of their objective had been attained. . . .

▼

For months the tussle raged. Distributors raised their right arms high into the stratosphere and insisted there could be no clearance based on admissions alone; that clearance, politer name now for protection, had to be sold like rentals. Then with nary a warning developed approval of the Los Angeles schedule, pointing up the way for others in those zones where exhibitors have expressed a desire to have them. Why the sudden change of front makes an interesting query. Far more interesting is the satisfaction to be noted in this altered attitude which reduces clearance from its position as one of the industry's most complex problems to something considerably less. Regardless of the reason. Or reasons. . . .

▼

How goes the Mike Meehan-RKO situation these days? It goes like the man and wife living under the same roof, but constantly fighting yet remaining together, despite the difficulties, for the sake of the children. . . .

▼

If you listen to reports and aren't fussy about confirmation, lend ear to this one: That offers have been made to buy Radio as it stands, bankruptcy and all. . . .

▼

The stories, held closely but around anyway, about William Randolph Hearst's new newsreel idea are verra interesting. . . .

Report Ascap Suit Will Be Speeded

(*Continued from page* 1)

seeks the dissolution of Ascap as an alleged monopoly.

It is understood here that progress of the suit has been held up pending a decision by U. S. District Court Judge John Knox in New York on the government's motion to strike out parts of Ascap's answer to the bill of complaint. When the decision has been rendered the case is expected to make rapid progress toward an early trial, it was said.

Skouras Will Renew Talks on Contract

(*Continued from page* 1)

will be resumed next week between the Skouras Brothers and Chase National officials on the 10-year joint operating contract with National Theatres Corp.

The contract issue has been up on two previous occasions when Charles Skouras has been in town. The last meetings were cut short by trips to the coast on reorganization of Fox West Coast. Practically all details are set. Remaining problems are expected to be cleared sometime next week. Charles will leave for Los Angeles as soon as the pact has been signed.

Fox Midland's New Deal Due in April

KANSAS CITY, Feb. 10.—With Fox West Coast out of bankruptcy, the Fox Midland circuit will be reorganized here some time in April or May, Spyros Skouras stated while en route to New York. He was accompanied by his brother, Charles; H. J. Fitzgerald, operating Wisconsin Amusement Enterprises, Inc., and Elmer C. Rhoden, in charge of Fox Midland.

Fitzgerald left for Milwaukee from here while Charles accompanied Spyros east. Rhoden stays here, but may go to New York later.

Ritchey Gets Restrainer

A permanent injunction restraining Philip S. Lewis of the American Trading Ass'n. from distributing Monogram's "Ships of Hate" in any foreign territory was issued Saturday by State Supreme Court Justice William T. Collins on the application of Ritchey International Corp., which established its distribution right to the picture in all territory outside of the U. S., its possessions and Canada.

Moray Starts on Tour

Norman H. Moray, Vitaphone executive in charge of shorts and trailers, set out yesterday on a tour of Warner branches in this country and Canada. His purpose is to find out how Vitaphone shorts are getting across. His findings will be used in preparing next season's lineup.

Purely Personal

ALLEN RIVKIN and LEONARD SPIGELGASS saw the fruits of their authoring labors assume concrete form Saturday when "I Wasn't Born Yesterday" made its appearance. Macaulay is the publisher.

•

GARY COOPER, accompanied by his wife, arrived in town over the week-end from Hollywood. He expects to be here a month and will spend most of his time out on Long Island visiting friends.

Quip of the Day

Jack Cohn heard this some time back, but thinks it's so good he's laughing all over again.

"Producer calls a supervisor into his office and raises hell because the story department fails to bring in filmable material.

"'Look,' said the producer, 'last night I picked up a book and read 18 pages. It was marvelous, it was terrific.'

"'What was it?' asked the supervisor.

"'The Life of Abraham Lincoln' and is it good,' said the producer.

"'I agree, but wait 'till you reach the part where he dies,' said the supervisor.

"'Don't tell, don't tell,' came the reply."

GENE RAYMOND and LILA LEE played the two leading roles in the Radio Theatre's presentation of "The First Year" over WJZ yesterday afternoon.

•

ED KUYKENDALL is due in town Wednesday for a Campi meeting and final conferences on that M.P.T.O.A. New Orleans convention.

•

SIDNEY SAMUELSON and JULIUS CHARNOW leave for Washington and the Allied board of directors meeting tomorrow.

•

HARRY BUXBAUM and JOE LEE return from Chicago tomorrow.

Flash Previews

Roberta—As fine and entertaining a musical show as has ever graced the screen. . . . It's Radio's wow. . . .

All the King's Horses—Topnotch entertainment in any competition. . . .

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

Wall Street

Loew's Pfd. Up ½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	38	37⅞	38	+ ⅜
Consolidated Film.	6½	6⅜	6½	+ ⅛
Consolidated Film pfd. (½v)	21	20¾	21	+ ¼
Eastman (4a)	113⅜	112¾	113¾	+ ¼
Fox Film "A"	10½	10½	10½	+ ⅛
Loew's Inc. (1a)	33⅛	32⅝	32⅞	— ⅛
Loew's Inc., pfd.	104½	104½	104½	+ ½
Paramount	3¾	3⅝	3⅝	— ⅛
Pathe	1⅛	1⅛	1⅛	.....
RKO	2	1⅞	1⅞	— ⅛
Warner	3⅞	3¾	3¾	.....

Trans-Lux Off ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	13⅜	13¼	13⅜	.....
Trans-Lux (.10k)	3	2⅞	2⅞	— ⅛

Most Gain on Bond Market

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	8	8	8	.....
Keith B. F. 6s '46	68⅝	68⅝	68⅜	+ ⅛
Loew's 6s '41, w w deb rights	104	104	104	.....
Paramount Broadway 5½s '51	48⅛	48⅛	48½	— ⅜
Paramount F. L., 6s '47	68¾	68¾	68¾	+ ⅜
Paramount Publix 5½s, '50	69	68⅞	69	+ ¼
Warner Bros., 6s, '39 wd	55⅞	55½	55⅞	+ ⅜

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 9)

"Copperfield" at $160,120 for Run

(*Continued from page* 1)

the additional run will be made today.

"The Good Fairy" at the Music Hall garnered around $70,000, which is much better than the last few attractions. "Lives of a Bengal Lancer" tallied $24,000 at the Rialto in its first week at the house after three at the Paramount. "The Secret Bride" at the Roxy last week pulled $32,500 and "Wings in the Dark" at the Paramount wound up with $27,500. Second week of "Bordertown" at the Strand corralled $17,455, while "Clive of India" tallied $23,850 for the third week at the Rivoli. "Romance in Manhattan" was fairly good at the Palace with a take of $9,000.

Ad Policies Studied In M. & S.-RKO Case

(*Continued from page* 1)

breach of lease charges brought against RKO by Meyer & Schneider, lessors of the Hollywood and Apollo. The RKO lease specifies that the Apollo's advertising shall be on a par with that of other major RKO houses and that its film rentals shall be approximately the same.

The hearing will be continued tomorrow with David Loew probably being recalled by Max D. Steuer, M. & S. counsel, for further interrogation on the September product agreement by which Loew's made available Fox, Columbia and Universal product to RKO to alleviate a possible film shortage for the latter. M. & S. contends that this product was not played by RKO at the Hollywood and Apollo in conformance with provisions of the lease covering film playing policies at the two houses.

Cal. Film Measure Barrage Is Heavy

(*Continued from page* 1)

them nearly duplicates. Of the 98 taxing measures, 71 originated in the Assembly and 27 in the Senate.

Never has there been a time, in all the history of the industry, it is said here by those close to the situation, when the onslaught on the industry has been so heavy. The legislators didn't forget a thing. Everything that could possibly squeeze pennies from salaries, from production, distribution and exhibition and from purchase of supplies is included.

None of these has yet passed, but the outlook is uncertain.

N. H. Independents Like New Schedule

New Haven independents are understood to be in favor of the revised clearance and zoning schedule for the territory, provided Loew's increases the admission at the College from 30 to 35 cents. The plan comes before Campi Thursday for discussion and possible adoption.

J. B. Fishman of the Dixwell recently brought a complaint against the College for buying exclusive second run protection over all other runs in New Haven. At a meeting before an appeal committee in New York, Fishman declared that the Dixwell was in a different zone from the College, four miles away, and for the past 10 years has enjoyed a day-and-date run. This year, Loew's bought seven days ahead of the Dixwell. The College charges 30 cents and the Dixwell 25 cents.

However, the independents feel that if Loew's would boost the tariff to 35 cents, the extra seven days would not affect the 19 houses involved.

Fox Meet Discusses Chicago Trust Suits

CHICAGO, Feb. 10.—Action under the Sherman anti-trust and Clayton Acts started last week by two local exhibitors against major distributors and circuits was discussed at the Fox district managers' meeting which closed today at the Congress Hotel, it was revealed tonight by John D. Clark, general sales manager.

The plaintiffs, Jack Rubin of Public Theatres and James Roden, owner of the Astor, charged they were being prevented from playing 10-cent duals.

Other subjects discussed were this season's product, exploitation and advertising of coming pictures.

Expect Early Call On Operator Scales

(*Continued from page* 1)

the latter includes these two provisions in addition to the type of run.

When exhibitors and operators were in Washington Feb. 1, Compliance Director Sol A. Rosenblatt suggested that both factions try to get together and work out a compromise plan, following which another NRA meeting will be called for approval of a common schedule.

George Brown Returning

CHICAGO, Feb. 10.—George Brown, I.A.T.S.E. head, leaves for New York tomorrow.

Seek to Bar Those Interested in Cases

(*Continued from page* 1)

the men on the board, associated with one of the litigants, to continue arguments in favor of his company during executive session without giving the other side a chance for rebuttal.

In most instances the board man linked up with one of the contestants votes for the affiliated company, which indicates that the opposition has lost at least one vote before a ballot is taken. This is regarded as unfair and a change is sought whereby parties affiliated with one of the litigants should be excluded from acting as an official member of the board during the hearing. The code at present says this is permissible.

Vaudeville Actors Seek Code Changes

(*Continued from page* 1)

established, and that minimum wages should be raised because of the rise in living costs.

Amendments sought would require houses with 1,500 seats or over and admissions with 50 cents top or over to pay at least $10 per day to principals and at least $50 net per week to specialty artists; theatres under 1,500 seats and under 40 cents top admission would pay $7.50 net per day to principals and $40 net per week to specialty artists. The A.F.A. also wants rehearsal periods limited to two consecutive weeks of employment, with the contract price for talent prevailing after that time, in addition to a guarantee of two weeks' work. Another amendment would specifically bar an employer from insisting upon gratis appearances at benefits. Cost of transportation is insisted upon for players receiving less than $10 per day and also wardrobe. Employers having been found guilty of failing to pay talent would be required to furnish bond for guarantee of future payments, and where Sunday shows are barred six days would constitute a week's work.

Bernerd Sails Home; Likes Setup in U. S.

(*Continued from page* 1)

During his stay he visited Philadelphia, Atlanta and Charlotte getting acquainted with exhibitors.

Arthur Lee, who accompanied Bernerd on his southern trip last week, returned Friday and plans to make another tour of exchanges later in the month. L. J. Schlaifer has gone to the coast on several important deals.

Mark Ostrer has again delayed his trip to the U. S., but plans to return in a few months.

C. Lang Cobb leaves today for the coast to discuss a new sales plan for Cinecolor, Inc. Introduction of color into newsreels is one of his aims. He will return about May 1.

AMERICA'S FINEST GIFT PLANS AT PRICES YOU CAN AFFORD

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LINES In tribute to "THE GOO
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MORGAN . . . Reginald Owen .
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Heartily recommended," says the Daily New
pathos," says The Mirror . . . " 'THE GO
fun. And that 'universal' may be spell

CAN SEE . . . OUTSIDE AND INSIDE OF HALL, IN NEW YORK'S COLDEST WEATHER!



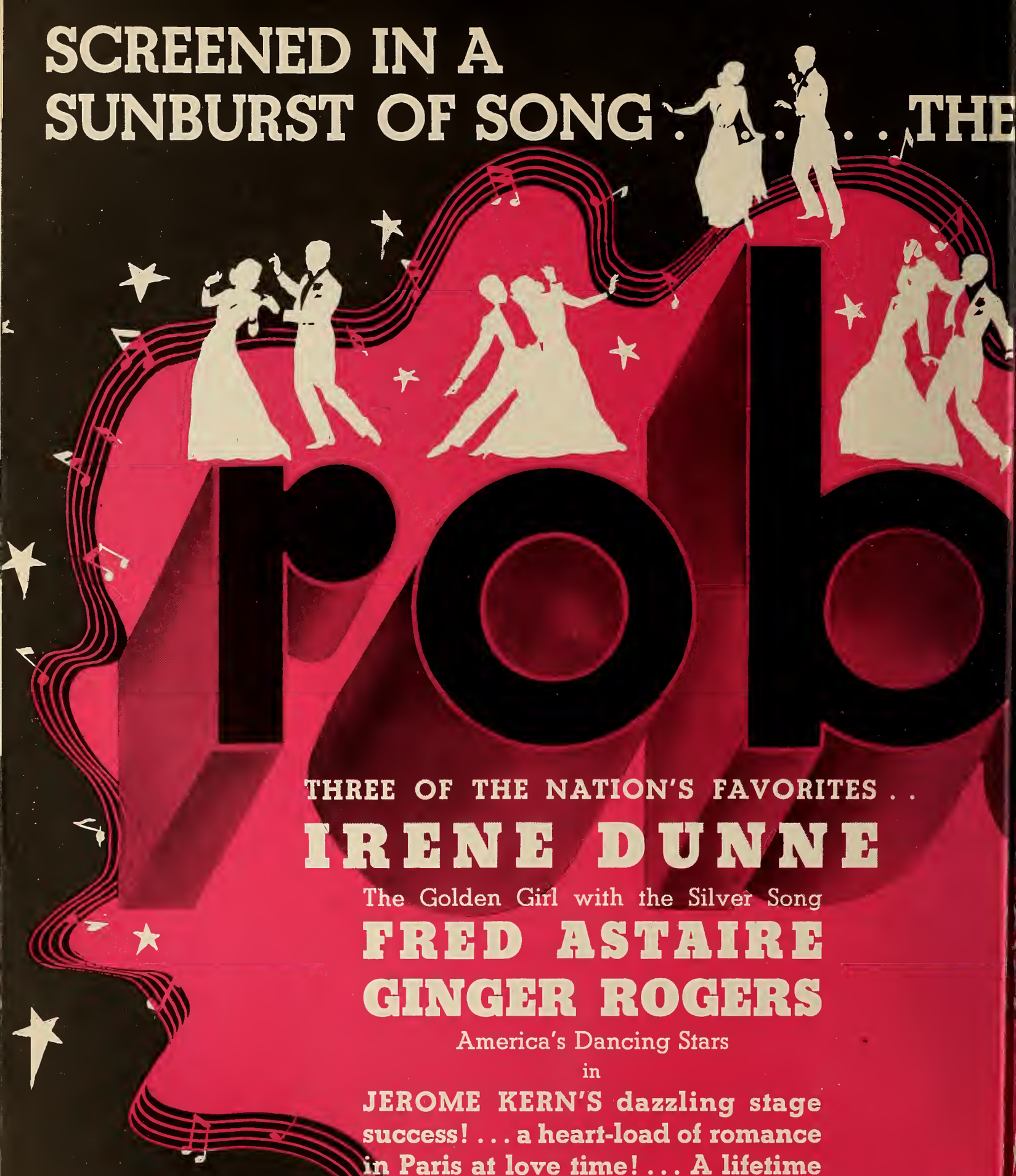
AIRY", that **UNIVERSAL** gold-mine presented **ARGARET SULLIVAN** and **HERBERT MARSHALL** with FRANK lan Hale . . . Eric Blore . . . June Clayworth • Directed by arl Laemmle, Jr. • From the screenplay by Preston Sturges. . .



lew York's press!..."'THE GOOD FAIRY' DELICIOUS COMEDY!

. "'THE GOOD FAIRY' BEWITCHING COMEDY! An exhilarating blend of mirth and AIRY' SPINS CHARMING COMEDY AT THE MUSIC HALL! Rates tops for universal film th a big 'U' in compliment to the producers!" — says the New York American.

SCREENED IN A SUNBURST OF SONG . . . . . THE



ROBERTA

THREE OF THE NATION'S FAVORITES . .

IRENE DUNNE

The Golden Girl with the Silver Song

FRED ASTAIRE
GINGER ROGERS

America's Dancing Stars

in

JEROME KERN'S dazzling stage success! . . . a heart-load of romance in Paris at love time! . . . A lifetime of laughter! . . . a world of joy! . . . a riot of rhythm! . . . a screenful of dancing! . . . a feast of ravishing fashions, modeled by maddening mannequins!

with RANDOLPH SCOTT, HELEN WESTLEY, VICTOR VARCONI, CLAIRE DODD

From the play "Roberta." Book and lyrics by Otto Harbach. Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

RKO-RADIO PICTURE

QUEEN OF
MUSICAL ROMANCES! . . .



erta

YOU'LL NEVER FORGET
THESE TEASING TUNES:
"I'll Be Hard To Handle"—"Smoke
Gets In Your Eyes"—"Let's Begin"—
"I Won't Dance"—"Lovely To Look
At"—"Yesterdays"





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✖ Three hundred customers in 1920 ✖ ✖ ✖ More than 9000 customers in 1935.

✖ The small staff of tireless workers grew larger and more expert . . . the one small office in New York divided its operations but not its efficiency.

✖ A Chicago branch . . . a Los Angeles office . . . a complete Hollywood studio . . . with a large and competent staff of specialists ✖ ✖ ✖ Dallas . . . Seattle . . . Atlanta . . . Minneapolis, and Boston followed in rapid succession until now National Screen Service with branches in eight major cities, strategically placed across the country is geared to service that comes close to perfection.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 36 NEW YORK, TUESDAY, FEBRUARY 12, 1935 TEN CENTS

Fox Theatres Chances with Met Brighten

Delay Until March 15 Is Granted for Latter

Indications that Fox Theatres Corp. may succeed in establishing its claim to a right to participate in the reorganization of Fox Metropolitan Playhouses as the owner of all of the common stock of the latter were given yesterday following a hearing before Federal Judge Julian W. Mack at which the time for filing the Fox Met reorganization plan was extended to March 15.

Fox Theatres, which filed a claim of approximately $5,000,000 against Fox Met based on its stock interest in the latter, is ignored completely in the plan of reorganization sponsored by the Fox Met bondholders' committee. This plan, completed several months ago but never sent out for creditor approval, asserts that

(*Continued on page 3*)

Pittsburgh's Rate War Is Spreading

PITTSBURGH, Feb. 11.—The Stanley and the Alvin have joined the theatre price war, by reducing scales the beginning of this week. At the Stanley, pictures and stage shows are now 40 cents, the same price charged by the rival Penn, against the 60 cents previously obtained. While the Alvin hasn't cut its 40-cent top, it has inaugurated an opening price of 15

(*Continued on page 2*)

Monogram to Raise Schedule Next Year

Monogram will increase its current schedule of 28 pictures next season, the definite number to be announced at the annual sales convention slated to be held in Hollywood around April 1.

Trem Carr, production head, and W. Ray Johnston, president, last week approved production budgets for "Keeper of the Bees," "The Hoosier Schoolmaster" and "The Healer." Carr plans to leave for the coast early next week.

New Olympia Setup Advanced by Order

Reorganization of Olympia Theatres, Paramount New England subsidiary, is expected within the next

(*Continued on page 2*)

Bay State in Dark on Many Pending Bills

Sunday Sports Looming As New Competition

BOSTON, Feb. 11.—With the printing of bills filed in the Legislature running far behind, local representatives of the industry continue in the dark as to the details of much proposed legislation, the future of which will have a potent effect. The strengthening of Sunday programs will be a reality if the petition of Hyman Manevitch, House Bill 1202, is passed to permit stage dancing on the Sabbath. Although churches in the state have been allowed to put on exhibition dancing on Sundays, theatrical acts are entirely cut in this respect except in a few instances when the movements can be interpreted as an acrobatic performance.

Booking agents will be compelled to seek licenses from the Secretary

(*Continued on page 3*)

Massachusetts Bill Seeks Town Censors

BOSTON, Feb. 11.—Groups of public officials in every city and town of the state will automatically become censorship boards obligated to pass separately on each film shown in their communities where minors are admitted if a bill introduced in the Legislature by State Senator James C. Scanlan is passed. This petition, Senate No. 156, is one that he was given leave to withdraw two years ago. It also contains a provision that no one

(*Continued on page 3*)

Missouri Bill Aims To Permit Lotteries

JEFFERSON CITY, Mo., Feb. 11.—While a bill in the Missouri legislature would outlaw bank nights and other gift enterprises at theatres, another measure would legalize lotteries.

Representative Will L. Lindhorst of St. Louis has introduced a resolution

(*Continued on page 3*)

Loew to Be Called For More Testimony

David Loew will be recalled to the witness stand today for further questioning by Max D. Steuer, counsel for Meyer & Schneider, in the arbitration hearings on breach of lease

(*Continued on page 3*)

$205,000 in Month

With a take of $18,000 over the week-end, the Capitol holds "David Copperfield" for a fifth week and the possibility of the Dickens film going a sixth are not so dim. For the current stanza, the Capitol will hit from $45,000 to $49,000, bringing the month's tally to somewhere around $205,000. For the first three weeks, the box-office records show $160,120.

IATSE Takes Over Chicago Union Control

CHICAGO, Feb. 11.—Control of the local operators' union was taken over by George Browne, I.A.T.S.E. president, on Saturday night, it was learned here today and Harland Holmden, third vice-president of Browne's organization, was placed in charge following the resignation of Tom Reynolds and Ralph O'Hara.

MOTION PICTURE DAILY exclusively printed last Saturday that Browne was here for full reorganization of the union along conservative lines and today Browne promised a new deal for local operators and a full investigation of union records and the activities of the late leader, Tom Maloy. Browne also indicated everyone will get a fair hearing before I.A.T.S.E. officers, which means there is hope that the

(*Continued on page 2*)

Midwest Circuits' Merger Completed

KANSAS CITY, Feb. 11.—Merger of Commonwealth Theatres, Inc., of Kansas City with Central States Theatre Co. of Hoisington, Kan., becomes effective this week, combining operations in 11 towns in Kansas, Missouri and Iowa. Of the 16 theatres involved, three are suburban houses in

(*Continued on page 8*)

Fox Asks Details of Douglas Invention

SAN FRANCISCO, Feb. 11.—Thirty-five questions, directed by Fox Film Corp. against Leon F. Douglas of Menlo Park, Cal., are on file here in the U. S. District Court as the latest development in the suit filed by Douglas against Fox Films, Para-

(*Continued on page 3*)

Gross Decline Forcing Cuts, Says Schenck

Save Through Shortened Schedules, He States

ALBUQUERQUE, Feb. 11.—"Smaller national grosses are teaching producers to economize," said Joseph M. Schenck, president of United Artists, as he passed through here on his way to Hollywood. "The picture that would bring in $3,000,000 in America several years ago," he continued, "today grosses $1,000,000. and if it is really an exceptional picture it may do $1,800,000 top."



Joseph M. Schenck

The reason the first runs are not doing the business they used to,

(*Continued on page 2*)

Action Impends on Copyrights Treaty

WASHINGTON, Feb. 11.—Future action on the long-discussed copyright treaty may be considered by the Senate Foreign Relations Committee at its next session, now scheduled for Wednesday.

So far this session there has been no consideration of the matter, but

(*Continued on page 2*)

Still Distribution On Coast Is Stopped

Considerable agitation has been stirred up among fan magazine editors by the insistence of Ray Long, new editor of *Photoplay*, that he be allowed to pick still pictures on the coast. The result has been that all the major companies have informed

(*Continued on page 2*)

Hiller, Hayes Plan New Ind'p't Concern

L. L. Hiller, partner years ago with Jake Wilk in Hiller and Wilk in the state right field, and Jack Hayes, producer of the "Baby Burlesk" comedies for Educational in

(*Continued on page 3*)

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Still Distribution On Coast Is Stopped

(*Continued from page* 1)

Long that the choices must be made here.

Several years ago western editors picked large numbers of stills at the studios and sent them along to the New York offices for selections, but the practice was found wasteful. All studios agreed to have the selections made here. Recently, however, Long has been commuting back and forth to the coast and some studios have been allowing him to make his choice there. Protests developed immediately from other magazines.

Requests for stills to illustrate special articles will still be honored on the coast, it is said.

"Society Doctor" Fair

"Society Doctor" at the Mayfair was fair at $9,100, while "Under Pressure" was average at the Astor with $9,300. "The Winning Ticket," now at the Astor, and "Maybe It's Love" are drawing very small audiences and indications are that both houses will wind up with grosses around $6,000 each.

Wm. Wright Quits Para.

HOLLYWOOD, Feb. 11. — William Wright, production supervisor and assistant to A. M. Botsford, has left Paramount after 10 years.

"De Luxe" in Boston

Twentieth Century's "De Luxe" opens at the Shubert, Boston, next Tuesday.

Action Impends on Copyrights Treaty

(*Continued from page* 1)

last session a special sub-committee was appointed to study the treaty. That sub-committee was expected to work during the summer but failed to.

Reports that the committee would hold further hearings on the treaty were today denied. It was pointed out that full hearings were held last spring, and members of the committee feel that they acquired all the information necessary. If the matter is brought up at this session, however, a new decision as to hearings may be made, depending upon whether the sub-committee believes them necessary.

Critics to Feature M. P. Club's Forum

The Motion Picture Club will hold its second weekly Forum tomorrow at 12:30 o'clock. Several of the town's leading dramatic critics will be guests of honor and Harry Hershfield will be the principal speaker.

John W. Alicoate, publisher of *The Film Daily* will act as chairman and Louis Nizer will introduce:

Among the dramatic critics scheduled to appear are: Bernard Sobel, Bide Dudley, John Mason Brown, Bugs Baer, Robert Coleman, Leo Marsh, Julius Cohen, John Anderson, John Chapman, George Ross, Marsh Barron, Whitney Bolton, Arthur Pollock, Rowland Fields, Edgar Price, Percy Hammond, Robert Garland, Gilbert Gabriel, Kelcey Allen and Martin Weyrauch, managing editor of the *Brooklyn Eagle.*

Joseph P. Kennedy, SEC chairman; Clarence Dillon of Dillon, Read & Co. and Richard Whitney, head of the Stock Exchange, who, it was announced last week, would be among tomorrow's speakers, will not be able to attend.

More Awards Prospects

HOLLYWOOD, Feb. 11.—Winners for the Academy technical awards will be chosen from the following:

Art direction—"Affairs of Cellini."
Cinematography—"Affairs of Cellini," "Cleopatra," "Operator Thirteen."
Film editing—"Cleopatra," "Eskimo," "One Night of Love."
Recording—"Affairs of Cellini," "Cleopatra," "Flirtation Walk," "Gay Divorcee," "Imitation of Life," "One Night of Love," "Viva Villa," "White Parade."

Nat Saland Returns

Nat Saland of Mercury Laboratory returned from the coast yesterday by plane and may go back again later in the week to attend the code hearing on the C. C. Burr-Larry Darmour dispute over the services of Ken Maynard. Campi last Thursday appointed a production committee to hear the case and John C. Flinn is now on the coast arranging the session. Saland has an interest in the Burr contract.

"Pimpernel" Held Over

"The Scarlet Pimpernel" will be held over a second week at the Radio City Music Hall and will be followed by Columbia's "The Whole Town's Talking" and "The Little Colonel." This will bring the bookings for the house up to the end of the first week in March and "Roberta" is tentatively set for then.

Pittsburgh's Rate War Is Spreading

(*Continued from page* 1)

cents until 12:30. In the past, there has been a 25-cent tariff from opening right through until 6 o'clock.

With the Alvin revision, the Harris interests have likewise cut their scale in East Liberty at the Family. This is the first slash in the East Liberty sector and presages a war in that district as hot as the downtown battle. At the Family, 10 cents has been chopped from all tickets, making a 15-cent balcony and 25-cent downstairs scale in the afternoon and 25 cents for all seats at night.

Since both the Penn and Fulton reduced their prices a week ago, this leaves only the Warner, among the five downtown first runs with its old scale intact. That is 25 cents from opening until six, and 40 cents thereafter for double features.

New Olympia Setup Advanced by Order

(*Continued from page* 1)

few weeks as a result of the signing of an order yesterday by Federal Judge Alfred C. Coxe approving a plan for expediting the reorganization through purchase of Olympia stock not held by Paramount in order to avert possible opposition to the plan from owners of the stock.

The Olympia reorganization will make no provision for stockholders on the ground that the company is insolvent. For this reason opposition to the plan which, it was feared, might delay reorganization a year or more, was anticipated. The proposal approved by Judge Coxe averts this by permitting Paramount to acquire the outstanding stock for $50,000 and allowing a stockholders' committee claim of approximately $1,500,000 against Paramount Publix for breach of a stock purchasing agreement.

Judgment Denied in Suit Against Roxy

A motion for a summary judgment for $4,700 against S. L. (Roxy) Rothafel was denied yesterday by Justice James T. Hallinan in state supreme court at Brooklyn.

Roxy is being sued by Joseph A. Schaines, a lawyer who alleges the amount sought is due him as fees for services in the suit to restrain the Roxy Theatre Corp. from using the name "Roxy." Justice Hallinan directed that the judgment case should proceed to trial. Sam Spring is counsel for Roxy, who contends that RKO is liable for Schaines' fees.

Bury Mrs. Hatrick Wed.

MAUCH CHUNK, Pa., Feb. 11.—Mrs. G. P. Hatrick, mother of E. B. Hatrick, vice-president and general manager of Cosmopolitan and Hearst Metrotone, will be laid to rest here Wednesday. She died Sunday. Hatrick flew from the coast to be at her bedside.

Two other sons and a daughter survive.

Henry Engel Passes

MIDDLETOWN, Conn., Feb. 11.—Henry Engel, former owner of the Middlesex, and for several years retired from the business, died suddenly of a heart attack.

Gross Decline Forcing Cuts, Says Schenck

(*Continued from page* 1)

Schenck said, is that second and third runs are playing the product too soon after the first runs and at too low admissions. Where the distribution income from first runs used to be 40 per cent of the total national gross, now it is only 20 per cent, he explained.

The companies are finding a solution to this problem in judiciously cutting production costs, Schenck continued, but not, however, in stars' salaries, as this cannot be touched because the supply of expert talent is inadequate and because of the competition for their services. "Producers are learning to save on the time element and instead of needing eight weeks we are now shooting a picture in six, and in reducing the normal six to four there is a substantial saving in stars' compensation and in the other factors that constitute a production budget," the United Artists head said.

Schenck also said that because the general public has the idea that pictures made in the spring and not released until fall are old, 20th Century will complete this year's production in March and the studio will close during April and May, resuming for next year's schedule in June.

Dennis O'Brien, United Artists attorney, is travelling with Schenck.

HOLLYWOOD, Feb. 11.—Accompany-Joseph M. Schenck and Dennis F. O'Brien west, is Nathan Burkan. Jointly, the three will discuss the impending deal with the Music Hall whereby that theatre will play United Artists output first run in New York City. The stumbling block has been disposal of the Rivoli which U. A. is seeking to have the Music Hall annex.

Samuel Goldwyn, part owner in U. A., will get details first hand from Schenck.

IATSE in Control Of Chicago Union

(*Continued from page* 1)

seven operators expelled by Maloy may be reinstated.

Browne will run the union until the next election, the date of which has not yet been set.

Local exhibitors are watching and waiting for developments with interest, but are reluctant to comment.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Fox Asks Details of Douglas Invention

(Continued from page 1)

mount and Walt Disney demanding damages for alleged infringement of Douglas' patents for the making of colored pictures.

Attorneys for both sides have stipulated extensions for the answering of this action. Douglas will file an answer not later than the middle of March. He will object to some questions, and others he may answer, according to his attorneys.

Following are some of the principal queries propounded by Leonard S. Lyon, Alfred Sutro and Alfred Wright, attorneys for Fox:

Upon what date did Leon F. Douglas conceive the alleged invention? On what date and by whom was the drawing, or drawings, made?

Are said drawings still in existence? If so, produce and file them, or a photostatic copy of same. When, where and to whom was alleged invention first disclosed by Douglas? How, when, and where was invention first reduced to practice?

Have you ever constructed a camera embodying the alleged invention? Were any such cameras or devices ever used? Where, when and by whom?

Please state if any films made by the plaintiff were ever publicly shown. If so, state (a) title of picture (b) name of person or persons making same, (c) date and place when and where shown and by whom shown.

State the complete process employed, also, when, where and by whom. Please state the title or titles of at least one motion picture film which the plaintiff asserts was made, used or sold by the defendant, employing the process.

In the original answer Fox denied nearly all the allegations of Douglas and contended that the process for making colored pictures was common knowledge among movie technicians.

Fox Chain's Chances With Met Brighten

(Continued from page 1)

stockholders have no equity in Fox Met which, it is claimed, is insolvent.

The time last allotted by the court for filing of a plan of reorganization expired yesterday. The extension to March 15 was granted on the plea that counsel for the Fox Met bondholders' committee was still engaged in conferences with Milton Weisman, receiver of Fox Theatres, presumably on the latter's demands for participation in the Fox Met reorganization. Indications are that changes may be made in the existing plan, or a new one drafted with Weisman participating, which would make some provisions for the Fox Theatres' claim.

Barrymore in Baltimore

BALTIMORE, Feb. 11.—John Barrymore visited Baltimore over this week-end to see his daughter, Diana, who is attending the Garrison Forest School in Green Spring Valley. He played the host to his daughter and six of her school chums Saturday night, taking them to the Manley Club.

Sprague as Lubitsch Aid

HOLLYWOOD, Feb. 11.—Chandler Sprague is understood to have been named executive assistant to Ernst Lubitsch.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"All the King's Horses"

(Paramount)

HOLLYWOOD, Feb. 11.—Another brilliant unit in the recent Paramount success parade, this sparkling concoction of mirth and melody is top-notch entertainment in any competition. Lavishly mounted and dressed, the production reveals a surprisingly accomplished Carl Brisson and a positive new box-office personality in Mary Ellis. Solo singing of both brought frequent bursts of applause from a preview audience.

The yarn, located in a mythical kingdom, has Brisson in the dual role of an American movie star on a vacation. He sits in for the real king and, while so doing, sets fire to Queen Ellis' heart while his royal other self is taking lessons in real life under the expert tutelage of Edward Everett Horton and Katherine DeMille.

Miss Ellis, full of intriguing fire and life, makes an impressive and promising screen debut. Brisson's songs, "Be Careful, Young Lady," "Play a Little" and "Dancing the Viennese," are tunefully popular rhythms. Miss Ellis' "White Gardenia" is marvellously sung. Leroy Prinz's dance spectacle featuring Brisson and Rosita in a duet and a boy and girl chorus is a gem of charm and grace.

Frank Tuttle's and Frederick Stephani's script combining the plays by Lawrence Clark and Max Giersberg and Frederick Herendeen and Edward Horan accentuates comedy and romance, plus refined lure. Tuttle's direction intelligently blends the players' talents with the good story and production material.

With definite appeal in all values for both sophisticates and masses together with music for dance lovers, the picture appears earmarked for heavy grosses. The entire cast, particularly Horton, Eugene Pallette, Miss DeMille, Rosita, Arnold Korff and Mariana Schubert, contributes class performances.

Production Code Seal, No. 539. Running time, 85 minutes. "G."

Hiller, Hayes Plan New Ind'p't Concern

(Continued from page 1)

which Shirley Temple first appeared, are two of the principals in the Independent Producing and Distributing Corp., a new company which first will produce series of eight Nick Carter features for the state right market.

With Sam Wiesenthal, one time assistant to Carl Laemmle, Jr., as secretary and treasurer, the new company will concentrate production activity in Hollywood, according to Hayes who is in New York in connection with the new enterprise. A second series of eight features but dealing with different subject matter is in the offing as are acquisition of short subjects and perhaps an occasional British picture for domestic distribution, according to Hayes. He said the idea was to develop an affiliated exchange system nationally, similar to the Monogram plan.

Street and Smith, publisher of the Nick Carter books, now about 2,000 in number, will cooperate in exploitation beginning with the initial release, set for June 1 by Hayes. Nick Carter Clubs of which, he added, there are 473 throughout the United States, will be tied in as well.

A. J. Herman Promoted

BOSTON, Feb. 11.—A. J. Herman, for the past three years branch manager of the local Universal exchange, has been appointed district manager supervising the local, New Haven and Albany offices. He succeeds the late James F. Dermody, who died last week. Herman will make his headquarters here.

William P. Kelly, for the past 12 years a salesman in the local office, will succeed Herman.

Loew to Be Called For More Testimony

(Continued from page 1)

charges filed against RKO as a result of film playing policies at the Hollywood and Apollo.

Loew, who has already spent three full days on the stand in the course of the hearings, probably will be questioned further on details of the September agreement by which Loew's made available Fox, Columbia and Universal product to RKO when the latter faced a film shortage for the new season in the metropolitan area. M. & S. contends that this product was not played at the Apollo and Hollywood on the same basis as in other RKO metropolitan houses and resulted in a breach of the leases.

Bernard Fleischnick, M. & S. attorney and stockholder, who testified on Saturday, will follow Loew on the stand for cross examination by Bruce Bromley, RKO counsel.

Fox Men Return as Chicago Meet Ends

CHICAGO, Feb. 11.—Fox's two-day district managers' meeting at the Congress Hotel here closed today, with current sales problems the primary topic of discussion. John Balaban of B. & K. briefly addressed the 25 district branch managers and executives present.

The New York contingent started east tonight. It included John D. Clark, Charles E. McCarthy, James A. Clark, E. C. Grainger, W. C. Kupper, William Sussman and Joe Lee.

Rogers Back on the Job

HOLLYWOOD, Feb. 11.—Will Rogers is back at the Fox studio ready to start work in "Doubting Thomas."

Bay State in Dark On Many Measures

(Continued from page 1)

of State if House Bill 1133, advocated by John J. Quigley, is passed.

Bills to abolish pari-mutuel horse and dog racing, which was passed by popular referendum at the last elections, are included in the bills regarded as theatre competition. James Ross, through House Bill 411, would legalize Sunday bowling, while Joseph F. Cleary, through House Bill 457, would do the same for hockey. House Bills 1411 and 1413, sponsored by William A. Brown and by Frank B. Coughlin and Joseph H. Downey, are also concerned with Sunday sports and games. William E. Kirkpatrick, through House Bill 1412, would legalize basketball during certain hours on Sunday.

Although there are at least four applications for running horse tracks and 14 for dog tracks filed under provisions of the pari-mutuel laws passed by referendum at the last election, it is likely that theatremen will have to contend with competition from one horse and four or five dog rendezvous.

Gen. Charles H. Cole, chairman of the State Racing Commission, intimated as much while speaking before the New England Horsemen's Ass'n. at the Hotel Statler. The hearing last week on a local dog racing application stirred bitter opposition.

Missouri Bill Aims To Permit Lotteries

(Continued from page 1)

to submit a constitutional amendment, providing for removal of the anti-lottery prohibition, to the voters at the 1936 general election. This would pave the way for his bill to establish a state lottery for obtaining funds for old age pensions.

It is pointed out that if the constitutional prohibition against lotteries is removed, no action could be taken against such enterprises at theatres.

Massachusetts Bill Seeks Town Censors

(Continued from page 1)

under the age of 14 may attend any theatre after 7 o'clock in the evening, unless accompanied by an adult.

Conviction of any violation will mean forfeiture of license and punishment by a fine and/or imprisonment.

Sam Jacobson Reports

HOLLYWOOD, Feb. 11.—Sam Jacobson, former editor of the Universal newsreel, who has been signed as an associate producer by Nat Levine of Mascot, reported on the lot today. Jacobson's first job will be to supervise "Headlines," which is scheduled to start March 2. Levine gave him the "Headlines" assignment because of his newsreel experience.

Plans British Pictures

LONDON, Feb. 11.—Simon Rowson is reported planning to enter production here.

J. C. Barnstyn has a similar move in mind.

Para. Group on Coast

HOLLYWOOD, Feb. 11.—Adolph Zukor, George Schaefer and Russell Holman arrived today, declining to reveal their mission.

and IT'S ANOTHER

'LET'S LIVE TONIGHT"

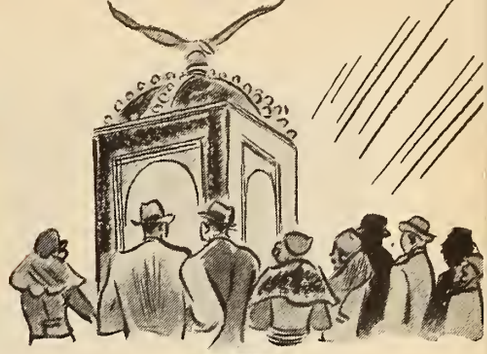
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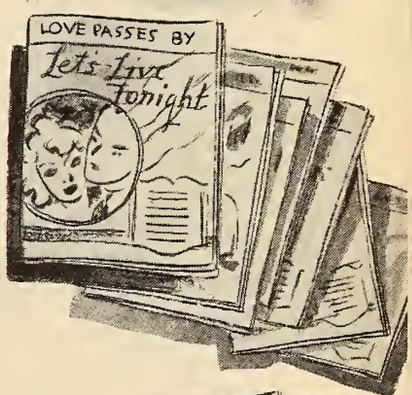
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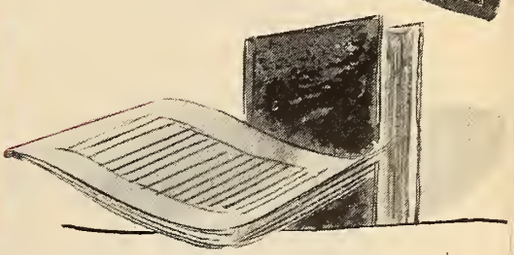
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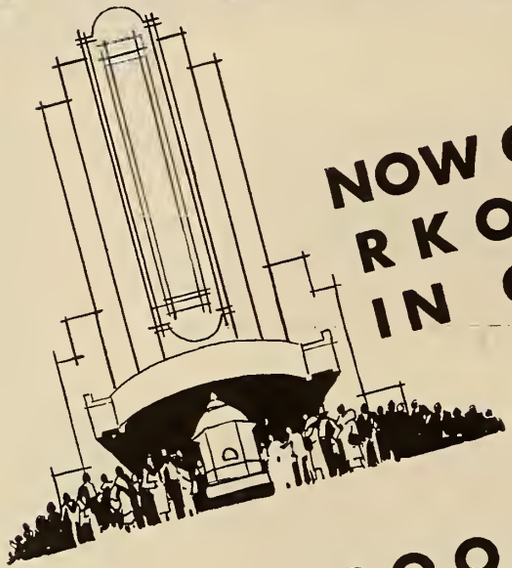




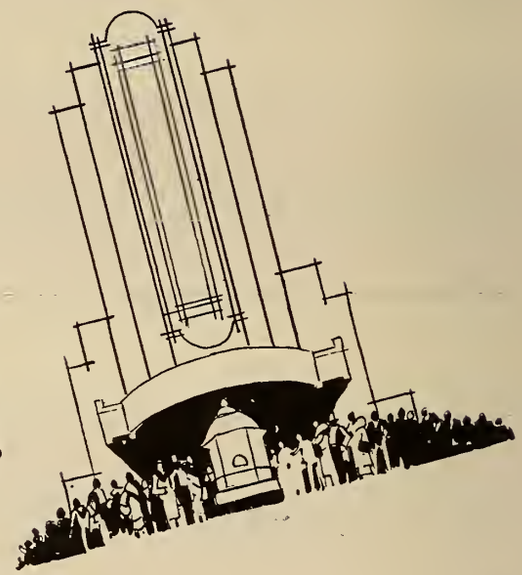
COLUMBIA PICTURES

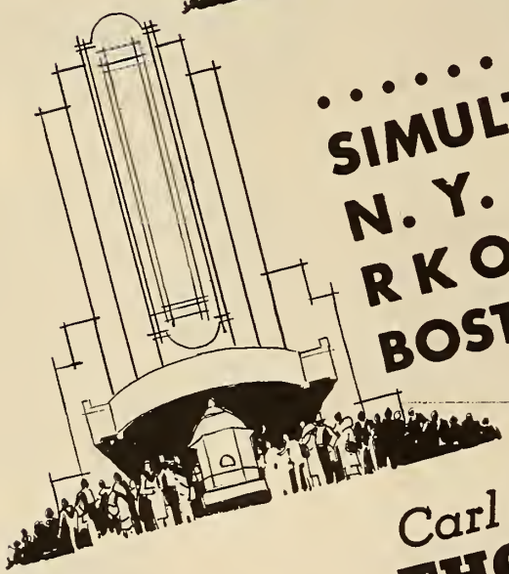
COLUMBIA HIT!

UNIVERSAL'S GOT S



NOW CASHING IN
RKO PALACE
IN CHICAGO!





.....BOOKED
SIMULTANEOUSLY
N. Y. ROXY AND
RKO MEMORIAL,
BOSTON, FEB. 22nd!

Carl Laemmle presents

THORNE SMITH'S

NIGHT LIFE of the GODS

A Universal Picture with

ALAN MOWBRAY · FLORINE McKINNEY
PEGGY SHANNON · RICHARD CARLE
WESLEY BARRY · HENRY ARMETTA
FERDINAND GOTTSCHALK · WM. BOYD

A LOWELL SHERMAN PRODUCTION

OME HEAVY DATES!

RADIO CITY MUSIC HALL MARCH 14th

The MYSTERY of EDWIN DROOD



CARL LAEMMLE PRESENTS
A UNIVERSAL PICTURE WITH

CLAUDE RAINS

DOUGLASS

MONTGOMERY

HEATHER ANGEL · DAVID MANNERS
FRANCIS L. SULLIVAN · VALERIE HOBSON
DIRECTED BY STUART WALKER
PRODUCED BY CARL LAEMMLE, JR.

Midwest Circuits' Merger Completed

(Continued from page 1)

Kansas City, and the rest are scattered.

A new circuit, to be known as Commonwealth Amusement Corp., has been formed to take over operations of the two units. L. M. Miller is president; C. A. Schultz, president of the Commonwealth group, becomes vice-president of the new organization and O. K. Mason, president of Central States, is secretary-treasurer.

Under a planned expansion program, theatres are to be added from time to time. The first is a house under construction in Columbia, Mo., to be acquired when completed.

Formation of the company marks Miller's active re-entry into the theatre field. Starting in the business in Lincoln, Neb., 30 years ago, he later acquired theatres in Wichita and other Kansas cities which he sold to Fox West Coast in 1929. His associates at that time were E. C. Rhoden, now Fox Midwest division manager, and Stanley N. Chambers, now manager of the Fox Uptown, Kansas City. Since selling out to West Coast, Miller has been inactive, though he retained an interest in Mason's Central States theatres.

Offices of Commonwealth Theatres in Kansas City are to be turned over to the new corporation. The circuit recently disposed of its Mokan here to W. D. Fulton.

Seven Decisions on Bank Nights Upheld

Campi has affirmed decisions by local boards in seven bank night appeals. The local grievance boards in each instance held the practice a violation of the code.

The cases are: Appleton, Appleton, Wis., agains the Embassy, Neenah, Wis.; Bay, Green Bay, Wis., against the Orpheum, same city; Appleton, Appleton, Wis., against the Brin, Menasha, Wis.; Capitol, West Allis, Wis., agains the Allis, same city; Granada and Juneau, Milwaukee, against the Riveria, same city; Strand, Oshkosh, Wis., against Rex, same city; Bay, Green Bay, Wis., against the Strand, same city.

Campi January Cost Reached to $23,475

Total operating expense for Campi and its various agencies during January was $23,475.85, of which $9,342.61 was checked off against the home office, $3,054.93 for Hollywood and $11,078.31 for local boards.

Receipts from exhibitor sources last month amounted to $14,419; from distributors and producers, $11,350. Cash on hand is $43,006.25.

No Hearings on Tap

No appeal hearings are on the Campi calendar this week. The regular Code Authority session will be held Thursday and Tyree Dillard, Jr., will substitute for John C. Flinn, who is now on the coast.

Marion Talley to Coast

KANSAS CITY, Feb. 11.—Marion Talley, former Metropolitan Opera star, has left here for Hollywood to appear in a picture for Warners.

Purely Personal

ADELE VOGEL, sister of JOE VOGEL, who has been with the Loew circuit only 26 years, but who now feels reasonably certain his important theatre operating job there is safe, marries Thursday evening at her brother's apartment somewhere on Central Park West. MISS VOGEL is one of the few, perhaps the only, woman broker in Wall Street and, not so incidentally, the apple of Joe's eye. The groom is MAX LIEBOWITZ, a lawyer. Friday night when the *Lafayette* pulls out on a southern cruise, the couple will be among the honeymooners.

•

BUD GRAY, Columbia's radio editor, was visited by his sister at the home office yesterday. She brought her dog along and when GRAY took the animal, which stood about three feet high, on a tour of the office he went where the dog wanted to and had to like it.

•

JOSEPH SCHENCK made a last tour of the town's night spots before pulling out for the coast. He and MERLE OBERON created a sensation with their intricate dance steps while attending GERTRUDE NIESSEN'S opening at the St. Regis.

Quip of the Day

Walter Reade has indefinitely pastponed his trip to Miami, ar, as he says it, until business at the Mayfair and Astor perks up.

Which caused a lacal wag ta remark:

"Next winter, maybe."

LOIS MORAN is now MRS. COLONEL CLARENCE M. YOUNG. They married in Baltimore Sunday. YOUNG was assistant secretary of commerce handling aeronautics under Presidents HOOVER and ROOSEVELT.

•

S. BARRET MCCORMICK is expected back from the coast today or tomorrow. It all depends on the flying conditions. NED DEPINET will probably arrive over the week-end, according to present plans.

•

RAY GOETZ is back from Nassau, but he intends to head back that way as soon as he can. He even plans to build a house there and is trying to get some of his friends to do likewise.

•

COLVIN BROWN, RICHARD A. ROWLAND, TERRY RAMSAYE, JOE SULLIVAN and his wife, GRACE BRINKLEY, and HORTENSE SCHORR were around the Tavern yesterday at noontime.

•

HAZEL FLYNN, of the Music Hall staff, is recovering nicely from an appendicitis operation last week. She is at the Roosevelt Hospital.

•

BOOTH TARKINGTON'S "Alice Adams" has been bought by Radio. KATHARINE HEPBURN will be starred in the picture version.

•

JULES LEVY completes a nightly journey when he returns from Washington this morning.

•

LEON BELASCO and HERMAN BERNIE return from Miami tomorrow.

•

M. H. HOFFMAN, JR., leaves for the coast within the next few days.

FRANK WALTON, editor of *Outlook*, WILLIAM A. BRADY, HEYWOOD BROUN, and NOBLE SISSLE were Cheese Club speakers yesterday. WALTON talked on conservatism, BRADY reminded about the stage, BROUN discussed the Newspaper Guild and SISSLE the diminishing racial resistance for the colored artist, which he attributed to the radio.

•

NORMAN H. MORAY, Vitaphone sales manager, left yesterday for a tour of all the Warner branches in this country and Canada. It's an annual jaunt before setting in the new season's lineup.

•

SOPHIE PRIZEP, SI SEADLER'S secretary, had a birthday yesterday. TOM GEREFY has one tomorrow and BILL O'BRIEN on Friday.

•

BOB VIGNOLA, whose record as a director stands on its own, is in town from the coast looking over plays. At the N. Y. Athletic Club.

•

LOUIS SOLOMON of Puritan Pictures leaves Hollywood today for New York.

•

C. C. PETTIJOHN is due for another trip to Washington one of these days.

Attend N. H. Opening

NEW HAVEN, Feb. 11.—J. R. Vogel of Loew's attended the opening of the Chapel Street entrance to the College Theatre with Harry Shaw, New England manager; Erle Wright, advertising manager, and Ben Cohen, local manager. The opening was preceded by a two-band parade, and the tape was cut by the winners of the old-timers' contest, who attended the opening performance of the then Hyperion in 1880.

Another for Warners

Warner's gradual penetration into the stage field in New York will go a step further with decision to finance, partially at least, "Ceiling Zero," an aviation play by Frank Weald. Brock Pemberton will produce.

The Warners are financially behind "Fly Away Home" and "Three Men on a Horse." The latter is in the hit category.

O'Heron Leaves Radio

HOLLYWOOD, Feb. 11. — Frank O'Heron, recently elevated to associate producer at Radio, resigned today because of ill health. He plans a long rest.

Flinn at Coast Meeting

LOS ANGELES, Feb. 11.—John C. Flinn will preside at a zoning board meeting tomorrow to clarify certain interpretations of the local clearance schedule adopted by Campi.

Abe Kramer to Sail

CLEVELAND, Feb. 11.—Abe Kramer, official of Associated Theatres, and Mrs. Kramer sail Wednesday on the *Conti di Savaia* for a six weeks' Mediterranean cruise.

Astor Trade Showing

Columbia will hold a trade showing of "The Whole Town's Talking" at the Astor at 11 o'clock Thursday.

Wall Street

Eastman Gains 1⅛ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	37½	37½	37½	— ½
Consolidated Film	6½	6⅜	6½	.....
Consolidated Film pfd (½v)	21	20⅞	20⅞	— ⅛
Eastman (4a)	114½	112⅞	114½	+1⅛
Fox Film "A"	10¼	10	10	— ½
Loew's, Inc. (1a)	33	32⅝	32¾	— ⅛
Loew's, Inc. pfd (6½)	104½	104½	104½	.....
Paramount	3⅝	3½	3½	— ⅛
Pathe	1⅛	1⅛	1⅛	.....
RKO	2	1⅞	1⅞	.....
Warner Bros.	3¼	3⅝	3⅝	— ⅛
Warner Bros. pfd	20½	20½	20½	— ⅝

Trans-Lux Up ¼ on Curb

	High	Low	Close	Net Change
Technicolor	13⅛	12¾	12⅞	— ½
Trans-Lux (.10k)	3⅛	3	3⅛	+ ¼

Para. B'way Bonds Rise 1⅛

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	8	8	8	.....
Keith B. F. 6s '46	69	68⅝	69	+ ⅜
Loew's 6s '41 ww deb rights	104¼	104	104¼	+ ¼
Paramount B'way 5½s '51	49	49	49	+1⅛
Paramount Publix 5½s '50	69	68	68½	— ½
Warner Bros. 6s '39 wd	55¾	55½	55¾	— ⅛

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 11)

Radio Warned About Using Film Records

WASHINGTON, Feb. 11.—All broadcasting stations have been warned by the radio Code Authority that the use of Paramount and Columbia transcription programs will be considered a violation of code provisions relating to rate cutting and free time.

The Paramount program is called "Paramount Pictures' Electrical Transcriptions," while the Columbia program is called "Hollywood News Flashes." It was stated by Columbia, according to Code Authority officials, that the program was designed for sponsorship by theatres, but requests for further information proved fruitless.

M-G-M Signs Ruben For Single Picture

HOLLYWOOD, Feb. 11.—J. Walter Ruben, director, has been signed by M-G-M for one picture. Roy Del Ruth has been loaned by the same company from 20th Century for one film. Richard Thorpe also has been added to the directors' roster. Robert Light has been loaned from Warners for a role in "Reckless."

Ursula Parrott's story, "Love Goes Past," has been purchased from Art Cinema Corp. Charles Lederer and Melvin Levy, writers, have been signed. Betty Buck and Allan Jones, players, have been signed, and Robert Katscher, composer, has also been put on the payroll.

Cleveland Club Elects

CLEVELAND, Feb. 11.—The local Variety Club, over the week-end, elected Nat Holt president; I. J. Schmertz, first vice-president; Harry E. Long, second vice-president; M. B. Horwitz, secretary and Nat L. Lefton treasurer. Frank D. Drew and Jess Fishman were also elected trustees for a three year period and Jack Shulman was appointed trustee for one year.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 37 NEW YORK, WEDNESDAY, FEBRUARY 13, 1935 TEN CENTS

"Receivership Racket" Stirs Schenck's Ire

Asserts Solvent Houses Are at Disadvantage

HOLLYWOOD, Feb. 12.—Joseph M. Schenck, president of United Artists, arrived here today from the east vigorously denouncing what he termed "the receivership racket."

In Schenck's party were Dennis F. O'Brien, vice-president and general counsel for United Artists, and Nathan Burkan, attorney and a company director.

Schenck spoke about the hundreds of theatres throughout the nation that are in receivership. Because of their special legal advantages, he asserted, they are "able to compete with solvent theatres on an unfair basis."

"Theatres which are solvent have to battle like the dickens to keep from

(*Continued on page 7*)

Expect Samuelson To Hold His Post

Although Walter Littlefield, Boston; Ray Branch, Detroit; Aaron Saperstein, Chicago; and Col. Harry A. Cole, Dallas, are reported in line for the presidency of Allied, reliable reports have it that Sidney Samuelson will be continued as head of the national organization, the directors of which today start a two-day annual session at the Carlton in Washington.

Block booking, Ascap, impending legislation and the code are the four

(*Continued on page 20*)

Senate Votes Funds For A. T. & T. Probe

WASHINGTON, Feb. 12.—The Wheeler resolution carrying $750,000 for the Federal Communications Commission's investigation into A. T. & T., in which will be involved the film and other interests of the company, was passed today by the Senate.

The only objection was voiced by Senator King of Utah, who protested additional burdens on the Treasury.

Canada Houses Pass 1930 Peak; Now 924

OTTAWA, Feb. 12.—According to an official report for 1934 by the Dominion Bureau of Statistics, 924 film theatres were operating in Canada as compared with 910 which reported to

(*Continued on page 7*)

Brandt in Deal for Audubon; Report Wm. Fox After Circuit

Harry Brandt has closed deals for the Audubon and Tuxedo, the former having been operated by George Skouras until about two weeks ago, and the latter independently operated.

In closing with Milton C. Weisman, receiver for Fox Theatres for the Audubon, Brandt yesterday was reported acting for William Fox, who, it was said, was negotiating for the purchase of the Brandt circuit. William Brandt and Fox are close friends, the association dating back many years when Fox was head of the film and theatre companies bearing his name. The Audubon will be reopened in two weeks.

Fox has been reported interested in the Audubon. Harry Brandt could not be reached for a statement yesterday.

Breen Seals 46 Features During Month

HOLLYWOOD, Feb. 12.—Forty-six additional features and 29 shorts were earmarked with approval by Production Code Administration of which Joseph I. Breen is the head during January.

Since the machinery was strengthened on July 15 of last year, the

(*Continued on page 4*)

No Zoning Rulings Tomorrow by Campi

No action will be taken tomorrow by Campi on the Kansas City, Milwaukee and New Haven clearance and zoning schedules. The regular session will be confined to appeals decisions and preliminary discussions on the three territorial zoning plans.

Following acceptance of the Los Angeles schedule, John C. Flinn flew to the coast to discuss it with various

(*Continued on page 10*)

Pennsylvania Proposes 10% Ticket Levies

HARRISBURG, Feb. 12.—A 10 per cent tax on admissions was proposed today by Governor George H. Earle in his budget message to the Legislature. The Governor estimated the tax would net the state $6,000,000 in the next two years.

Admissions to film theatres are pre-

(*Continued on page 7*)

Another Booth Cost Conference Coming

Another meeting of the NRA fact-finding committee for discussion of the local operators' wage scale is expected to be called sometime next week, following return of George Browne, president of the I. A. T. S. E., now in Chicago reorganizing the international unit in the Windy City.

Few points remain to be worked out and it is believed an accord will

(*Continued on page 10*)

Conferences Are Started On Skouras 10-Year Pact

Conferences on the pending 10-year joint operating contract Spyros and Charles Skouras are negotiating with National Theatres Corp. were started yesterday in S. R. Kent's office with Leo Spitz sitting in as attorney for Skouras brothers.

Talks are centering around terms and conditions, and, except for affixing signatures, are expected to wind up tomorrow when Kent leaves for a vacation in Florida.

Attending the sessions in addition to Kent, Spitz and the Skourases are Peter Sinclair, of Lybrand, Ross Bros. and Montgomery, accountants for Chase National. Julian Hagen of Mudge, Stern, Williams and Tucker, attorneys for Chase, and Herman Place, vice-president of Chase.

An informal session was held Monday at the University Club with all principals present.

Warners Give New Power to Zone Managers

No Decentralization Is Involved—Bernhard

Warners will keep its entire circuit and theatre personnel intact and, although district managers will be granted wider operating authority in the future, no decentralization policy is under way, Joseph M. Bernhard, general manager, told the company's quarterly meeting of zone managers in session here yesterday.

The possibility that several additional theatre acquisitions might be made was also advanced at the meeting, according to a company statement which cited this prospect for the company as being directly "contrary to any thought of divesting itself of property."

The statement apparently comes in reply to reports, current for some time past, that Warner attorneys and circuit executives were studying means by which a number of the company's

(*Continued on page 20*)

New Studio Heads Will Stay-Zukor

HOLLYWOOD, Feb. 12.—Adolph Zukor, following his arrival here yesterday, said that Henry Herzbrun and Ernst Lubitsch would remain permanently in their new Paramount posts, the one as vice-president in charge of production and studio manager and the other as supervisor of production. He asserted no outsider

(*Continued on page 7*)

Aylesworth Sees Us Ready for Television

LOS ANGELES, Feb. 12.—"We are ready to launch television in this country," M. H. Aylesworth said here today, adding, however, that "it will be enormously expensive." He voiced the prediction that television "will be a big asset to the movies."

Unions Organizing Legislative Moves

KANSAS CITY, Feb. 12.—Theatrical crafts in several states are being organized into state associations to deal with legislation and other matters, reports Felix D. Snow, international representative of the I. A. T. S. E.

(*Continued on page 7*)

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Mrs. Pearl S. Brown Dies; Was Long Ill

Mrs. Pearl Sayler Brown, wife of Colvin W. Brown, vice-president and general manager of the Quigley Publishing Co., died yesterday morning after an illness of many months but which had been serious only for a few weeks.

Mrs. Brown was born in McHenry, Ill., the daughter of D. E. and Mrs. Sayler and moved to Elgin with her parents while she was in her 'teens. She came to New York in 1912 where she married Brown in 1923, since which time they have lived in this city and at their country place, Mulberry Ledge, Stamford, Conn.

Mrs. Brown is survived by her mother, who lives in Elgin, Ill., and four sisters.

Private services will be held at the Stephen Merritt Chapel this morning at 11 o'clock. Burial will be in Elgin on Thursday.

Dempsey, Ampa Guest

Jack Dempsey will head the list of talent at the Ampa luncheon tomorrow at the M. P. Club. Others expected are Guy Roberts, Johnny Green, Victor Moore, Roy Atwell, Basil Rathbone, Lee Brody and Edmund Gwenn. Monroe Greenthal will preside in the absence of William Ferguson.

"Ruggles" at M. P. Club

"Ruggles of Red Gap" will be previewed at the M. P. Club on Sunday night. "The Whole Town's Talking" will be screened on Feb. 24.

Insiders' Outlook

By RED KANN

THE kind of two-fisted hemen who flourish in Texas and the Southwest is about to descend on the town. About the impending invasion from the open spaces there is a yarn to be told. It revolves around not the theory but the practice of circuit operation in that wind-swept region and the general dissatisfaction which is several distributors' over what—say they—this is doing to them. It's keeping them and a proper break apart and that means money. They don't like it, as who would? . . .

▼

Fitting into the situation have been the closed town and the town where circuits are so strong and competition so weak that the battle is over before it even starts. Or so maintain the distributors who blame men like Sol Gordon and Joe Clemmons of the East Texas circuit, Robb and Rowley and the Griffith Bros. for attempting and very nearly dominating the territory in which they maneuver. If you want to be all-inclusive about it, you might throw in Karl Hoblitzelle of Interstate as well. . . .

▼

The current eddies of excitement appear to swing around the impending arrival of the cohorts for the purpose of seeking franchises—long-term ones, mind you—from this and that distributor for the purpose of jobbing up the product that keeps the theatres going and, by such obvious tactics, make it increasingly tough for whatever competition there may be to combat. This is as good a time to inform these various gentlemen that their job of signing franchises will be no pushover, for distributors, or certainly several of them, are aware of the opposition which has sprung up in approximately *27* towns where competition meant little before. . . .

▼

You may never have heard of the Inca Amusement Company. Let's tell you about it. This enterprise, young but lusty, has as its principal factors Claude Ezell, one time general sales manager for Warners; Bill Underwood, independent exchangeman in Dallas and partner for some time with Ezell; A. W. Lilley and Ruben Frels. The latter are theatremen, while Frels is the chap whose gumption has made it necessary for Gordon, Clemmons and their attorneys to visit New York more often than otherwise necessary to defend themselves on overbuying under the code. Other moves are reported under way, their results to be determined, of course. What appears to be reasonably certain at this time, however, is that distributors won't be burnt even if some of the circuits are. . . .

▼

Dear Senior Laemmle:

Your Universal has a great and invaluable goodwill with the exhibitor. Your Jimmy Grainger has gone places, plenty of them, on sales this season. No need for us to tell what your own books show.

Your exhibitor well-wishers and your customers know about wrangling at the studio because the trade papers have told them so. This suggests to them that family squabbles, as is their wont, are apt to be swell in point of excitement but not so forty in point of making pictures.

No guesswork here. We've been told so and that's why we are telling you. We know you can take it. We hope you'll do something about it and, if you don't mind, remind you of what a man you regard highly has said on frequent occasions.

He is Nick Schenck who told practically all there was to tell about this business when he remarked many months ago:

"There is nothing in this business which good pictures cannot cure."

▼

Many have been the stories bombarding Times Square about Warners and their theatre operations. Some of them have been discouraging. Indicating that their knowledge had reached West 44th Street where the Warner hatracks rest, came a three-paragraph statement from Joe Bernhard yesterday, his reason for talking tying in with a zone managers' session now two days old. Italicized by this column's own brand of whimsy, the uunderscored text is the significant text. Here goes:

"Joseph Bernhard, general manager, emphasized that this (transfer of certain duties from the home office to the field) does not imply a decentralizing policy in any respect as all the theatres and field personnel will remain intact, and *contrary to any thought of divesting itself of property,* several new acquisitions were mentioned."

Catch? . . .

▼

Headaches, parcelled out equally, reach RKO and M. and S. today when the morning mail will deposit on their desks statements of arbitration charges rolling up in the Hollywood-Apollo theatre lease case. The statistics: Arbitrators, three. Rate for each: $30 per hour. Number of hearing days: seven. Average length of hearing: six hours. Total: 42 hours at $90 per hour, or $3,780. Add: salaries of court stenographers; rent for quarters in the New York County Lawyers' Ass'n Building. . . .

▼

Scissors and paste columning, courtesy of the theatre notes department of *The New York Times*:

"Although the asking price for the screen rights of "As Thousands Cheer" was $75,000, an error in wire transmission quoted $25,000 to Rosalie Stewart, who represented M-G-M in the deal. The latter figure was immediately accepted by the film concern. Telegraph company officials admitted the error, according to Max Siegel, Mr. Harris's representative. Furthermore, Mr. Siegel declared, he had a copy of the original wire quoting $75,000. A suit for damages was threatened, but the telegraph company officials pointed out a clause on each blank protecting itself in such contingencies, Mr. Siegel said. The deal, however, was closed for $25,000, with the stipulation that any material not used by M-G-M was to revert to Sam H. Harris." . . .

▼

Goes the legend that it was Compliance Director Sol A. Rosenblatt, in a telephone call starting in Washington and ending in Campi headquarters at Radio City who precipitated prompt adoption of a clearance schedule for the Los Angeles zone based on admissions. He is supposed to have urged, or maybe it was warned, that something had better be done or "there would be hell to pay." A closer scrutiny of that situation brings to light this: That the plan determined has to keep all hands happy. Else it goes into the scrap heap. And why not? What good any agreement unless it is agreeable? . . .

▼

Hollywood on Manny Cohen: It is quite possible that a new First National may be started, with Cohen at the head of production.

New York on the same matter: It is probably Cohen will enter independent production, drop the worries of running a major studio and concentrate on from four to six pictures a year.

Your choice is of your own making. In the meantime, Cohen starts west shortly and will next talk from the Hollywood scene. . . .

Clemente Sets "U" Deal

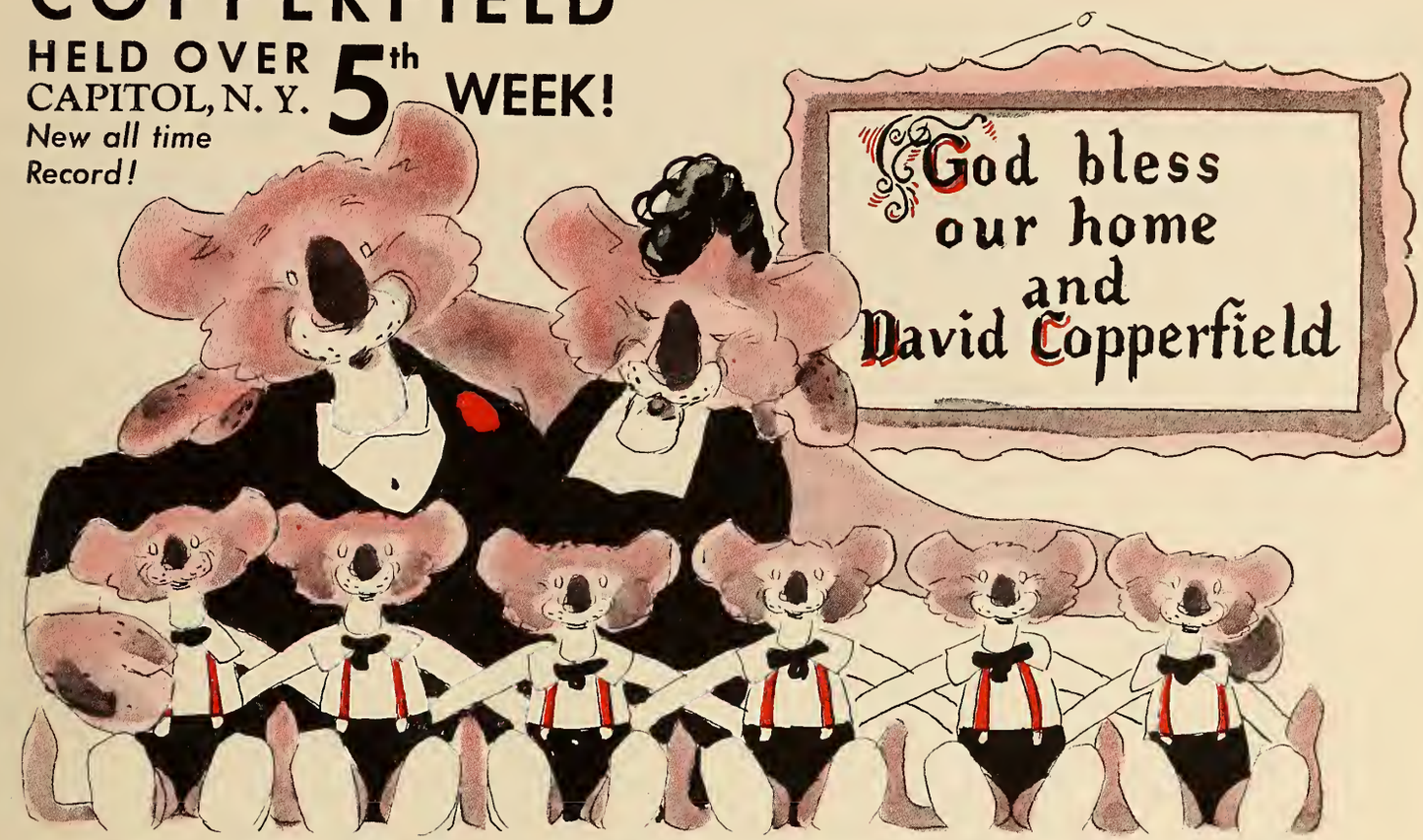
Frank Z. Clemente, president of Latin Artists' Pictures Corp., is set to close a deal with Universal to produce a Spanish-language film in New York. It is called "Three-Cornered Hat" and will be started shortly at the Biograph studios or the Photocolor studios at Irvington-on-the-Hudson, N. Y.

EXTRA! AS WE GO TO PRESS!

COPPERFIELD

HELD OVER CAPITOL, N. Y. 5th WEEK!

New all time Record!



WE DID IT FOR THE WIFE AND KIDDIES!

—*Yours and ours!*

EXTRA playing time for
DAVID Copperfield!
WE urged it—
YOU did it!
THERE is no comparison
IN all of picture history
FOR the
BUILDING power and
WORD-of-mouth stimulation
OF this greatest of all
HOLD-over pictures!

IF YOU LIKE FIGURES

take a look at this!

***OUT OF FIRST 13 COPPERFIELD ENGAGEMENTS:**

Monday beat the opening day, Friday, in 3 cases. Tuesday beat the opening day, Friday, in 9 cases. Wednesday beat the opening day, Friday, in 10 cases. Thursday beat the opening day, Friday, in 11 cases.

THE LAST DAY OF THE FIRST WEEK BEAT THE OPENING DAY IN 11 OUT OF 13 CASES!

*In Louisville "Copperfield" started out doing 92% of *top business*. By the end of 11th day it was doing 27% *better than top*. In 11 days it had *built* more than 35% over *best previous grossers*.

*In Hartford it started at 76% of *top business* in its first three days, and by the end of the 11th day it had done 112% of *top business*.

*At random, a few out of many spots where "Copperfield" is upsetting all previous conceptions of *building power* and still going strong: El Paso, Minneapolis, St. Paul, Richmond, Nashville, Reading, Atlanta, Norfolk, Boston, etc.

*Capitol, N. Y. in its 4th big week. Total for first three weeks biggest since "Smilin' Through," and almost equals it. The 20th day (Wednesday) beats *opening day* (Friday).

***EXTRA DAYS! EXTRA PAY DAYS! DON'T REGRET LATER! GET MORE PLAYING TIME NOW!**

Breen Seals 46 Features During Month

(*Continued from page* 1)
administration here has approved 301 features and 286 shorts.

Passed in January were these:

Argosy
(*Features*)
"The Cowboy and the Bandit."

Berk Prod.
(*Features*)
"Adventurous Knights."

Celebrity
(*Shorts*)
"Little Black Sambo."

Columbia
(*Features*)
"Carnival," "The Revenge Rider," "The Law Beyond the Range," "Lets Live Tonight," "The Whole Town's Talking," "Agua En El Suelo" and "Death Flies East."

(*Shorts*)
Screen Snapshots No. 5, "Go Getters," "I'm a Father" and "Restless Nights."

First Division
(*Shorts*)
"Mediterranean Song" and "October Day."

Fox
(*Features*)
"Manlock" (formerly "East River"), "One More Spring," "Juliet Buys a Son" (Spanish), "Life Begins at 40," "Pecimarie" (German).

(*Shorts*)
"One Run Elmer."

Gaumont British
(*Features*)
"My Heart Is Calling."

Invincible
(*Features*)
"Symphony of Living."

Liberty
(*Features*)
"Sweepstake Annie."

M-G-M
(*Features*)
"The Winning Ticket," "The Band Plays On," "Shadow of Doubt" and "After Office Hours."

(*Shorts*)
"Tit for Tat," "When the Cat's Away," "The Misses' Stooge," "Shrimps for a Day, "Goofie Movies No. 10" and "The Fixer Uppers."

Monogram
(*Features*)
"Women Must Dress," "The Nut Farm," and "Mystery Man."

Paramount
(*Features*)
"Wings in the Dark," "Rocky Mountain Mystery," "The Best Man Wins," "Once in a Blue Moon," "Rumba," "Lives of a Bengal Lancer," "Ruggles of Red Gap," and "All the King's Horses."

RKO
(*Features*)
"Murder on a Honeymoon" and "Captain Hurricane."

(*Shorts*)
"South Seasickness."

United Artists
(*Features*)
"Scarlet Pimpernel."

(*Shorts*)
"Mickey's Man Friday."

Universal
(*Features*)
"Mystery of Edwin Drood," "Riders of the Crimson Trail," "The Good Fairy" and "Transient Lady."

(*Shorts*)
"Buried Alive," "Flames of Vengeance," "Into the Depths," "The Hillbilly," "Paths of Peril," "The Snake Strikes," "Father Knows Best," "Riding Wild" and "The Rustlers Crash."

Warners
(*Features*)
"North Shore," "Devil Dogs of the Air," "Sweet Music," "Living on Velvet," "While the Patient Slept," "Black Fury" and "Gold Diggers of 1935."

(*Shorts*)
"Country Boy," "Gypsy Sweetheart," "Buddy's Theatre" and "I Haven't Got a Hat."

Hollywood Personals

Hollywood, Feb. 12.—Margot Grahame, English actress, goes into Radio's "The Informer." . . . James Whale switches schedule on Universal's "The Bride of Frankenstein" to allow Colin Clive to recover from a wrenched ankle.

George Stevens, director, gets another year at Radio. . . . Sir Cedric Hardwicke starts for New York soon. He's finished in "Becky Sharp." . . . Judith Allen in "Behind the Green Lights" for Mascot.

Sol Lesser will do three more in George O'Brien's series, he says. . . . John Ford gets Will Rogers' next, "Steamboat 'Round the Bend," under way. . . . Lew Seiler assigned to handle "Little Annie Rooney."

Joe E. Brown's next for Warners will be "Alibi Ike." . . . Mickey Rooney out of the hospital. In two weeks with a broken leg. . . . Richard Cromwell, juvenile, goes into Columbia's "Hot News." . . . Alan Dwan has moved into the Fox Western Avenue Studio. Not on payroll —yet.

Code Relief Given 76% of Cases-Nizer

Some measure of relief has been obtained in 76 per cent of grievance cases and 59 per cent of clearance and zoning complaints under the code, according to statistics gathered by Louis Nizer, which have been incorporated in his "New Courts of Industry: Self-Regulation Under the Motion Picture Code," soon to be brought out by the Longacre Press.

Other statistics show that only 20 per cent of grievance board decisions and but 27 per cent of clearance rulings have been appealed despite the right granted exhibitors and distributors under the code to bring appeals to Code Authority. The grievance boards were sustained in 85 per cent of all appeals, while the clearance boards were upheld by Campi 82 per cent of the time.

Nizer found that the most complaints, representing 52 per cent of the total filed, involve the rebate section of the code which prohibits giveaways, gifts and other like practices. Overbuying was complained of in 12 per cent of cases, while 19 per cent of complaints have had to do with premature advertising, four per cent with non-theatrical cases, two per cent with leases, one and one-half per cent with transfers and one per cent with cancellations.

Drop "Caprice Espagnol"

Hollywood, Feb. 12.—"The Devil Is a Woman" has been selected by Paramount as the final title for the new Marlene Dietrich picture. It was known before as "Caprice Espagnol."

To Build in Buffalo

Buffalo, Feb. 12.—Mike Morad and Joe Williams will start work next week on a $125,000 theatre to be called the Franklin. It will be a 1,400 seater and will be equipped for stage productions, although the policy at the start will be straight pictures.

Birmingham's 1934 Take Gains by 25%

Birmingham, Feb. 12.—Theatre receipts are up 25 per cent over last year. During 1934 theatres increased their advertising 18 per cent above 1933, two large downtown houses reopened and one house was remodeled into a specialty shop.

At present, 18 theatres are operating in Birmingham, with a combined seating capacity of 12,600. In addition the City Auditorium, with a seating capacity of 6,500, has been booked almost solidly throughout the year. Birmingham has seven night clubs.

It is not unusual again to stand in line for tickets.

Will List More Credits

Hollywood, Feb. 12.—The Academy beginning next month, will supplement the monthly Screen Writers' Achievement Bulletin with production credits of all unit art directors, first and second cameramen, film editors and sound production and dubbing mixers.

These credits will be listed under each production, as well as being classified alphabetically by each individual's name, to show his professional grouping and current production credits.

To Remodel Balto. House

Baltimore, Feb. 12.—Thomas D. Goldberg, proprietor of the Walbrook and Harford here, will remodel his former theatre property just across from the Walbrook into a modern playhouse with a cooling plant. The seating capacity will be about 450. The property has been used as a garage since the Walbrook was built.

Midwest Handles "Time"

Kansas City, Feb. 12.—Midwest Film Distributors is handling physical distribution of "The March of Time" in Kansas, western Missouri, Iowa and Nebraska. Sales are handled by First Division direct out of New York. First run for the reel in this territory will be at Loew's Midland here.

Wood Made Tax Agent

Columbus, Feb. 12.—P. J. Wood, secretary of the I.T.O. of Ohio, has been made an agent of the Tax Commission of Ohio to help in enforcing the admissions tax.

Californians Map Fight on Pending Laws

San Francisco, Feb. 12.—With Morgan A. Walsh, president, presiding, the Independent Theatre Owners of Northern California met today at the William Taylor Hotel to discuss the mass of menacing legislation before the legislature.

John J. Bryson of Glendale, member of the Will Hays organization, and Hulda McGinn, secretary-manager of the California Theatre Ass'n., who both attended the recent opening session of the legislature, were guest speakers and discussed in detail the 171 bills which will more or less affect the industry. About 100 exhibitors were present.

In summoning the meeting Walsh, in a bulletin, said:

"Do you want an admission tax? Do you want a film-footage tax, which the contract with the distributors provides you must pay? Do you want two operators in the booth under control of the state fire marshal? If the law is passed, you will have to have the two men or you cannot get fire insurance? Do you want censorship? Do you want a state law to tell you that you cannot buy more than one picture at a time? Do you want a 30-hour week, so that no one in your theatre could work longer than 30 hours?"

Some of Bills Pending

Some of the bills now pending are:

Assembly: Corporation tax, income tax, regulating scaffolding and staging, workmen's compensation, tax on bank deposits, labor of females, two-men-in-a-booth, licensing outdoor advertising, unemployment insurance, child labor, use of school houses, sales tax, censorship, employment of women and minors, lineal tax on film negatives, ad valorem tax, tax on gross receipts, tax on film, tax on business enterprises, regulation of theatrical agents, dog races, admission tax, property tax, franchise taxes, five-day week and six-hour day.

Senate: Income tax, sales tax, providing codes of fair trade practice, franchise tax, hours and wages of labor, outdoor advertising, child labor, industrial injury, tax on admissions, amusement tax.

The Assembly has developed the most vigorous opposition to the industry, with the Senate inclined to act as a sort of buffer.

Past experience, however, indicates that the great majority of bills seldom pass the gauntlet of the usual legislative obstacles.

Triple Features on View in Pawtucket

Pawtucket, R. I., Feb. 12.—Triple features have become a reality in Rhode Island. For 60 cents, anyone may sit in the best seat at any time in the Imperial here for three different times any week and see nine top features and innumerable short subjects. This grind house, managed by Jerome Parker Jerome, who opened it a few days ago, operates from 11 to 11 at admission prices culminating with a 20-cent high.

Form 81 May 1933 (F) 200M

Printed in U. S. A.

VITAGRAPH, Inc.
Distributors of
FIRST NATIONAL PICTURES WARNER BROS. PICTURES VITAPHONE SHORT SUBJECTS

INTER-OFFICE COMMUNICATION

From ALBERT WARNER Date FEBRUARY 7, 1935

To A. W. SMITH, JR. Attention of

Subject GRADWELL SEARS "GOLD DIGGERS OF 1935"

When replying please refer to subject and number mentioned above

REFERENCE FILE NUMBER

In view of the many urgent requests we have received for pre-release dates on "GOLD DIGGERS OF 1935," I agree with you that a general statement of our policy on this production will be helpful to all Warner accounts.

As you say, the original release date of this greatest Gold Diggers of all time must be withdrawn, for obviously a production of this magnitude cannot carry a general release date.

We should, however, entertain propositions for a few pre-release engagements.

Of course these houses will have to be chosen on the basis of proved ability to properly set up a show of this exceptional calibre.

aw

"Receivership Racket" Stirs Schenck's Ire

(Continued from page 1)

becoming insolvent, but all the receivers have to do when their obligations fall due is issue more receiver's certificates," he said.

"Take our theatre, the Rivoli, on New York's Broadway," he continued. "The rent is $4,500 weekly. With its capacity of 1,900 seats, if it does three capacities a day, which is top, at its admission price, it still can't make as good a showing as the Roxy, with 6,000 seats and a lower admission scale. That's because the Roxy is in receivership and the Rivoli is not. The Roxy's rental probably would be five times the Rivoli's figure, if it paid any rent; but it doesn't have to pay rent because it is in receivership.

"In Tough Spot," He Says

"The solvent theatre today is in a tough spot as compared with those which have taken measures to reduce indebtedness and overhead. Rent is the main expense, and you can't get it reduced save through receivership. Operators don't want to take this step because it would wipe out their equity and only the bondholders would benefit. So they continue paying high rents, and 'take it,' at a time when others, through receivership, have had their rents reduced to half.

"This applies to large companies and circuits as well as individuals because they can't become insolvent in one spot without creditors levying on their assets elsewhere.

"It's a greatly unbalanced situation, but let us hope it will adjust itself."

Schenck also said that while grosses at major theatres have dropped because of unemployment, operating costs have risen, the NRA alone being responsible for "a 25 per cent higher payroll."

Schenck will hold a meeting of the board of directors of United Artists this week, outlining future plans. He will also confer with Darryl Zanuck on next season's production which will begin soon after three productions now in work are completed.

Canada Houses Pass 1930 Peak; Now 924

(Continued from page 1)

the Dominion government in what is regarded as the peak year of 1930.

The statement just released shows that aggregate receipts of the 924 theatres were $24,954,000, as compared with the 1930 total of $38,480,000. The decline is said to be due to generally lower admission prices as well as decreased attendance.

The report also contains a reference to the revenue from amusement taxes in the respective provinces, the latest total from this source being $2,738,000 for the whole country, as compared with the peak of $3,699,000 in 1930.

Academy Picks Hotel

HOLLYWOOD, Feb. 12.—The Academy has selected the Biltmore Hotel ballroom as the site for this year's banquet on Feb. 27. Reservations have been limited to 800.

Even Maharajah's Wife Knows Film Business, Schenck Finds

Hollywood, Feb. 12.—Joseph M. Schenck, president of United Artists, knows about those sayings that "the motion picture business is everybody's business" and "everyone has two businesses—their own and the motion picture business." But never, he says, was the truth of those statements brought to his attention so impressively as when he had dinner with a maharajah and his wife in Paris last summer.

"She told me that in her home town in India she saw 170 features a year," Schenck related, "and she revealed so much knowledge of the industry I was amazed. I asked her where she got her information, and she told me by reading the fan magazines."

The public's tremendous curiosity about all things cinematic is a healthy sign, Schenck concludes, and it would be a sad day for the industry if it weren't so interested.

"But you can't fool 'em any more," he commented. "They know too much."

Film Officials in Security Listings

Included in the New York Stock Exchange's January listings of stock ownership and transfers are Eastman Kodak Co. and Loew's, Inc.

In the former concern I. L. Hanley, assistant controller, held 140 common shares on Jan. 31.

In Loew's, Arthur M. Loew, vice-president and director, held 2,118 common on Jan. 31. He bought 70 shares on Jan. 2 and 70 on Jan. 3. A notation in the report says "the nature of the beneficial ownership is indirect, being a shareholder in a corporation owning stock of Loew's, Inc." David L. Loew, vice-president and director, held 2,618 common on Jan. 31, following purchases of 70 shares on Jan. 2 and 70 shares on Jan. 3.

Radio Duo to Return

HOLLYWOOD, Feb. 12.—M. H. Aylesworth and Ned E. Depinet plan to leave here Thursday by train for New York. They have been at the Radio studios attending production conferences for the past 10 days.

It is reported here that John Hay Whitney, who was scheduled to fly west tomorrow for conferences with Aylesworth, has cancelled his trip and will meet him in New York next week instead.

Jersey House Rebuilt

Plans for the rebuilding of the Bijou Dream, Jersey City, have been completed and work will be started immediately to convert the building into store space on the ground floor and offices above.

The theatre had been in operation for a number of years, but it was darkened with the opening of the Keith next door.

Ajax Sets Detroit Deal

Ajax Pictures Corp. has closed a deal with Excellent Pictures Corp., Detroit, to handle a series of six Richard Talmadge stunt features.

Norton, B. & D., on Talent Search Here

Richard Norton, British and Dominions executive, arrives here today on the *Berengaria* from London. He plans to remain in the east in search of talent to take back with him for work in London.

Norton is also bringing with him a print of "Brewster's Millions," which co-stars Jack Buchanan and Lili Damita. United Artists will release the picture in America.

Circuits Defer Move On Trailers of FHA

Circuits have deferred action on the petition of the Federal Housing Administration for exhibition of trailers exploiting FHA projects.

A meeting of circuit representatives at M. P. P. D. A. headquarters yesterday voted to make no commitment until the Federal agency had completed its trailers and submitted them for inspection.

Phila. Party Sunday

PHILADELPHIA, Feb. 12.—The Variety Club will hold its big show of the season Sunday night at the Penn. A. C. There will be from 20 to 25 acts and from present indications the entire seating capacity of 2,500 will be sold out, according to Earle Sweigert, president.

Speak Follows Cooper

HOLLYWOOD, Feb. 12.—John Speak, assistant to Merian C. Cooper, will join Pioneer Pictures, Inc., when the later assumes the position of vice-president in charge of production in the John Hay Whitney company upon the completion of "She" and "The Last Days of Pompeii" for Radio.

Para. Re-Signs Brisson

HOLLYWOOD, Feb. 12.—Paramount has re-signed Carl Brisson to a one year contract under which he will make three pictures.

Announcement

Harry E. Nichols of the Quigley organization, at the request of the New Orleans arrangement committee, has set up a bureau in New Orleans to arrange accommodations in private homes for exhibitors who will attend the M. P. T. O. A. convention Feb. 25-28.

Because of the Mardi Gras, hotel and housing facilities in New Orleans will be severely taxed. If Mr. Nichols can help you, wire or write him at 1418 Cleveland Ave., New Orleans, La.

Pennsylvania Proposes 10% Ticket Levies

(Continued from page 1)

sumably included in the suggestion. A battle is predicted in spite of the fact that the proposal has administration backing. The House is strongly Democratic, but the Senate is still Republican.

The Governor presented his total budget for the general expenses of the state, approximating $400,000,000 for a period of two years, beginning June 1 next. Of this amount, it will be necessary to raise about $203,000,000 from new sources, including the proposed admission tax.

While in most instances the new tax measures would not become effective until June 1, the amusement tax would go into effect immediately following passage of the bill, as the Governor has specified that he desires revenue from this source as well as a proposed increase of two cents on gasoline, and a half cent on each nickel's worth of tobacco to wipe out a deficit of $49,000,000 for the present biennium, which ends June 1.

Wehrenberg Leading Missouri Tax Fight

ST. LOUIS, Feb. 12.—Fred Wehrenberg is trying to marshal members of the M. P. T. O. and all other exhibitors for a public hearing at Jefferson City Thursday on the two per cent sales tax bill now pending.

Wehrenberg and other exhibitor leaders contend that if the present one-half of one per cent sales tax were collected efficiently no increase would be necessary. They will have arrayed against them a large number of school teachers who favor the new bill as well as rural representatives who want their real estate tax burdens lightened.

New Studio Heads Will Stay-Zukor

(Continued from page 1)

would be brought in and the present policy would be retained.

The Paramount head declared that the heads of the company in New York were 100 per cent behind the appointments, which, he said, were made after lengthy consideration of the duo's qualifications and long service with the studio.

Unions Organizing Legislative Moves

(Continued from page 1)

Bills sponsored by the crafts or organized labor generally are pending in a number of legislatures.

Snow attended the organization meetitng of the Nebraska state association at Omaha last week, and is scheduled to represent the I. A. T. S. E. at a similar session in Oklahoma.

Employment of union operators and stage hands in this region is growing, said Snow. He recently obtained a contract for maintenance stage hands in Omaha with the Orpheum, operated by A. H. Blank, replacing electrical workers.

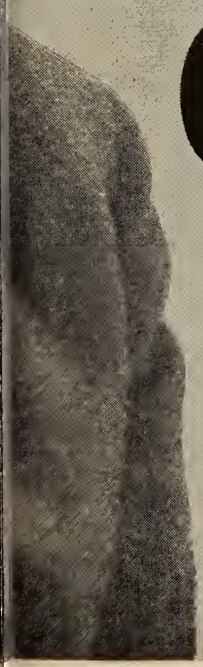

Those box office sweethearts
have come through

for you again!

Variety Daily: "Refreshing box office fare for flourishing business. It packs that surplus of optimism and inspiration beyond mere surface entertainment."

•

Motion Picture Daily: "Keynoted by optimism and human appeal and played by box office personalities, this should line and pack ticket windows. Music to showmen's ears, paralleling 'Daddy Long Legs'."



Janet
GAYNOR
Warner
BAXTER
in
ONE MORE SPRING

From the novel by Robert Nathan

WALTER KING • JANE DARWELL • ROGER IMHOF

GRANT MITCHELL • ROSEMARY AMES

JOHN QUALEN • NICK FORAN

and **STEPIN FETCHIT**

Produced by Winfield Sheehan · Directed by Henry King

Screen play and dialogue by Edwin Burke

FOX

Century-RKO Case Will Resume Today

Scene two in the hearings on complaint of Century Circuit against RKO takes place at the local clearance and zoning board today when the adjourned session of last week resumes. Leo Abrams of Universal will continue as chairman.

Because Harry Shiffman, independent exhibitor on the board, left on a Bermuda honeymoon last Friday, the adjourned hearing was set on the calendar for today. Completion of testimony and additional evidence by Louis Nizer for RKO and Mitchell Klupt for Century will in all probability take two more days.

The issue revolves around seven days' protection RKO is buying for the Strand and Columbia, Far Rockaway, and Alden, Jamaica, over Century's Fantasy, Rockville Center, RKO, which contends it holds the key to the clearance situation for Kings, Queens and Nassau counties for product over its circuit, has had a three-year pooling deal with several Century houses which afforded the Fantasy day-and-date playing time with the RKO situations in question. The deal was ended by mutual consent a little over a year ago and last season A. H. Schwartz and George Skouras entered into a pact whereby the latter's Lynbrook theatre would lift a seven-day protection over the Rockville Center house.

Century holds that the Far Rockaway and Jamaica theatres are not in competition to the Rockville Center Fantasy.

No Zoning Rulings Tomorrow by Campi

(*Continued from page* 1)

interested parties. The plan differs from the one submitted by the coast board in that the original formula based runs on admission prices. Campi, by a vote of seven to three, modified it, stating that admissions determine the availability between downtown first runs and neighborhood first runs; also that prices shall be taken into consideration when clearance between runs in a particular zone is set. Additionally, Campi provided a safeguard on prints. It said no territory must increase the number of prints because of additional availabilities under the plan and that where a number of second runs exceeded the regular allotment of prints, distributors could select the houses which should be given first call.

Sidney Justin of Paramount will be chairman.

Vaudeville Change In Code About Set

WASHINGTON, Feb. 12.—Decision on the vaudeville amendments to the code and the budget submitted a week ago by Campi may be reached this week by the Recovery Administration. A report on the former was being prepared today by Deputy Administrator William P. Farnsworth for submission to the board and discussions are being held with officials of the administration on the question of the budget.

The report of the deadlocked producer-writer committee was received today by Compliance Director Sol A. Rosenblatt and referred to his advisers.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Roberta"

(*Radio*)

HOLLYWOOD, Feb. 12.—In as fine and entertaining a musical show as has graced the screen in this or any other season, Fred Astaire, Ginger Rogers, Irene Dunne and Randolph Scott scintillate and gayly cavort, ringing the gong with high point box-office entertainment.

Handsomely mounted and expertly directed, this outstanding production attains rhythmic fluidity that takes songs, dances, comedy and plot in its graceful stride.

Translated from the stage, the screen play, in retaining all the personality and flavor of the former, adds the glamour and lustre of the camera's advantages to the latter. The story is of an American jazz band stranded in Paris. While the leader (Astaire) thinks, Scott remembers his Aunt Roberta (Helen Westley) is a famous dressmaker, calls and meets her assistant, Miss Dunne. When Roberta dies, Scott, the former football player, inherits the fashion shop with Miss Dunne. Astaire, at the shop, meets Miss Rogers, a former Pittsburgh flame incognito as a Polish princess. A misunderstanding inspired by Claire Dodd's gown separates Miss Dunne and Scott, but their reunion occurs in a combined fashion show entertainment and cocktail party.

Seldom have personalities attuned their roles for such harmonious effect as here achieved. Miss Dunne acquits herself most favorably in singing and acting. Astaire, who can say more with his feet than most people with their eyes and mouth, stops the show with his dancing and comedy. Miss Rogers, lissome, matches Astaire's agility with easy competence. Together they are what Vernon and Irene Castle were at their tops.

Scott turns in his finest performance, being both poised and confident and earning a new niche away from westerns. Miss Westley is choice. Victor Varconi and Miss Dodd support splendidly.

To William Seiter's direction a statuette, likewise Pandro Berman's production. The photography and sound are excellent, featuring Max Steiner's musical direction.

This entertainment leaves the screen richer and should do likewise for showmen. It's Radio's wow.

Production Code Seal No. 601. Running time, 85 minutes. "G."

"Transient Lady"

(*Universal*)

HOLLYWOOD, Feb. 12.—Localed in a small country town and depicting June Clayworth in a skating act traveling from town to town conflicting with the forceful connivings of a one-man political machine to convict an innocent man of murder, this one measures up as average entertainment and should do best in neighborhood houses.

Henry Hull is an aristocratic southern gentleman who runs the town and endeavors to bring someone to justice for the murder of his brother, Douglas Fowley. Edward Ellis, who committed the murder in self defense is hiding out, letting Clark Williams take the rap, while Williams' girl friend, Frances Drake, works to get the accused free.

Gene Raymond is called in as attorney for the defense, periling his father's (Frederick Burton's) chance for a judgeship in the coming elections. Raymond and Miss Drake fall in love, but their romance is temporarily halted by Miss Clayworth, the childhood sweetheart of Williams and Raymond. The defense wins the case while a planned lynching is halted and Miss Drake and Raymond find happiness.

Edward Buzzell's direction is adequate. Harvey Thew, Arthur Caesar and Buzzell penned an interesting screen play from Octavus Roy Cohen's magazine story. The performances are all good.

Production Code Seal No. 572. Running time, 72 minutes. "G."

Looking 'Em Over

"Ten Minute Alibi"

(*British Lion*)

LONDON, Feb. 1.—Crime melodrama, from a stage play which has had a big London success. Produced by Paul Soskin and directed by Bernard Vorhaus, it offers an American value in Phillips Holmes, leading, and the story has suspense despite the absence of real mystery. Apart from Holmes and Morton Selten, character, the acting is weak

(*Continued on page* 20)

Variety Club Chatter

Cincinnati

CINCINNATI, Feb. 12.—Open house for ladies on Wednesday afternoons is becoming more popular.

W. H. TERRY, of the New York Giants, and JOHN T. SKIRBOLL, of Pittsburgh, were among names lamped on the club's register last week.

JOHN A. SCHWALM was in Columbus last week rubbing elbows with the higher uppers around the State Capitol.

MANNY SHURE and JIM GRADY are receiving praise for having promoted the erection of a 16-foot banner in front of the RKO Palace exploiting "Baboona," when a city ordinance is supposed to prohibit such display in the business sector. However, with aid of ABE LIPP, dough guy and attorney, a flaw in the ordinance was discovered, and the sign is there.

Kansas City

KANSAS CITY, Feb. 12.—New officers will be elected Friday, at a special business meeting in the ballroom of the Steuben Club.

After the dishes are cleared away, LEO MCCARTHY and his Fox Midwest "gang" will present "Tid Bits of 1935." Those who remember last year's edition will not want to miss this one. All the Fox theatre lads are pitching to make it a bang-up party.

The women are expected to show the barkers a few new angles, now that they have organized an auxiliary to Tent No. 8. MRS. MAX ROTH, wife of the Columbia district manager, is chairman. Its first affair, a bridge luncheon at the club, attracted 40.

Local officers may participate in the installation of new clubs at Omaha and Des Moines.

Barkers MCCARTHY and "DUTCH" SCHULTZ comprise the committee in quest of new quarters.

The canvassmen will shortly decide the date of the annual banquet, which will be in March or April.

ERNIE MEHL of *The Star's* sport desk put on a good show in promoting the appearance of "DUTCH" ZWILLING, manager of the Kaycee Blues; JOEY KUEHL and KID NICHOLS at the last meeting. The guests were presented as "the past, present and future of baseball."

Rhoden Turns Down Clearance on Prices

KANSAS CITY, Feb. 12.—At a conference with the I. T. O. today Elmer C. Rhoden of Fox Midwest rejected clearance based on admissions. At the same time he approved a proposal to penalize premiums. He insisted Midwest was entitled to protection over equally priced houses using premiums.

The I. T. O. may continue its efforts to iron out its clearance problems, but chances of agreement are considered slim.

Another Booth Cost Conference Coming

(*Continued from page* 1)

be reached between the exhibitors and union officials on a compromise of the Local 306 and Charles L. O'Reilly point system plans.

Loew's May Give Up College, New Haven

New Haven, Feb. 12.—Loew's may lease the College to an independent operator, whose name is being kept secret. The interested exhibitor leaves for New York tomorrow to confer with Joe Vogel on a proposition he has in mind. Vogel indicated a willingness to dispose of the house recently when he offered Dr. J. B. Fishman a deal during the Campi hearing on the New Haven clearance and zoning schedule.

Loew's last week opened the Chapel St. entrance to the College when it failed to get together with the landlord on a lease for the old entrance. A new deal is now in work at a rental lower than the previous $11,000, which, if approved, may bring about the closing of the Chapel St. gangway.

Loew Again Witness In M. & S.-RKO Case

Arbitration hearings of the Meyer & Schneider breach of lease charges against RKO were adjourned to Friday after an all day session yesterday at the N. Y. County Lawyers' Ass'n. Bldg. David Loew was on the stand throughout the day for questioning by Max D. Steuer, counsel for M. & S., on a 1933 agreement by which Loew's released certain product to Manhattan Playhouses.

M. & S. charges that RKO breached lease agreements on the Hollywood and Apollo in failing to play at these houses product made available by Loew's in accordance with lease provisions.

Penalized for Crowding

Los Angeles, Feb. 12.—To George Lunberg, assistant manager of Loew's State, goes the dubious honor of drawing the first penalty to be imposed in the local fire department's present drive against overcrowding of theatres. He received a $50 fine and a 30-day suspended sentence, plus a severe lecturing from Municipal Judge Taplin. There is a city ordinance that prohibits standees. A warning has been issued that second offenders will draw stiff jail sentences as well as heavy fines.

E. M. Loew Men Shift

Boston, Feb. 12.—Harry Blackstone has succeeded Edward Myerson as assistant manager at the National, an E. M. Loew subsequent run. Myerson is now assistant at Loew's Hartford.

Lawson Daniels is back as manager of the Olympic, Worcester, following an operation.

Alden Smith, who recently left the Ware at Beverly to handle the E. M. Loew house at Fitchburg, is now manager of Loew's Watertown, a suburban house here.

Plans Baseball Teams

Plans to organize exhibitor-sponsored baseball teams in the spring are being formulated in the local offices of Hal Roach. Backed by the Collegeville Flag & Mfg. Co. and the M-G-M field staff, a national tieup is planned for the spring when the major league ball clubs start training.

An exploitation manual, detailing the promotion of the movement, is now on the press and will be issued shortly.

Purely Personal

John H. Harris, national barker of Variety Club, went into a bit of research the other day and discovered Pittsburgh tent members with February birthdays were:

Richard Lai, Feb. 1; Paul Krumenacker, Feb. 2; Harry Harris, Feb. 5; Dave Kimelman, Feb. 12; George Tyson, Feb. 13; Joe Blowitz, Feb. 14; Artie Klein, Feb. 15; James B. Clark, Feb. 17; Fabian Wright, Feb. 18; Frank Roberts, Feb. 21; Bill Benswanger, Feb. 22.

•

Louis Rosenfield, Canadian exchange manager for Columbia in New York to look at new product, said to Jack Cohn the other day: "I'd like to go back to Montreal the worst way." "O. K.," replied Jack, "why not through the Canal and back through Vancouver?" Rosenfield is on his way.

Quip of the Day

Contributor says:
"With Lawyer Henry Herzbrun running the Paramount studio in the west, Lawyer Austin Keough running Paramount production detail in the east and Lawyer Ben Kahane head of the RKO studios, we're probably heading for a series of courtroom films."

Melville Cooper, English actor now appearing in "Laburnam Grove," is making arrangements to leave for Hollywood immediately after the play's run. He was recently signed by M-G-M but is no stranger to picture work, having recently been in "The Private Life of Don Juan."

•

Maury Silverstone, local representative of London Films, is beaming all over these days because "The Scarlet Pimpernel" was held over that second week at the Music Hall and he's collecting.

•

Kay Brown (Mrs. James Barrett) is the mother of a girl. When not concerned with maternity and attendant problems, she is head of the RKO story department in the east.

•

S. Barrett McCormick is the first of the Radio crowd to pull in from the coast. He flew in late Monday night and put in a short appearance at his office yesterday.

•

Rudy Vallee will be host at a cocktail party at the Hollywood Restaurant Monday afternoon. It's in honor of his first Warner picture, "Sweet Music."

•

Everley Gregg, English actress in "Point Valaine," will be in the cast of "Miracle in 49th St." now being produced by Ben Hecht and Charles MacArthur.

•

F. J. McCarthy of Universal is due back today from Boston after inducting A. J. Herman into his new office as New England district manager.

•

Arthur Loew is due back from the coast by plane either tomorrow or Friday.

•

Abe Montague and wife leave for Miami today for a three weeks' vacation.

Walter Abel, who was recently signed by Radio and who has been appearing in "Merrily We Roll Along" here, has put off his trip to the coast. He was supposed to leave when the show closed here, but has gone on the road with it instead.

•

Gloria Debevoise, young society girl who has been posing for commercial photographers, has been signed by Samuel Goldwyn to appear in his next Eddie Cantor picture. She leaves for the coast shortly.

•

Irene Bentley and Richard C. Hemingway have deserted Hollywood temporarily these days. The reason is simple, since they are the latest screen couple to elope and honeymoon at Lake Arrowhead.

•

Max Eastman is now in Hollywood to confer with Charlie Chaplin, Dorothy Parker, Mae West, and Donald Ogden Stewart on a book he is planning on American humor.

•

Helen Broderick is on her way to the coast on the *S. S. Virginia.* She will report to the Radio studios to work in "Top Hat." Lester Crawford, her husband, is accompanying her.

•

Anne Barrie has been signed by Vitaphone for a series of shorts to be made at the Brooklyn plant. She starts work on the first early next week.

•

George White is now in Chicago to supervise the opening of his "Scandals." From Chicago he hops to Detroit and then to Florida.

•

Stepin Fetchit leaves Hollywood soon on a tour of the south. He'll make personal appearances and brush up on his accent.

•

Richard Day, designer of settings for 20th Century, will arrive in New York from Hollywood on Friday for a vacation.

•

Louise Beavers, who appeared in "Imitation of Life," will make personal appearances at the Roxy starting Friday.

•

A. W. Kelly will not appoint a successor to Walter Gould as Latin American head for U. A. for some time.

•

William A. Brady leaves for the Fox studios on Feb. 25 to work as special adviser on "Way Down East."

•

Eddie Golden has a new dictaphone and he now has the pleasure of hearing himself talk for a change.

•

Helen Chandler, actress, and Bramwell Fletcher, actor, will marry on Valentine's Day.

•

J. Robert Rubin returns next week from Palm Beach where he is spending a three-week vacation.

•

Lou Goldberg is doing the "Dealers in Death" pressbook for First Division.

•

Tim Whelan, director of "The Camels Are Coming" for Gaumont British, left yesterday for the coast. He was accompanied by Miriam Seegar, (Mrs. Whelan). They expect an offspring there.

•

Ben Bernie will broadcast music from "Stolen Harmony" next Tuesday night and will have on the program George Raft, Grace Bradley, Iris Adrian, Goodes Montgomery, Paul Gerritz and Lloyd Nolan, all members of the picture cast.

•

Tallulah Bankhead bowed in as Sadie Thompson in "Rain" at the Music Box last night with plenty of the celluloid mighty scattered throughout the first night audience.

•

Wanda Perry, model under contract to Radio, has gone back to the coast after a month's vacation at her home in Brooklyn.

•

Sir Cedric Hardwicke will start east Thursday on his way to England. He has just finished work in "Becky Sharpe" for Radio.

•

Tito Guizar, who was recently signed by Fox, leaves for Hollywood Saturday to start work on "Argentina."

•

Percy Block and Earle Sweigert were in from Philadelphia yesterday. They are Paramounteers.

•

William Gederis of Ideal Seating Co., Grand Rapids, arrives tomorrow for a few days.

•

Morton Van Praag is slated to return from his coast trek sometime next week.

•

Harry Shiffman returned last night from Bermuda on the *Washington.*

•

William Daniels, cameraman for Greta Garbo, is at the Warwick.

•

Frank Pelton of the M-G-M studios left for Hollywood yesterday.

•

Lee Shubert is back from Florida and, of course, with a swell tan.

•

Louis K. Sidney returned from a Miami sojourn yesterday.

•

Edna Ferber sails today for Europe on the *Conte di Savoia.*

•

E. L. Alperson returns from the coast in about 10 days.

•

Jack Steinman leaves for a Miami vacation next Monday.

•

Dick Rowland feels much better now.

•

C. H. Roesner is in town from Chicago.

Two Companies Off For the South Seas

Hollywood, Feb. 12.—Climaxing a year of preparation, Directors Frank Lloyd and Richard Thorpe heading the largest picture entourage ever to venture forth, left here last night with an expedition that will film exterior scenes for "Mutiny on the Bounty" and "Typee" for M-G-M.

Headquarters will be at Papeete, where a modern laboratory will be erected along with a hospital and administration offices. The expedition plans to remain three months.

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GREATEST SPECIAL!

"Copperfield" Twin Cities' Best Grosser

MINNEAPOLIS,. Feb. 12.—"David Copperfield" was in the big money on both sides of the river. It took $5,000 at the Century, over normal by $1,000, and it was up to $6,500, also $1,000 up, at the Paramount in St. Paul.

"Grand Old Girl" at the Orpheum, with Weaver brothers heading a stage show, grabbed $6,000 at the Orpheum here, and "Sweet Adeline" was strong at the St. Paul Riviera, but elsewhere business was nothing to get excited about.

Total first run business in Minneapolis was $24,000. Average is $23,000. Total St. Paul business was $18,000. Average is $16,500.

Estimated takings:

Minneapolis:

Week Ending Feb. 6:

"DAVID COPPERFIELD" (M-G-M)
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"HELLDORADO" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 7:

"GRAND OLD GIRL" (Radio)
ORPHEUM — (2,900), 25c-40c, 7 days. Stage: Weaver Brothers and Elviry heading vaude. **Gross:** $6,000. (Average, $5,500)

"BORDERTOWN" (Warners)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,000. (Average, $5,500)

"FUGITIVE LADY" (Col.)
PALACE—(900), 15c-25c, 7 days. **Gross:** $2,000. (Average, $2,000)

"THE MARINES ARE COMING" (Mascot)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

"DON JUAN" (U.A.)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $3,000)

St. Paul:

Week Ending Feb. 7:

"DAVID COPPERFIELD" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"SWEET ADELINE" (Warners)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

"MURDER IN THE CLOUDS" (F.N.)
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"THE MYSTERY WOMAN" (Fox)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $900. (Average for week, $1,500)

"CHEATING CHEATERS" (Univ.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $600. (Average for week, $1,500)

"LITTLE MEN" (Mascot)
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

"Copperfield" Tops Omaha with $9,000

OMAHA, Feb. 12.—Big money here last week went to "David Copperfield" which reached $9,000, more than double normal at the World. The house closed Sunday night for renovation and will reopen Feb. 20 under a new name, the Omaha.

This is a Burlington railroad center and "The Silver Streak," with "Romance in Manhattan" as the other half of a twin bill, went over normal by $1,200 for a gross of $5,000 at the Brandeis. "Clive of India" and "One Hour Late," also a twin bill, were strong at $8,800.

Total first run business was $22,800. Average is $15,800.

Estimated takings:

Week Ending Feb. 7

"DAVID COPPERFIELD" (M-G-M)
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $9,000. (Average, $4,000)

(Continued on page 15)

"Copperfield" Top 2nd Week In Cleveland

CLEVELAND, Feb. 12.—"David Copperfield" in its second week downtown continued to be the outstanding attraction of the week, doing $11,000 at Loew's Stillman at advanced prices, or $7,000 more than the average gross at regular prices. This was the only picture that held strong in a week of zero weather and heavy snows.

"The County Chairman" held second place with $7,500 in its second week at Warners' Hippodrome as against a $6,000 average gross. "March of Time" drew business to Loew's State where "Here Is My Heart" was only a fair box-office draw.

Total gross was $44,200. Average is $38,000.

Estimated takings for the week ending Feb. 8:

"THE RIGHT TO LIVE" (Warners)
ALLEN — (3,300), 20c-30c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

"THE COUNTY CHAIRMAN" (Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c. 7 days, 2nd week. **Gross:** $7,500. (Average, $6,000)

"THE CAPTAIN HATES THE SEA" (Col.)
RKO— PALACE — (3,100) ,30c-40c-60c, 7 days. Stage: Benny Meroff and his Band. **Gross:** $13,500. (Average, $15,000)

"HERE IS MY HEART" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $9,200. (Average, $10,000)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S STILLMAN—(1,900), 30c-35c-42c, 7 days, 2nd week. **Gross:** $11,000. (Average at regular admission prices (20c-30c-40c), $4,000)

"Copperfield" Is Indianapolis High

INDIANAPOLIS, Feb. 12.—Business hit the skids here last week everywhere except at the Palace where "David Copperfield" in its second week topped par by $500 for a gross of $5,000. General payment of the state gross income tax was given as the reason for the slump.

"Wings in the Dark" was hit hardest at the Indiana where the $4,000 gross was under normal by $3,000.

Total first run business was $20,500. Average is $25,000.

Estimated takings for the week ending Feb. 9:

"BABOONA" (Fox)
APOLLO—(1,100) 25c-40c, 7 days. **Gross:** $2,000. (Average, $2,500)

"ENCHANTED APRIL" (Radio)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"WINGS IN THE DARK" (Para.)
INDIANA—(3,133), 25c-40c, 7 days **Gross:** $4,000. (Average, $7,000)

"UNDER PRESSURE" (Fox)
LYRIC—(2,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"DAVID COPPERFIELD" (M-G-M) (2nd week)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"Copperfield" Big Buffalo Holdover

BUFFALO, Feb. 12.—"David Copperfield" demonstrated remarkable staying powers here last week by going to $17,200 at the Hippodrome in its second week. This is $9,000 over the first week average.

The accomplishment was note-

(Continued on page 15)

An Island Problem

Hamilton, Feb. 12.—These Bermudians just can't take their films or leave them, according to a member of the Assembly. He says they are spending more on them than they can afford and something ought to be done about it.

One remedy he suggests is fewer pictures so the islanders will have more time to cultivate onions and Easter lilies.

"Iron Duke" Detroit High With $15,400

DETROIT, Feb. 12.—"The Iron Duke" and "Wings in the Dark" were the money-makers of the week here, the former having a shade the better of the contest with an overage of $1,400 on a $15,400 gross at the Fox. The Paramount feature took $21,300 at the Michigan, above the line by $1,300.

Business was in the doldrums elsewhere.

Total first run business was $59,800. Average is $65,000.

Estimated takings for the week ending Feb. 8:

"MAN WHO RECLAIMED HIS HEAD" (Univ.)
"MYSTERY WOMAN" (Fox)
ADAMS—(1,770) 10c-40c, 7 days. **Gross:** $3,600. (Average, $5,000)

"THE IRON DUKE" (Gaumont-British)
FOX—(5,100), 15c-55c, 7 days, Stage, 6 acts vaud. **Gross:** $15,400. (Average, $15,000)

"HERE IS MY HEART" (Para.)
"FATHER BROWN, DETECTIVE" (Para.)
(Second run)
FISHER—(2,975), 10c-40c, 7 days. **Gross:** $6,200. (Average, $10,000)

"WINGS IN THE DARK" (Para.)
MICHIGAN — (4,100), 15c-55c, 7 days. Stage, 6 acts vaude. **Gross:** $21,300. (Average, $20,000)

"SWEET ADELINE" (Warners)
"WHITE COCKATOO" (Warners)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"CLIVE OF INDIA" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 2nd week. **Gross:** $9,200. (Average, $11,000)

Akron Expects Wage Jump to Help Films

AKRON, Feb. 12.—Theatre men anticipate an increase in business through pay increases averaging five cents an hour which have been granted to approximately 40,000 employes at the Goodyear, Firestone and Goodrich rubber plants. Close to $2,000,000 will thus be distributed during the year, it is estimated.

Salaried office employes at the Goodyear and Goodrich plants, who have been earning incomes comparable to factory workers, received a five per cent raise Feb. 1.

Radin Gets Balto. House

BALTIMORE, Feb. 12.—Matty Radin who operates the Cameo and the Acme in New York, has taken over the Auditorium here. He will show foreign films. The house is opposite the Little Theatre, now showing foreign films.

Price War Is Blow to Takes In Pittsburgh

PITTSBURGH, Feb. 12.—The whole town last week was in a state of turmoil due to the price war, with some houses reducing prices by a third and others trying to maintain their old scales. The Penn, first on the bandwagon with a 40-cent scale for pictures and stage shows, reaped the initial harvest, gathering around $24,000 with "Biography of a Bachelor Girl" and the "Casino De Paree" unit. At the same time, the Stanley, in an effort to hold up to 60 cents, hit a new stage-show low, getting only $11,000, or thereabouts, with "The Right to Live" and George Givot and Ina Ray Hutton's girls' band.

At the Alvin, the presence of Ed Lowry, who has always been popular here, kept that theatre from sinking below $8,000, which is fairly presentable in the face of present circumstances. The picture was "The Man Who Reclaimed His Head." The Warner did all right by itself, everything considered, with "West of Pecos" and "By Your Leave," collecting close to $5,000, while the Fulton, in the first week of its reduced scale, showed no marked improvement, doing only $3,250.

Total grosses in five first runs were $51,050. Average is $68,000.

Estimated takings for the week ending Feb. 7:

"MAN WHO RECLAIMED HIS HEAD" (Univ.
ALVIN—(2,000), 25c-40c, 6 days. Stage: Ed Lowry, Bobby Pincus and Helen Grant, Belle Tiffany, Condos and Allen, Bernie Armstrong, Jerry Mayhall's orchestra and Streamline Alvinettes. **Gross:** $8,000. (Average, $10,000)

"THE NIGHT IS YOUNG" (M-G-M)
FULTON—(1,750), 15c-25c, 6 days. **Gross:** $3,250. (Average, $4,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. Stage: "Casino De Paree Revue" with Milton Berle, Chilton and Thomas, Cardini, Barbara Jason, Ralph Sanford, Six Rosebuds and Nate Egles Little Gentlemen. **Gross:** $24,000. (Average, $20,000)

"RIGHT TO LIVE" (Warners)
STANLEY — (3,600), 25c-60c, 6 days. Stage: George Givot, Ina Ray Hutton and Her Melodears, Frazee Sisters and Dorothy Crooker. **Gross:** $11,000. (Average, $19,000)

"WEST OF PECOS" (Radio)
"BY YOUR LEAVE" (Radio)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,800. (Average, $5,000)

"Richest Girl" Up In Oklahoma City

OKLAHOMA CITY, Feb. 12.—"The Richest Girl in the World" made the best comparative showing here last week by pulling $2,600, over normal by $600, at the Capitol.

High money honors went to "The Gilded Lady" at the Midwest where the take of $4,500, topped average by $500.

Stage shows continue to make the first four days of the week at the Liberty its best revenue-producer. "I Am a Thief" on the screen and "Hollywood Scandals" on the stage grabbed $2,500, a full week's average.

Total first run business was $14,000. Average is $13,500.

Estimated takings for the week ending Feb. 9:

"RUMBA" (Para.)
WARNER—(1,900), 10c-20c-36c-41c-56c, 7

(Continued on page 15)

"Lancer" Has Big 2nd Week In Washington

WASHINGTON, Feb. 12.—"The Lives of a Bengal Lancer" smashed through for a par $14,500 in the biggest second week at Loew's Palace in more than a year.

Loew's Fox, playing "Wings in the Dark" with the inaugural release of "The March of Time" as an added attraction and a stage show sans names, added further to the Loew domination of the main stem, taking a big $23,000, or $2,500 over par.

Third Loew house, the Columbia, topped par by $400, taking $3,500 for "Enter Madame."

On the Warner side, the Metropolitan was the ace house, where "The White Cockatoo" took $6,800, $2,700 over average. The Earle took it on the chin with "The Right to Live," slipping under par by $3,100 for a gross of $14,500.

Total gross was $65,300, or $5,900 under the average seven-day, first run week.

Estimated takings, exclusive of tax:

Week Ending Feb. 7:

"THE RIGHT TO LIVE" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Nan Halperin; Russell, Marconi & Jerry; the Deguchis; Manhattan Steppers. **Gross:** $14,500. (Average, $17,600)

"ENTER MADAME" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,100)

"WINGS IN THE DARK" (Para.)
LOEW'S FOX—(3,434), 25c-66c, 7 days. "March of Time" (F. D.) added. Stage: Tim & Irene, Hope Minor & Edward Root, Gale & Carson, Gautier's Animated Toy Shop. **Gross:** $23,000. (Average, $20,500)

"THE LIVES OF A BENGAL LANCER" (Para.)
LOEW'S PALACE — (2,370), 35c-77c, 7 days, 2nd week. **Gross:** $14,500. (Average, $14,500)

"THE WHITE COCKATOO" (Warners)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $6,800. (Average, $4,100)

4 Days Ending Feb. 8

"GRAND OLD GIRL" (Radio)
RKO-KEITH'S—(1,836), 25c-55c, 4 days. **Gross:** $3,000. (Average, first week, $11,400)

"Copperfield" Big Buffalo Holdover

(Continued from page 14)

worthy because of a heavy advertising campaign put on by the Lafayette for a twin bill, "The Marines Are Coming" and "Girl of the Limberlost." This splurge brought in a gross of $14,700, over par by $8,200, and caused all the other first runs to take heavy space. Severe cold weather was followed by a thaw and lots of snow.

Total first run take was $60,200. Normal is $42,800.

Estimated takings for the week ending Feb. 8:

"WINGS IN THE DARK" (Para.)
BUFFALO — (3,500), 30c-55c, 8 days. Stage: James Melton, Al Trahan with Lady Yukona Cameron, Keene Twins, Vic & LaMarr, the DeLimas, Serge Flash. **Gross:** $14,000. (Average for week, $14,300)

"WICKED WOMAN" (M-G-M)
"LIGHTNING STRIKES TWICE" (Radio)
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,900. (Average, $6,000)

"LIVES OF A BENGAL LANCER" (Para.)
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $9,400. (Average, $8,000)

"DAVID COPPERFIELD" (M-G-M)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $17,200. (Average, $8,000)

"THE MARINES ARE COMING" (Mascot)
"GIRL OF THE LIMBERLOST" (Monogram)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $14,700. (Average, $6,500)

"Gilded Lily" Plus Boles At $50,000, Chicago Wow

CHICAGO, Feb. 12.—A combination of "The Gilded Lily" on the screen and John Boles on the stage proved a knockout at the Chicago. The gross ran $15,400 over average for a total of $50,000 and the whole program was held over.

"Babbitt" was good, too. With A. B. Marcus' "La Vie Paree" revue on the stage to help out, the Oriental grossed $20,000, over the line by $5,000. "Bordertown" held up at the Apollo and "Girl of the Limberlost" reached average at the State-Lake, but elsewhere grosses were weak.

Total first run business was $133,000. Average is $127,600.

Estimated takings:

Week Ending Feb. 7

"THE GILDED LILY" (Para.)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: John Boles, Sylvia Froos. **Gross:** $50,000. (Average, $34,600)

"BABBITT" (Warner)
ORIENTAL — (3,940), 25c-40c, 7 days. Stage: A. B. Marcus' "La Vie Paree" revue. **Gross:** $20,000. (Average, $15,000)

"NIGHT LIFE OF THE GODS" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Ferde Grofe Orchestra, Mary Small, Al Norman, Pat Henning. **Gross:** $15,000. (Average, $22,000)

"THE NIGHT IS YOUNG" (M-G-M)
GARRICK — (900), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

"BORDERTOWN" (Warner)
APOLLO—(1,400), 25c-35c-50c, 7 days. Gross: $8,000. (Average, $8,000)

"LIVES OF A BENGAL LANCER" (Para.)
ROOSEVELT—(1,591), 25c-35c-50c, 3rd week, 7 days. **Gross:** $9,000. (Average, $11,000)

"GIRL OF THE LIMBERLOST" (Monogram)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Senator Murphy, Ames & Arno, Chuck & Chuckles. **Gross:** $15,000. (Average, $15,000)

Week Ending Feb. 9

"CLIVE OF INDIA" (U. A.)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 11 days. **Gross:** $12,000. (Average, $17,000)

"Gilded Lily" Gets $23,000, San Francisco

SAN FRANCISCO, Feb. 12.—It was just another week for first runs here, with nothing outstanding. The biggest take in point of size was at the Warfield where "The Gilded Lady" took a par $23,000. "Wednesday's Child" reached an average $13,000 at the Golden Gate.

Total first run business was $77,250. Average is $82,000.

Estimated takings:

Week Ending Feb. 5:

"WEDNESDAY'S CHILD" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,000. Average, $13,000)

Week Ending Feb. 6

"WHITE COCKATOO" (Warners)
"ONE IN A MILLION" (Invincible)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $8,750. (Average, $10,000)

Week Ending Feb. 7:

"WHEN A MAN'S A MAN" (Fox)
"CARNIVAL" (Fox)
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $9,000)

"LIVES OF A BENGAL LANCER" (Para.)
ST. FRANCIS — (1,400), 15c-35c-55c, 7 days, 2nd week. **Gross:** $5,500. (Average, $8,000)

"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $6,500. (Average, $8,000)

Week Ending Feb. 8:

"BABOONA" (Fox)
"RED HOT TIRES" (Warners)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $9,500. (Average, $11,000)

"GILDED LILY" (Para.)
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, Bill Robinson, band. **Gross:** $23,000. (Average, $23,000)

Columbia Holds Purcell

HOLLYWOOD, Feb. 12.—Gertrude Purcell, Columbia writer, has had an option taken up on her contract, and is set for another six months. Writing contracts were also given to Wilson Collison and Bruce Manning. Miss Purcell is currently working on "If You Could Only Cook," while Collison is doing the adaptation of "Lady Beware."

"Broadway," "Lancer" in Seattle Race

SEATTLE, Feb. 12.—"Broadway Bill" and "Lives of a Bengal Lancer" battled it out for top honors here last week, with the latter getting a shade the better of the contest. The take on the Columbia opus at the Liberty for seven days was $6,800, over par by $2,800. "Lancer" took $8,700 in eight days at the Fifth Avenue, but this was over the line by only $1,700.

Other downtown attractions couldn't stand the pace. Total first run business was $38,800. Average is $36,500.

Estimated takings for the week ended Sunday:

"SING SING NIGHTS" (Monogram)
"I'VE BEEN AROUND" (Univ.)
BLUE MOUSE—(950), 10c-25c, 7 days. **Gross:** $3,200. (Average, $3,500)

"LIVES OF A BENGAL LANCER" (Par.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 8 days. **Gross:** $8,700. (Average, $7,000)

"BROADWAY BILL" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. **Gross:** $6,800. (Average, $4,000)

"OUR DAILY BREAD" (U. A.)
"CARTOONLAND REVUE" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (Note: "Cartoonland Revue" consists of 3 Silly Symphonies and 3 Mickey Mouse shorts.) **Gross:** $3,650. (Average, $4,000)

"CLIVE OF INDIA" (U. A.)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $6,100. (Average, $6,500)

"MAYBE IT'S LOVE" (F. N.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Three Radio Rogues. **Gross:** $5,100. (Average, $5,500)

"WINGS IN THE DARK" (Para.)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Will Aubrey. **Gross:** $5,200. (Average, $6,000)

"Copperfield" Tops Omaha with $9,000

(Continued from page 14)

Week Ending Feb. 6

"ROMANCE IN MANHATTAN" (Radio)
"SILVER STREAK" (Radio)
BRANDEIES — (1,200), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $3,800)

Week Ending Feb.

"CLIVE OF INDIA" (U. A.)
"ONE HOUR LATE" (Para.)
ORPHEUM — (3,000), 25c - 40c, 7 days. **Gross:** $8,800. (Average, $8,000)

"Pressure" Is Philadelphia Top, $16,500

PHILADELPHIA, Feb. 12.—"Under Pressure" was out front in a series of box-office gains here last week. With the help of a vaudeville bill at the Fox, it reached $16,500, over the line by $4,500.

"David Copperfield" held up to $16,000, up by $4,000, in its second week at the Boyd. This was as strong as "Red Hot Tires" and a stage show in a first week at the Earle.

Reduction of the scale at the Roxy-Mastbaum helped some. The take for seven days was $34,000, over average by $1,000.

Total first run business was $111,500. Average is $108,900.

Estimated takings for the week ending Feb. 7:

"CLIVE OF INDIA" (U.A.)
ALDINE—(1,200), 35c-40c-55c, 9 days, 2nd week. **Gross:** $8,500. (Average, 6 days, $7,000)

"FORSAKING ALL OTHERS" (M-G-M) (2nd run)
ARCADIA—(500), 25c-35c-40c, 6 days. **Gross:** $2,800. (Average, $2,400)

"DAVID COPPERFIELD" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 6 days, 2nd week. **Gross:** $16,000. (Average, $12,000)

"RED HOT TIRES" (Warners)
EARLE—(2,000), 25c-35c-40c-55c, 6 days. Stage: Joe Laurie, Jr., Romics Orchestra, 3 Slate Brothers, Rhythm Redheads. **Gross:** $16,000. (Average, $12,000)

"UNDER PRESSURE" (Fox)
FOX—(3,000), 35c-40c-65c, 6 days. Stage: Pappy, Zeke and Ezra, Maurice Colleano and Family, Stone and Vernon. Also "March of Time." **Gross:** $16,500. (Average, $12,000)

"GRAND OLD GIRL" (M-G-M)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,700. (Average, $3,500)

"MIGHTY BARNUM" (U.A.) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 9 days. **Gross:** $5,200. (Average, 6 days, $4,000)

"WINGS IN THE DARK" (Para.)
ROXY-MASTBAUM—(4,800), 40c-55c-65c, 7 days. Stage: Roxy Revue. **Gross:** $34,000. (Average, 6 days, $33,000)

"LIVES OF A BENGAL LANCER" (Para.)
STANLEY—(3,700), 35c-40c-55c, 3 days, 3rd week. **Gross:** $4,000. (Average, 6 days, $12,000)

"BABOONA" (Fox)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,800. (Average, $6,000)

"Richest Girl" Up In Oklahoma City

(Continued from page 14)

days. **Gross:** $3,500. (Average, $5,000)

"GILDED LILY" (Para.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,500. (Average, $4,000)

"RICHEST GIRL IN THE WORLD" (Radio)
CAPITOL—(1,200) 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,600. (Average, $2,000)

"I AM A THIEF" (Warner)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage: "Hollywood Scandals." **Gross:** $2,500. (Average week, $2,500)

"VAMPIRE BAT" (Majestic)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $900. (Average week, $2,500)

"Homestead" for Liberty

HOLLYWOOD, Feb. 12.—Liberty Pictures will produce a new version of "The Old Homestead," says M. H. Hoffman. The production will have a musical background, with special numbers by J. Keirn Brennan, Ted Snyder, Howard Jackson and others. The cast will include Mary Carlisle, Dorothy Lee, Eddie Nugent, Willard Robertson, and Lillian Miles.

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MARY E

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"Dancing the Viennese" · "When My Prince
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IS

"'All the King's Horses' will make Carl Brisson a new American matinee idol. And it should make a screen star of Mary Ellis." —*Hollywood Reporter*

"The picture looks headed for heavy grosses in all classes of theatre." —*Hollywood Variety*

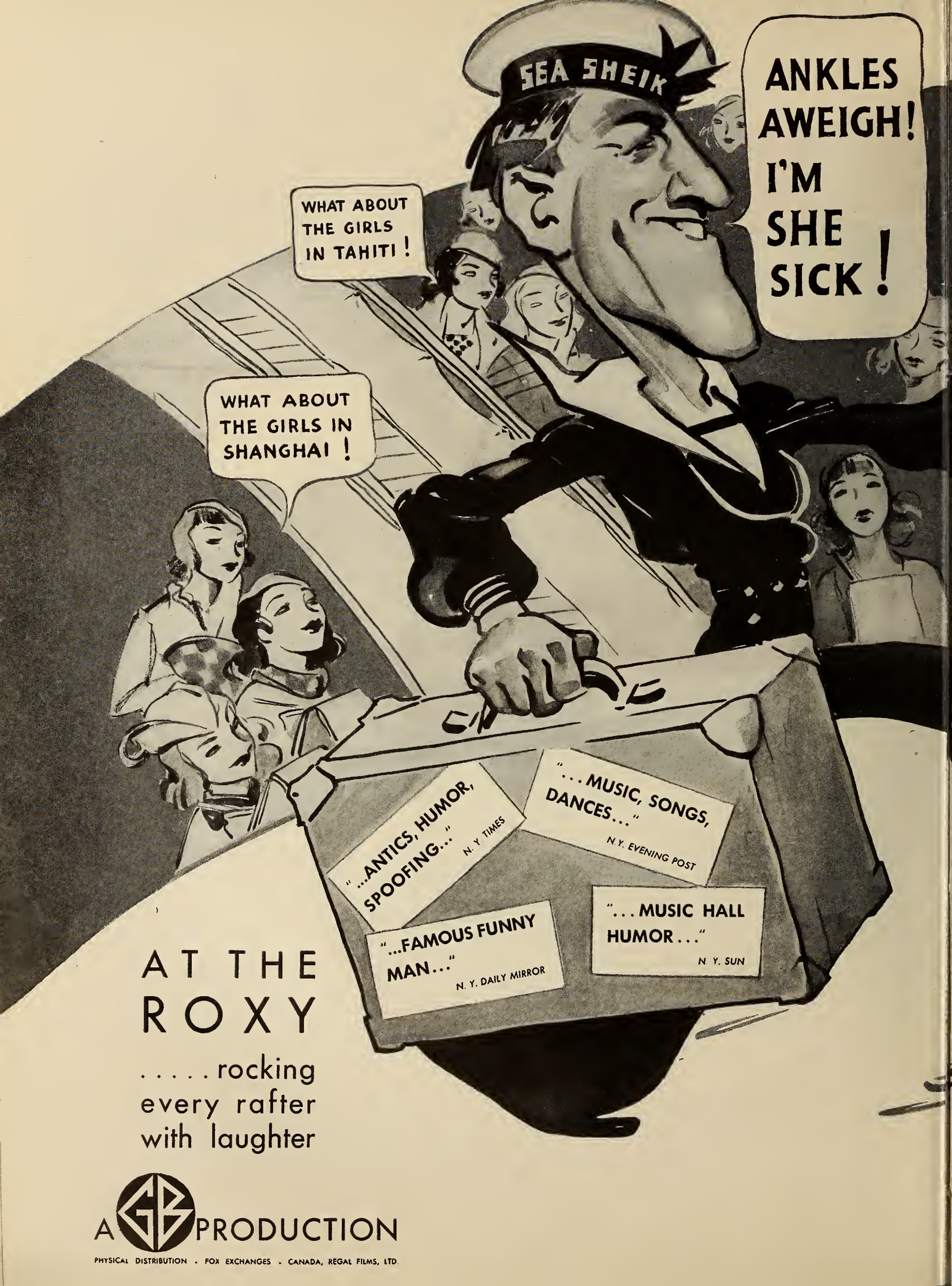
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Warners Give New Power to Zone Managers

(Continued from page 1) ..

theatre units which have been operated on an unprofitable basis for extended periods might be eliminated.

Under the plans for increasing operating authority in the field, zone managers in the future will be given direct charge of operating their units, purchasing their supplies and equipment, and individual zone auditing systems will be inaugurated. While these activities will be relinquished by the home office, Bernhard emphasized that the policy change did not imply a decentralization in any respect. Management will continue subject to home office supervision.

Bernhard will wind up the quarterly meeting today with further conferences with the company's 12 zone managers who are here for the sessions.

Expect Samuelson To Hold His Post

(Continued from page 1)

principal topics to be taken up during the session. Samuelson had not completed his annual report yesterday afternoon and worked into the night to finish his review of the past year's activities. In the report will be included recommendations for the ensuing year.

Abram F. Myers will be chairman of the session and elections will probably be held tomorrow. Littlefield, Branch, Saperstein and Cole may be named vice-presidents, Herman Blum is slated to be reelected treasurer.

FALL RIVER, Mass., Feb. 12.—Nathan Yamins today left for New York and Washington to attend the national Allied board of directors' meeting.

Watching Omaha Shows

OMAHA, Feb. 12.—The combination stage show-picture policy inaugurated at the Paramount here may have opposition if it proves successful. Mort Singer was here last weekend to observe the opening at the A. H. Blank house. He may put in stage shows at the Brandeis if the Paramount's policy clicks.

Flinn in Coast Confab

LOS ANGELES, Feb. 12.—John C. Flinn met today with members of the clearance board. He went over the minor revisions which will be included in the final draft of the approved clearance schedule to be presented at a Campi meeting next week. Flinn leaves Saturday for New York.

Charter Mayfair Prod.

ALBANY, Feb. 12.—Mayfair Prod., Inc., has been chartered by Harry A. Tifford, Minnie Horowitz and Mae Graff.

Ruby Keeler to Hospital

HOLLYWOOD, Feb. 12.—Ruby Keeler goes to the Good Samaritan Hospital tomorrow for a minor foot operation.

Looking 'Em Over

"Ten Minute Alibi"

(Continued from page 10)

and the British facetiousness of two detectives seems out of place. There is only fair entertainment value.

The story is unusual in that it shows the perpetration of a murder and asks the sympathy of the audience for the efforts of the murderer to escape detection. The dead man is, of course, the villain of the piece; a blackmailer and woman trafficker who is better out of the way. The hero kills him to save a girl from his clutches and stages the crime cleverly, using gloves to hide his finger prints and faking the clock in order to make his alibi watertight. The thrill comes when the tecs reconstruct the crime and seem on the verge of discovering everything but miss the obvious clue that the clock, striking seven at six o'cloc' reveals that it has been tampered with.

Holmes is good in the long scene of his cross-examination, but neither Aileen Marson as the girl nor Theo Shall as the villain are up to modern standards. The story angle, with obvious exploitation possibilities, is the selling value.

Running time, 85 minutes. "A."

"The Triumph of Sherlock Holmes"

(*Gaumont-British*)

LONDON, Feb. 1.—One of a series of Real Art Prod. made by Julius Hagen at the Twickenham studios for G.-B. release and a typical example of that studio's workmanlike and unpretentious work. It offers good, though not outstanding, entertainment values.

The appeal will be strongest to those who know the Sherlock Holmes stories, for Leslie Hiscott, the director, has got right under the skin of the Conan Doyle character and has in Arthur Wontner a very good actor who is physically the double of the original.

Plot values are good and suspense is well maintained in a story with an unexpected finish turning upon the murder of an Anglo-American who is known to be in fear of the vengeance of a secret society in the States. In the end Holmes surprises everybody by revealing that the "dead" man is still alive and in hiding after killing and disfiguring his would-be assassin. Additional dramatic value comes from the fact that the case is presented as the last episode of the struggle between Holmes and the super-crook Moriarty, whose watery end is the climax of the film.

The characterization of Holmes, with a witless Dr. Watson for foil, is amusing and ingenious and will please Doyle fans. The episode in which the hero outwits the "Scourers," the secret society in a "Southern State," is good action stuff and seems passably American.

Running time, 87 minutes. "G."

"In Town Tonight"

(*British Lion*)

LONDON, Feb. 1.—Variety purveyed by radio stars, on a very thin story thread of two entrepreneurs who, meeting at an agent's, set out to find talent for "In Town Tonight." It stands or falls on the entertainment values of the separate turns. Some of these are good but some are very much the opposite.

Dave Apollon and his Band are the highspot. Hawaiian stuff is excellent and Dave is a personality as well as a musician. Wilson, Keppel and Betty's speciality act comes next, and Finlay Currie, Arthur Prince and the Seven Thunderbolts would all entertain American audiences.

This wants a good deal of cutting to make it an acceptable light booking on your side.

Running time, 75 minutes. "G." ALLAN.

"Home on the Range," this morning's opener at the Criterion, was reviewed by wire from Hollywood on Nov. 10.

Buffalo Men Shifted

BUFFALO, Feb. 12.—Several changes in the Hollywood Pictures exchange staff have been made by Manager George H. Moeser. Taking over the Albany territory is Eugene C. Markens, former Educational branch manager in that city. Charles Flarity gets the Rochester-Syracuse district and Edward Kempner will handle Buffalo sales.

C. M. Turley Reelected

ST. LOUIS, Feb. 12.—Clarence M. Turley, former associate of Skouras brothers in the operation of the Missouri, Ambassador and Grand Central theatres, has been reelected secretary of the St. Louis Real Estate Exchange. He served the exchange in that capacity in 1932, 1933 and 1934.

"Gentlemen," Ellington Top Draw for K.C.

KANSAS CITY, Feb. 12.—Honors went to the Mainstreet's combination bill, "Gentlemen Are Born" with a stage show headed by Duke Ellington and his band, which upped the take to $12,500. "Wings in the Dark," at $7,200, was a strong attraction at the Newman.

Both in a second week, "County Chairman" at the Uptown and "David Copperfield" at the Midland proved their drawing power, and the Will Rogers' opus was held for a third stanza.

Total first run business was $39,200. Average is $34,500.

Estimated takings:

Week Ending Feb. 7:

"GENTLEMEN ARE BORN" (F. N.)
MAINSTREET—(3,100), 25c-35c-40c, 7 days. Stage: Duke Ellington and his band, with Ivie Anderson, Sour Step Bros., "Snakehips" Tucker. **Gross:** $12,500. (Average, $9,000.)

"DAVID COPPERFIELD" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days, 2nd week. **Gross:** $7,200. (Average, 2nd week, $8,000.)

"WINGS IN THE DARK" (Para.)
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $7,200. (Average, $6,000.)

"CARNIVAL" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: "Garden of Girls," with Stratford & Mayberry, Ruth Petty, Margot & Libby Robin, Florence Hin Low, others. **Gross:** $7,600. (Average, $8,000.)

Week Ending Feb. 8:

"THE COUNTY CHAIRMAN" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $4,700. (Average, $3,500.)

Providence Gives "Lancer" 2nd Week

PROVIDENCE, Feb. 12.—"Bengal Lancer" did $500 over average in its second week at the independent Strand here, which is very neat business in this town just at present with the city trying to dig itself out of the snow. The take was $7,000.

Both Fay's and the RKO Albee, with vaudefilm programs, were over $8,000, but Loew's again was off, catching only $9,000 with "The Night Is Young" and "Behind the Evidence," $3,000 down.

First run business was $41,400. Average is $40,500.

Estimated takings for the week ending Feb. 7:

"LIVES OF A BENGAL LANCER" (Para.)
STRAND—(2,300), 15c-40c, 2nd week. **Gross:** $7,000. (Average, $6,500)

"GENTLEMEN ARE BORN" (Warners)
"RED HOT TIRES" (Warners)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"THE NIGHT IS YOUNG" (M-G-M)
"BEHIND THE EVIDENCE" (Col.)
LOEW'S STATE — (3,800), 15c-40c, 7 days. **Gross:** $9,000. (Average, $12,000)

"STRAIGHT FROM THE HEART" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Medley and Dupre. **Gross:** $8,700. (Average, $7,000)

"SONS OF STEEL" (Chesterfield)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "The Merry Whirl" revue. **Gross:** $8,500. (Average, $7,000)

"THE LITTLE MINISTER" (Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

In eight of

"1934's BEST TEN"

OF the ten pictures chosen as 1934's best in the *Film Daily's* nationwide poll, eight were photographed on Eastman Super-Sensitive Panchromatic Negative. Again this Eastman film has made its contribution to the artistry and entertainment value of the productions adjudged the finest of the year. Eastman Kodak Company, Rochester, N.Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

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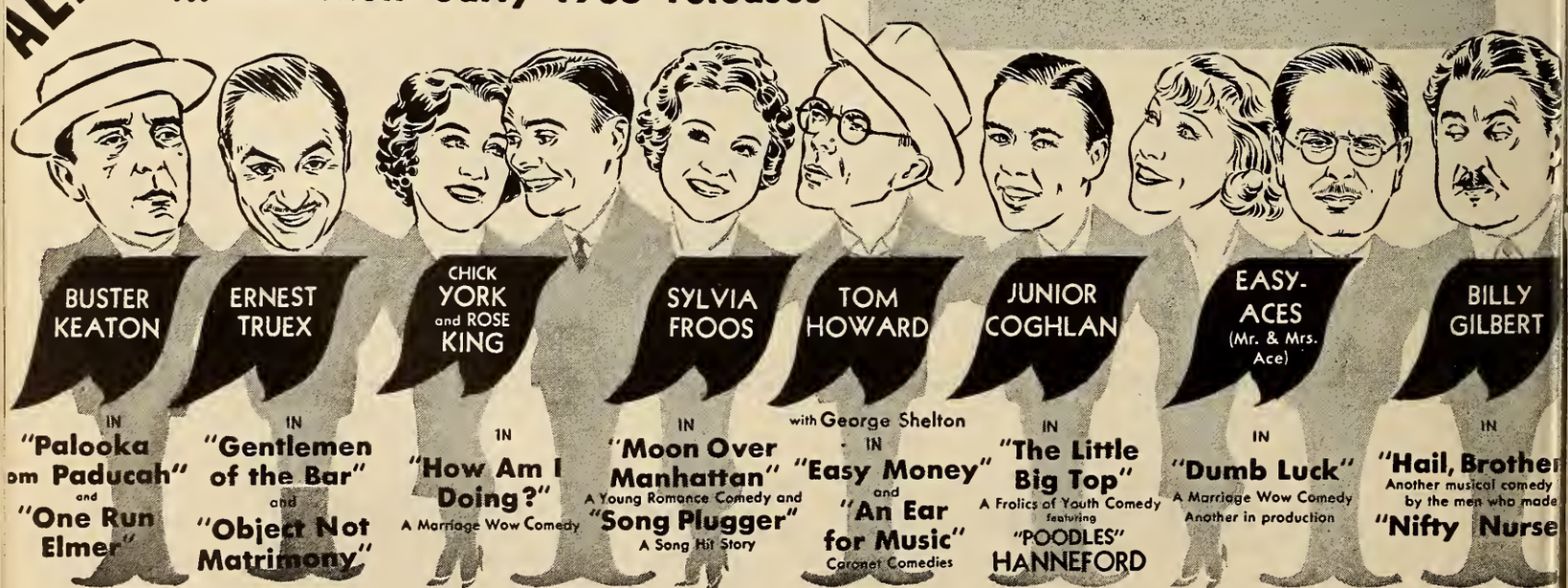
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ERNEST TRUEX IN "Gentlemen of the Bar" and "Object Not Matrimony"

CHICK YORK and ROSE KING IN "How Am I Doing?" A Marriage Wow Comedy

SYLVIA FROOS IN "Moon Over Manhattan" A Young Romance Comedy and "Song Plugger" A Song Hit Story

TOM HOWARD with George Shelton IN "Easy Money" and "An Ear for Music" Coronet Comedies

JUNIOR COGHLAN IN "The Little Big Top" A Frolics of Youth Comedy featuring "POODLES" HANNEFORD

EASY-ACES (Mr. & Mrs. Ace) IN "Dumb Luck" A Marriage Wow Comedy Another in production

BILLY GILBERT IN "Hail, Brother" Another musical comedy by the men who made "Nifty Nurse"

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VOL. 37. NO. 38 NEW YORK, THURSDAY, FEBRUARY 14, 1935 TEN CENTS

JOSEPH SCHENCK IN DEAL FOR FOX MET

Monopoly Now Made Issue in Huffman Case

Federal Attorney Gives Code Case New Twist

DENVER, Feb. 13.—Charges that Harry Huffman's companies here seek a monopoly of exhibition and are violating the Sherman anti-trust law were contained in a brief filed by the Government in the film stoppage injunction suit carried to the U. S. Circuit Court of Appeals by Huffman. He has 10 days in which to answer. The case will then go to the U. S. District Court for hearing on its merits, including the injunction angle.

Huffman sought the injunction in the U. S. District Court after the grievance board had ordered his film supply stopped because of his failure

(*Continued on page 5*)

Campi May Approve K. C. Zoning Soon

Despite the fact that Elmer C. Rhoden, operating head of Fox Midwest, has turned down the Kansas City clearance and zoning schedule based on admissions, Campi will discuss the plan and in all probability will adopt it at the Feb. 21 session.

In adopting the Los Angeles schedule, Code Authority, by a vote of seven to three, agreed that admissions in all plans will govern the

(*Continued on page 5*)

Early Deal Seen on Studio Labor Pacts

Agreements on new studio union pacts are expected to be concluded today by representatives of producing companies and the studio unions, it was stated yesterday.

The conferences have been under way for the past week with Pat Casey major studio labor representative, presiding. All unions included in the basic agreement with studios are represented in the current discussions.

RKO Takes Shubert Theatre, Cincinnati

CINCINNATI, Feb. 13.—The RKO Midwest Corp. today closed a lease with the Shubert enterprises in New York to take over the Shubert here on March 1. Ike Libson, managing director for RKO Midwest, says

(*Continued on page 11*)

He'll Forge 'Em

All the New York film critics and trade paper writers who have been longing for years to see how a Saracen helmet and broad sword are made are going to have their chance next Tuesday.

Kenneth Lynch, armorer, who runs an "armorery" in Long Island City and armors some of the best knights, will forge one of each. He's the man who has been broadswording and helmeting the cast for Cecil B. DeMille's "The Crusades."

Expect Court Will Approve Para. Setup

Approval of the Paramount plan of reorganization and its proposed board of directors of 16 by Federal Judge Alfred C. Coxe at a hearing scheduled for today looms as a certainty, in the opinion of reorganization factors interrogated yesterday.

Today's hearing may prove to be a routine formality in view of definite indications that the court may not permit the voicing of any objections to the proposed directorate at this time. It is generally anticipated that Judge Coxe will approve the plan today and consent to an order to show cause why it should not be placed in effect. Such an order would be returnable about March 15, at which time hearings of

(*Continued on page 11*)

Samuelson Is Reelected As Allied Head

By W. A. WHITNEY

WASHINGTON, Feb. 13.—Sidney E. Samuelson was reelected as president at the annual meeting of the Allied board of directors which began a three-day session today at the Carlton Hotel. Abram F. Myers was renamed board chairman and general counsel and Herman A. Blum held his post as secretary and treasurer.

The annual budget was adopted.

H. M. Richey's report on ways of increasing the association's income was debated during the afternoon session.

Subjects remaining on the program include a decision on plans for the

(*Continued on page 5*)

Production Holds Well Above Normal

HOLLYWOOD, Feb. 13.—Production continues above normal, but slightly below the previous week which reached the highest peak in several years. Pictures before the cameras last week totalled 43 features and

(*Continued on page 9*)

Will Head Circuit If Offer Is Approved

Stepping into the picture as a completely surprising factor, Joseph M. Schenck, not as the head of United Artists but as an individual operator, is negotiating for the purchase of Fox Metropolitan Playhouses, Inc., through acquisition of the claims outstanding in the bankrupt company's estate, it was revealed last night.

It is understood that Schenck will head the reorganized circuit if the Fox Met bondholders' committee and reorganization factors approve his proposal, which has already been submitted for their consideration.

In answer to a query, Schenck told the Hollywood bureau of MOTION PICTURE DAILY last night that the deal was not being negotiated on behalf of his brother, Nicholas M. Schenck, president of Loew's, Inc., who but a few months ago made a competitive bid for the much-dis-

(*Continued on page 11*)

Dent Coming Here For Product Deal

By BRUCE ALLAN

LONDON, Feb. 5.—Arthur Dent of Wardour Films and Associated British Pictures will visit New York in the near future to discuss distribution for B.I.P.'s lineup.

Gaumont British distribution of the B.I.P. program in America is now unlikely. Admitting that there had been

(*Continued on page 9*)

Warner Deficit on Quarter $143,751

Warner Bros. Pictures, Inc., reports a net operating loss of $143,751.31 for the 13 weeks ending Dec. 24, 1934, but at the same time reported a heavy cut in its deficit account through the redemption of funded indebtedness.

Net operating profit for the period

(*Continued on page 5*)

Warners Drop Moves On Nashville Group

Notification that Warners will not take over eight Nashville houses from Tony Sudekum, as provided in a standing agreement between the two,

(*Continued on page 5*)

Freedom of Press, Also Screen, Stirs Up Forum

By J. M. JERAULD

Critics are great believers in the freedom of the press. They admitted as much yesterday at the M. P. Club Forum—some lightly, others seriously—and they discovered their hosts think there should also be freedom of films and freedom of radio.

It was the ousting of newsreel cameras from Flemington that drew a serious retort from Louis Nizer in what up to that time had been mostly an exchange of banter.

Martin Weyrauch, managing editor of the *Brooklyn Eagle,* was the first speaker to become serious.

"Newspapers before the Revolution were simply the extension of one man's ability to talk to his neighbors," he said. "It was a limited form of extension, just a leaflet, but the right was considered so sacred by the framers of our constitution that they introduced a guarantee of freedom of the press.

"I believe that, if radio and motion pictures had been in existence at the time, this guarantee would have been extended to these mediums of expression as well. I think it is time for them to cast off their inferiority complexes and fight for these rights."

Nizer, and Harry Hershfield, who was acting as master of ceremonies,

(*Continued on page 9*)

MOTION PICTURE DAILY

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Services Held Here For Mrs. P. S. Brown

Private services were held at the Stephen Merritt Chapel yesterday morning for Mrs. Pearl Sayler Brown, wife of Colvin W. Brown, vice-president and general manager of the Quigley Publishing Co., who died at her New York apartment Tuesday morning after a long illness. Harry C. Brown, a Christian Science reader, conducted the services.

Those present included Frank C. and Mrs. Walker, Eddie Dowling and Ray Dooley, E. M. Fay, Paul C. Mooney, David Palfreyman, Glenn and Mrs. Griswold, Martin Quigley, Jr., Mrs. Mabel Burkhart, Mrs. Robert Goldman and virtually the entire personnel of the Quigley Publishing Co.

The funeral party left on the Commodore Vanderbilt yesterday afternoon for Elgin, via Chicago, where additional services will be held today and interment made at the Bluff City Cemetery in that city.

Delay Contest Opening

Paramount has switched the starting date of its cash prize contest for the most effective advertising, exploitation and publicity campaigns sent in by theatres on "Ruggles of Red Gap" from Feb. 15 to Feb. 22. The contest will close April 26. The change in the dates was made necessary by the change in the release date of the picture.

Purely Personal

MIMI LEVENSON, secretary to L. J. BARBANO of Columbia, was the guest of honor at a luncheon given yesterday at the Taft by the other Columbia executives' secretaries. The reason: announcement of MISS LEVENSON's engagement to ABE LEVENSOHN of Boston. No date for the nuptials has been set.

•

JOE LEE left for Europe on the *Conte di Savoia* yesterday for a month's vacation following his return with HARRY BUXBAUM from the Fox Chicago mid-winter meeting. JOHN D. CLARK, WILLIAM KUPPER, FELIX A. JENKINS and ROGER FERRI return in a day or so.

•

DAVE LOEW leaves for the coast tomorrow afternoon after he finishes his fifth day on the stand in the M. & S.-RKO arbitration hearing. He's earned his holiday. Until he leaves he is being bodyguarded by JUDGE ISADORE FREY and LEOPOLD FRIEDMAN.

•

JANE FROMAN has cancelled her trip to Hollywood for the present. She was to report to the M-G-M studio, but is making a tour of 21 cities first. She expects to hit the coast in the fall, however.

•

LYNN FARNOL had DICK WATTS in tow for luncheon at the Algonquin yesterday. JACK CONNOLLY and GEORGE WEEKS were others glimpsed on the same premises. Not together, however.

•

JO SWERLING, accompanied by the missus and the two children, left town yesterday for the coast. They are going by way of New Orleans, and may stop over there until the Mardi Gras next month.

•

L. H. FRANCIS, special representative for Heywood-Wakefield Co., is back in town after a two months' business trip on the coast. While on the trip he stopped at Portland to visit his family.

•

HORTENSE SCHORR is burning the midnight oil these days. She's busy reading Schopenhauer, Hume, Kant, Nietzsche and Spinoza. And avoiding old-fashioneds.

•

GERALD K. RUDULPH, former publicity man for Fox and RCA Photophone, now handles the broadcasting end of that work for a Buffalo brewer and gets a kick out of it.

•

CHARLES STERN is holding down the fort for MOE STREIMER while the latter is vacationing in Miami. STREIMER will be away for another two weeks.

•

HARRY DAVENPORT, who is reputed to be the oldest living actor, has been signed by BEN HECHT and CHARLES MACARTHUR for a part in the picture they are making in Astoria.

•

BOB GILLHAM, lucky feller, left last night for Florida and 10 days of fishing. It's all by way of preparing for the M.P.T.O.A. convention in New Orleans.

•

ALINE MACMAHON is on her way here from the coast. She recently completed "Wanderlust" for Warners and won't report back to the studio until May.

WILLIAM M. L. FISKE, 3rd, First Division vice-president, and REGINALD BAKER of Associated Talking Pictures, London, sailed yesterday on the *Olympic* from London, arriving here next Wednesday. Both plan to go to the coast after a short stay here.

•

HERBERT BAYARD SWOPE, sometimes described as the balance wheel between RKO and the Meehan interests in KAO, leaves for Hollywood in a couple of days.

•

WALDEMAR TORRES, publicity head for the M-G-M Brazil office, sails Saturday for South America after five weeks here and in Hollywood visiting the company's home office and studios.

•

BERNICE CLAIRE finishes work in a Vitaphone short at the Brooklyn plant today. She'll start work on another of the series she's doing in about three weeks.

Quip of the Day

Interviewed between planes in Kansas City, Stepin Fetchit, the colored actor, was asked by reporters what he thought of the race problem.

"The only race I care about," he quipped, "is a horse race."

AL FRIEDLANDER was in Dallas yesterday on First Division deals. AMOS HIATT returned yesterday from Philadelphia, where he arranged for larger quarters for the exchange.

•

HAROLD RODNER takes the air route to the coast either Sunday or Monday on N.V.A. and Warner Club business. He'll be gone for several weeks.

•

TOM CONNORS is back from his tour of southern M-G-M exchanges, but leaves next week for the M.P.T.O.A. convention in New Orleans.

•

ARTHUR BRUEHL, *Vanity Fair* shutter clicker, is bound for the coast to do a series of portraits of prominent satellites.

•

MICKEY BALCON, production head for Gaumont British, is due in next week from London. He's on the *Olympic.*

•

ARTHUR GREENBLATT has joined the local Gaumont British sales force, handling Brooklyn. He succeeds HAROLD CARLOCK, transferred to Buffalo.

•

ROBERT C. VIGNOLA sails today on the *President Lincoln* for the coast. BEN PIAZZA, his nephew, stays on for a few more days.

•

CLAUDE EZELL has returned to Dallas after five days here, during which time he saw "Anything Goes" and "Personal Appearance."

•

HERMAN RIFKIN of Boston and BERNARD MILLS of Albany, Monogram franchise-holders, were in town yesterday.

•

ED KUYKENDALL arrives today for the Campi session and final powwows on the New Orleans M.P.T.O.A. convention.

•

WILLIAM CADERET of Publix and JACK GOLDEN of RKO were in town from Rochester yesterday discussing bookings with home office officials of both circuits. Publix and RKO have pooled interests in Rochester under a joint operating-booking deal.

•

JACK SHEA has recovered from injuries sustained when hit by a taxi last week. His uncle, MORT SHEA, is now basking in Miami.

•

CHARLIE O'REILLY's crowded hours are more so these days, what with code hearings, T.O.C.C. affairs and conferences with JACOB SCHECHTER.

•

BOB HOPE is busy working at the Vitaphone plant in Brooklyn these days. He is set for four shorts there.

•

JAMES RORTY of the *Nation* staff, is hying himself to Hollywood to do an article on the film colony.

•

CHARLES GLETT has joined the staff of Audio Productions, Inc., and will work on production.

•

HERMAN GLUCKMAN, president of Majestic, got back yesterday from a short Bermuda cruise.

*

SIDNEY R. KENT is off to Florida today on his usual winter holiday in those parts.

•

D. A. DORAN, JR., is back from Hollywood where he sought a lead for a new play.

•

JAMES HILTON's novel, "Lost Horizon" has been sold to Columbia.

•

MILTON C. WEISMAN is in Florida. He's due back Feb. 22.

•

ROBERT FLOREY is in town at the Warwick.

Wall Street

Columbia Up 1⅜ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	38⅞	37⅞	38⅞	+1⅜
Consolidated Film	6½	6	6	— ½
Consolidated Film pfd (⅓v)	21⅜	21	21⅜	+ ½
Eastman (5)	115½	115	115½	+1
Fox Film "A"	10¼	10	10	.....
Loew's, Inc. (1a)	33	32⅝	32⅞	+ ⅛
Paramount	3⅝	3½	3⅝	+ ⅛
Pathe	1⅛	1	1	— ⅛
RKO	1⅞	1⅞	1⅞	.....
Warner	3¾	3⅝	3⅝	.....
Warner, pfd.	21½	20¾	21	+ ½

Technicolor Rises ⅝ on Curb

	High	Low	Close	Net Change
Technicolor	13½	13⅜	13½	+ ⅝
Trans-Lux (.10k)	3	3	3	— ⅛

Para. Publix Bonds Rise 1½

	High	Low	Close	Net Change
General Theatre Equip., 6s '40 ctf	8	8	8	.....
Keith B. F. 6s '46	69½	69½	69½	+ ½
Loew's 6s '41 ww deb rights	104⅝	104¼	104½	+ ¼
Paramount B'way 5½s '51	49	49	49	.....
Paramount F. L. 6s '47	70	69¼	70	+1
Paramount Publix 5½s, '50	70	69⅛	70	+1½
Warner Bros. 6s '39 wd	55¾	55¼	55¼	— ½

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 13)



DID YOU HEAR ABOUT MRS. LEO's QUINTUPLETS!

—we'll say it's a **RECORD!**

(over)



5 WEEKS *for*

DAVID COPPERFIELD

A NEW ALL-TIME RECORD

at the Capitol Theatre, N.Y.

For the *first time* in the 16 years' existence of the famed Capitol Theatre, a motion picture plays *five weeks!* The variation in gross business from week to week has been so slight as to make "Copperfield" an entertainment unique in all screen history. This *building* and *sustaining* power is evidenced likewise in extended runs from Coast to Coast in theatres and in cities of every classification. "Copperfield" is unquestionably the greatest *hold-over* picture the industry has ever known. We repeat to our exhibitor friends the urgent advice to arrange for ample additional playing time.

Congratulations to those who made it possible! To David O. Selznick, producer. To George Cukor, director. To the great cast of 65 stellar players. To Hugh Walpole, adaptor. To Howard Estabrook, author of screen play. And to the memory of beloved Charles Dickens!

Monopoly Now Made Issue in Huffman Case

(*Continued from page* 1)

to comply with an order to stop automobile giveaways. After he had lost an injunction appeal the grievance board defense was assigned to the assistant United States district attorney here and the case was carried to the U. S. Circuit Court of Appeals. Briefs have been filed by order of the court.

In his brief Byron G. Rogers, the assistant district attorney, also contends that Huffman, because he controls 36 houses through three companies, can to a certain extent control the movement of films here and can slow up their availability for subsequent runs.

Three of Huffman's companies are involved in the suit—General Theatres, Inc., Aladdin Theatre Corp. and Centennial Theatres, Inc. It was against these companies that the grievance board directed its film stoppage order.

The present restraining order will continue until the case can be heard on its merits in the U. S. District Court. It is expected a hearing date will be set within a month.

Compliance Director Sol A. Rosenblatt will join the defense of the grievance board when the case is heard at Denver and will also be a government witness.

Campi May Approve K. C. Zoning Soon

(*Continued from page* 1)

availibilities of first run neighborhood spots following downtown first runs and also the amount of clearance to be set between runs in a particular zone. The decision of the board still gives the distributor the right to sell any run in any zone deemed advisable to the interests of the company.

Breaking this down means that where three theatres in a zone charge 25, 20 and 15 cents, distributors have a right to sell the lowest-priced theatre first run with seven days' clearance over either of the other two houses with higher admissions. In all instances contracts will have a clause for maintenance of admissions agreed upon at the time deals are closed.

In the Kansas City schedule before the board, the original draft has been modified. The first plan stated that runs would be determined by admissions, but this has been amended to read that prices determine the maximum clearance between runs.

Other schedules which will be put up for a vote at next Thursday's session will be New Haven and Milwaukee. The former is in good shape and various Campi members are agreed upon most of the clauses. The Milwaukee plan is new to many of the codists.

Three distributing companies are against the price-admission angle in schedules on the ground that it is in violation of the anti-trust laws to fix or peg prices.

Protection against print shortages has been, and will be, provided for in all plans. If exhibitors feel, after plans are adopted, they are aggrieved, they can take complaints to the local boards and appeal from decisions to Campi. If a plan is found unworkable, it will be thrown out.

At today's Code Authority session, the business will revolve around decisions on appeal hearings.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Great Hotel Murder"

(*Fox*)

HOLLYWOOD, Feb. 13.—This film brings Victor McLaglen and Eddie Lowe together again, this time in a mystery story that is suspenseful and entertaining though not always plausible.

The story differs from others in which the team has appeared in that there is no woman whom the boys steal from each other. They fight this time over their respective detective abilities, with the arguments and comebacks as snappy and as amusing as ever.

Lowe is cast as a writer of detective novels and McLaglen as a hotel detective. A dead man is found in a hotel room and the pair set about solving the mystery. With surprises and comedy well-paced, the chase leads in and out of hotel rooms to an apartment across the street and ends in a mountain cabin with the boys in as the murderer runs his car over a cliff.

A minor love interest is carried by Mary Carlisle and William Janney, who hold sympathy though their parts have but little to do with the plot. Rosemary Ames, C. Henry Gordon, Henry O'Neil and John Wray have the main supporting parts and carry their roles well.

The story is by Vincent Starrett and the screen play by Arthur Kober. Sam Kaylin's music adds to the show's value. Director Eugene Forde has timed action and comedy well for good melodramatic entertainment. John Stone produced.

Production Code Seal No. 612. Running time, 74 minutes. "G."

Rule Exhibitor Not Responsible for Unit

KANSAS CITY, Feb. 13.—A theatre operator can not be held responsible for acts of a unit using the theatre, the regional labor board here has decided in a case involving W. G. McKinney of the Best, Topeka, and stagehands' Local 206 of that city.

The union complained against discharge of its members and employment of non-union hands, alleging discrimination in violation of Section 7-A of the NIRA. The board held McKinney blameless since he no longer operated stage shows, but had contracted with a stock company which brought in its own employes.

In line with reorganization of local units of the national labor relations setup, three-member committees will hold hearings on labor disputes arising from administration of NRA codes. Previously, cases have been heard by the 12-member board as a whole. Under the new plan, committees will consist of one representative each for industry, labor and the public. The local board has supervision over four states.

Ordered to End Coupons

PITTSBURGH, Feb. 13.—D. Leff, operating the Metropolitan here, has been ordered by the grievance board to stop selling coupons admitting patrons for less than the advertised admission prices on certain designated "bargain nights." The complainant was the Warner Bros. Circuit Management Corp., operating the local Plaza.

Warner Deficit on Quarter $143,751

(*Continued from page* 1)

after deducting all charges, including interest, amortization and depreciation, but before deduction of Federal income taxes, was $16,248.69. For the same period in the previous year, on the same basis, the net operating profit was $124,252.86.

The net profit from operations for the quarter before amortization and depreciation of properties, and Federal income taxes, was $1,583,889.88.

During the period $740,811.60 was credited direct to deficit account, representing profit of $730,143.45 on the redemption of funded indebtedness retired during the period, and other items amounting to $10,668.15.

The consolidated balance sheet as of Nov. 24, 1934, shows total current assets of $17,030,622.58, including cash of $3,200,703.01.

Current liabilities totaled $11,909,-605.48.

Warners Drop Moves On Nashville Group

(*Continued from page* 1)

was issued because of Warner dissatisfaction with the proposed title conveyance, it was stated here yesterday.

The purchase agreement between Warners and Sudekum's Crescent Amusements, Inc., called for the conveyance of clear titles, a provision which, it was said here, Warners did not feel was being met to the company's satisfaction.

Century Case Delayed

The illness of Mitchell Klupt, attorney for Century, yesterday forced a delay in the adjourned hearing of the circuit's clearance complaint against RKO before the New York clearance board. The hearing will be resumed next Wednesday.

Samuelson Is Reelected As Allied Head

(*Continued from page* 1)

annual convention in Atlanta next May and a discussion of the administrative and legislative angles of the code situation.

A stand on the organization's attitude toward block booking bills and a pending copyright law is to be taken. On the copyright measure it will be urged that a general investigation be made before a bill is agreed upon and that the attitude of broadcasters, hotel men and others be learned.

The announced program for Thursday's session follows:

1. Statement relative to the legislative program
2. The code—from the legislative standpoint
   - (a) Attitude of President Roosevelt
   - (b) Attitude of N. I. R. B.
   - (c) King Resolution (S. 35)
   - (d) Legislative situation in general
   - (e) Momand pamphlet
3. Compulsory block-booking, blind selling, etc.
   - (a) Celler Bill
   - (b) Culkin Bill
   - (c) Motion Picture Research Council proposal
   - (d) Should the Brookhart Bill be reintroduced?

   Adoption of final policy
4. Copyright Law
   - (a) Suggestion that investigation precede drafting of bill
   - (b) Attitude of broadcasters, hotel men, etc.
   - (c) Status of Government suit against ASCAP
5. Resumption of unfinished business
6. Time permitting, reception of new proposals from directors

Friday

1. Resumption of unfinished business (if any)
2. Continued reception of new proposals from directors

(Note: It is desired that directors devote the most of the day visiting their Congressmen and Senators in the interest of the legislative program.)

Cassil Persistent, But Loses to Campi

KANSAS CITY, Feb. 13.—When it comes to persistency, Frank H. Cassil, exhibitor of St. Joseph, Mo., wins the grand prize.

Haled before the local grievance board on a bank night compliant, a decision was rendered against him. Cassil appealed, and Campi upheld the board. Then, after some wrangling, he was given a second hearing on his plea that his theatre was not in direct competition with the complainant, W. A. Leucht. Cassil lost again. He wanted to file another appeal, but here John C. Flinn, Campi secretary, called a halt, ruling the board's decision final.

Cassil now says he'll comply and cut out bank nights.

Joplin Bank Night Complaint Is Filed

KANSAS CITY, Feb. 13.—Harley Fryer, Fox manager at Joplin, Mo., has filed a bank night complaint against G. E. Shilkett, Rex, same city.

Ray McLain, Fox manager at Emporia, Kan., has withdrawn a similar complaint recently filed against E. O. Briles, Lyric, Emporia.

Frank H. Cassil, Rialto, St. Joseph, Mo., has lodged a premature advertising complaint against W. A. Leucht, Valley, same city.



"THANK YOU FOR A THRILLING EVENING" . . . . . .

"With a roll of drums and a crash of cymbals from the United States Marines, Warner Brothers' first Cosmopolitan Production arrived last night at the Strand Theatre. It's exciting as a big parade—entertainment through and through. Fun factions alternate with heart-stirring, breath-taking sequences in machine-gun rapidity. Most sensational sequences to reach the season's screens. The aerial stunting will make you gasp. No one should miss it. It tops all in thrills."— *Regina Crewe in N. Y. American*



THANK YOU, NEW YORK, FOR A THRILLING PREMIERE

A triumphant turnout of celebs and citizens that overflowed four premiere night shows . . . formed a 9:30 line next morning . . . and put the Strand hot on the trail of San Diego's astounding record of 76% over 'Here Comes the Navy' figures! . . . And the coast-to-coast parade of smashing premieres continues with biggest gross and attendance in past year at the Roosevelt, Chicago; 2-block lines at the Memphis Warner; new house record for opening matinee at the Hillstreet, Los Angeles!

"DEVIL DOGS

Starring JAMES CAGNEY • PAT

A Cosmopolit

"THANK YOU, MISS CREWE, FOR A THRILLING REVIEW"

"We agree with every word you say. And we're glad to see that *you* agree with Mr. Sennwald of the Times ('loaded with pictorial dynamite . . . most remarkable aerial photography in years')—Mr. Boehnel of the World-Telegram ('moves with glorious excitement')—Miss Creelman of the Sun ('expert combination of thrills and fun')—Miss Johaneson of the Mirror ('a stunning thriller')—and Miss Pelswick of the Journal ('an outstanding achievement . . . tremendously impressive')."



"THANK YOU, WARNER BROS., FOR ANOTHER THRILLING HIT"

"I'm always glad to hear that the boss has booked a Warner picture. They give me something to do these long winter evenings. I meet so many interesting people when we play shows like 'Flirtation Walk', and 'Bordertown' and those swell Clue Club mysteries. That's why I'm looking forward so eagerly to Rudy Vallee in 'Sweet Music', Kay Francis in 'Living on Velvet', 'Gold Diggers of 1935', Al Jolson and Ruby Keeler in 'Go Into Your Dance' and Paul Muni in 'Black Fury', as well as to...



OF THE AIR"

BRIEN Directed by Lloyd Bacon

duction

Norton Says British Need American Help

"I don't think we can really make pictures in England without American technical help," said Richard Norton, British and Dominions producer, who arrived here yesterday on the *Berengaria*. He brought with him a print of his company's latest, "Brewster's Millions," which stars Jack Buchanan and Lili Damita, and as proof of the above statement pointed out that the film was directed by Thornton Freeland, who did "Flying Down to Rio," and was photographed by Bernard MacGill.

One of the purposes of his trip, Norton continued, is to take back an American film editor with him when he returns to London.

"Brewster's Millions," which was made as a musical, is the third of B. & D.'s four to be released by United Artists this year. The last will be the Elisabeth Bergner vehicle, "Escape Me Never," which is now in its final editing stages.

Norton's company normally has been producing between 10 and 12 pictures a year, but, in the future, will turn out eight. Of these, Herbert Wilcox will produce two. Negative costs will be raised on each individual picture, however, Norton said.

Only one picture is currently planned by British and Dominions, Norton continued. This will be based on the life of the English actor, David Garrick. It is tentatively titled "Peg Woffington" and Cedric Hardwicke, who is now in Hollywood, will have the lead. Herbert Wilcox will direct.

Norton's stay here is indefinite, but he hopes to clear up his business and return to England before the first of the month.

Needs "Punks"

Richard Norton, British and Dominions producer here from London, met the press yesterday in his hotel suite. One of the questions asked had to do with his taking back American talent to London.

"We really have no need for American stars for our musicals," Norton explained, "but when I do a musical next year I most certainly will insist that I come over here for some of what you Americans politely refer to as 'punks'."

Norton hastily explained he was referring to "beautiful chorus girls."

Monogram Busy Mon.

HOLLYWOOD, Feb. 13.—Monogram resumes production Monday after several weeks of inactivity. The first picture will be "The Hoosier Schoolmaster." Final details on the script are now being worked out. Douglass Montgomery is slated for the leading role, but may have to drop out because of two other assignments from a major studio.

Mild Pennsylvania Tax Protests Seen

PHILADELPHIA, Feb. 13.—That protest against the 10 per cent tax on admissions proposed yesterday by Governor George H. Earle in his budget message to the Legislature is liable to be no more than mild was the belief expressed in film and political circles today.

One reason the industry is not expected to make a vigorous attack on the Earle proposal is that it is said to feel grateful for the friendliness of the new administration, the first Democratic one to rule the state in some 40 years. Another reason advanced is that the film men hope the liberal views of the administration may lead to Sunday shows.

The industry is viewed as likely to take no strong action against the proposal even in face of the fact that such a heavy impost would probably prove drastic to small houses, regardless of whether exhibitors absorbed it or passed it on.

Eastman Dividend Up

The Eastman Kodak Company yesterday voted an increase in the annual dividend from $4 to $5 with a quarterly declaration of $1.25 a share.

"Nitwits" Is New Title

HOLLYWOOD, Feb. 13.—Radio has changed the title of "Murder Song," Wheeler and Woolsey's next, to "The Nitwits."

Ohio Senate Passes Contract Dating Ban

COLUMBUS, Feb. 13.—After receiving the sanction of the Committee of Commerce and Industry and of parent and teacher associations, the Senate has passed the bill introduced by Senator Edward N. Waldvogel making it unlawful for distributors to require exhibitors under contract to play any picture on a specific day. The announced purpose of the bill is to prevent forced dating of objectionable sex pictures on Sundays.

The committee made several amendments to prevent any handicap being placed on exhibitors that play only on Saturdays and Sundays, however. This was done by revising the wording of the bill to make the penalty applicable only to distributors.

P. J. Wood, secretary of the I.T.O. of Ohio, explained the bill to the committee and Senator Overton Jackson, during the hearing, said: "This is a fight for cleaner pictures on Sundays when a large percentage of audiences is composed of children."

Judge Faris Advanced

ST. LOUIS, Feb. 13.—Federal Judge C. B. Faris has been sworn in a member of the U. S. Circuit Court of Appeals. He is the judge before whom the anti-trust indictments were returned against major distributors and executives recently. Some other judge probably will be assigned for the trials.

The MIRROR reflects its glory



Released thru UNITED ARTISTS

LESLIE HOWARD AND MERLE OBERON in The SCARLET PIMPERNEL

An ALEXANDER KORDA Production

Production Holds Well Above Normal

(*Continued from page 1*)

seven shorts as compared to 48 and 11 for the preceding week. In addition, there are 20 features and 13 shorts in the final stages of preparation, while 45 features and 17 shorts are in the cutting rooms.

Warners continue to lead the field with eight features before the cameras, two preparing and nine editing. Paramount has eight, one and four; Radio, six, two and four; Fox, five, six and five; Universal, four, one and two; Columbia, two, one and two; Century, two, zero and one; M-G-M, three, one and 12; Goldwyn, zero, zero and one; while the independents have five, six and five.

In the short subject division M-G-M has one in work, three preparing and five editing. Columbia has one, one and two; Roach, zero, one and four; Universal, zero, one and zero; Radio, zero, one and one, while the independents register five, six and five.

"Pimpernel" at $95,000

First week of "The Scarlet Pimpernel" grossed $95,000 at the Music Hall. "Jack Ahoy" at the Roxy will wind up its week tonight with about $24,000 in the till. Both are English made films, the former produced by London Films and the latter by G. B.

Skouras in Haverstraw

Skouras Theatres Corp. has taken over the Capitol, Haverstraw, N. Y.

Freedom of Press, Also Screen, Stirs Up Forum

(*Continued from page 1*)

went into a huddle while the applause was still under way and Hershfield called upon Nizer for a second talk, a "rebuttal," he called it.

Nizer endorsed everything Weyrauch had said.

"We've just had an example of freedom of expression for films," he pointed out. "Down in Flemington, where the newspapers had fiction writers, sports writers—any kind of celebrity—writing impressions of the Hauptmann trial and forming the public's opinions in advance of a verdict a newsreel camera was barred when it gave the first and only authentic, perfect record of this great human drama.

"I think the newspapers of the country missed a great opportunity to prove their passion for freedom by not coming to the defense of the newsreels, instead of finding fault with them. I think newspapers, films and radio should stand shoulder to shoulder in this great cause."

Hershfield paused before introducing the next speaker.

"Instead of treating radio and films as competitors," he said, "newspapers could regard them as allies. Newspapers can perform a public service by printing more about radio, outside of the mere broadcasting of programs."

Bernard Sobel, John Anderson, Arthur Pollock of the *Brooklyn Eagle;* Julius Cohen and Robert Coleman spoke lightly, and then Jules E. Brulatour was called upon.

He protested at first, but moved over toward the microphones.

"I'm not going to attempt to dazzle you with any wit," he began. "I'm no performer. If I had been, I wouldn't have had to drag out a miserable existence as a plain working man in this industry. Whatever progress I may have made toward a luxurious existence has been gained simply by plodding along."

"Plodding along on a half million a year," drawled Hershfield before presenting the next speaker.

Phil Reisman gave some inside stuff on the vigorous language sales managers, advertising and publicity heads and their "25 assistants" use when they read "lousy" reviews the morning after an opening.

Herbert J. Yates confessed rather grimly that he had attended the lunch just to see "what some of these critics who tear down the finest pictures turned out look like." His manner conveyed the impression that he didn't like their looks any more than he liked their reviews.

Rowland Fields also spoke, as did Jack Cohn of Columbia.

"We in Columbia have found," Cohn said, "that some of our best writers are former critics. If some of these fellows would spend less time criticizing and more time writing stories, Columbia would buy some of them."

"There's one critic missing, your brother Harry," Hershfield interjected.

Bide Dudley arrived just before the breakup of the session and pulled a couple of stories that haven't been heard over WOR.

Dent Coming Here For Product Deal

(*Continued from page 1*)

talks, Dent says he had had nothing to do with press stories suggesting they had taken definite shape.

Asked if the G.B. deal was definitely off, he replied: "It was never definitely on."

American distribution for B.I.P. product was recently discussed in London with First Division, but indications are that, carrying an accumulation of product, Dent will make a deal on the spot with an American releasing company.

To Discuss Ordinances

Local exhibitor leaders will hold a meeting tomorrow at the RKO home offices to discuss city ordinances pertaining to theatres. Henry J. Walters called the session which will be held in the executive board room in the RKO Building. About 25 will attend.



Copyright Treaty Study Decided On

WASHINGTON, Feb. 13.—Department of State officials next week will begin a series of conferences with representatives of the film, radio, publishing and other industries affected by copyright legislation in an effort to gain support for a bill designed to amend the copyright law to conform to the international treaty as a prelude to seeking approval of the Senate to our entry into the International Copyright Union.

The decision to have the Department of State do this was reached today by the Senate Foreign Affairs Committee when department officials laid before it a draft of the proposed legislation, which, it was admitted, had never been submitted to any of the interested industries for criticism.

The bill would bring the copyright law into conformity with treaty requirements by eliminating some of the formalities incident to copyright registration in this country.

When the committee completed its consideration of the matter last session it was understood that the Department of State would confer with the industries in an effort to secure an agreement, but it developed today that the department made no attempt to do this but went ahead and wrote its own bill, which, under the circumstances, the committee refused to accept.

It is generally understood that the conferences at the department will start next Tuesday but that the committee will probably hold hearings of its own before it takes any action on the department's legislative proposals.

"Lancer" $15,500 Smash in Montreal

MONTREAL, Feb. 13.—"Lives of a Bengal Lancer" was sensational at the Capitol. It piled up $15,500, over average by $6,500, and was held over for a second week.

Total business was $38,000. Average is $29,500.

Estimated takings for the week ending Feb. 9:

"LIVES OF A BENGAL LANCER" (Para.)

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $15,500. (Average, $9,500). Held over for second week.

"THE FIRST WORLD WAR" (Fox)

IMPERIAL—(1,914), 25c-30c-40c, 7 days, 2nd week. **Gross:** $2,500. (Average, $3,500). (First week, $5,500)

"ROMANCE IN MANHATTAN" (Radio)

LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Irene Bordoni; Ray & Harrison; Lynn Burno Revue; Farrell & Taylor; Maidie & Ray; Johnny Bryant. **Gross:** $13,000. (Average, $10,500).

PALACE—Temporarily closed.

"TRANSATLANTIC MERRY-GO-ROUND" (U.A.)
"HELLDORADO" (Fox)

PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,000. (Average, $6,000)

Donat for "Robin Hood"

HOLLYWOOD, Feb. 13. — Robert Donat has been engaged by Reliance to do the title role in "Robin Hood."

"Bill" Is $9,600 High in Portland

PORTLAND, Feb. 13.—"Broadway Bill," as was expected, was the big draw of the week. It grossed $9,600, over par by $4,600, at the Paramount, plus a stage show.

"Sequoia" at the United Artists rang up $6,000, or $1,000 over average.

Total first run business was $31,100. Average is $25,000.

Estimated takings for the week ending Feb. 9:

"DAVID COPPERFIELD" (M-G-M)

BROADWAY—(1,912), 25c-35c-40c, 7 days (Return engagement played previously at United Artists.) **Gross:** $6,000. (Average, $5,000.)

"MUSIC IN THE AIR" (Para.)
"HELLDORADO" (Fox)

MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,500. Average, $3,000.)

"KID MILLIONS" (U. A.)
(2nd Run)

ORIENTAL—(2,040), 15c25c, 7 days. **Gross:** $2,000. (Average, $2,000.)

"DEVIL DOGS OF THE AIR" (Warners)

ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. Average, $5,000.)

"BROADWAY BILL" (Col.)

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,600. (Average, $5,000.)

"SEQUOIA" M-G-M)

UNITED ARTISTS—(945), 25c-35c40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

Plan Teachers' Showing

"Grand Old Girl," Radio release, will be shown to a group of principals, teachers and their friends at the Astor Saturday morning. It's a school teacher story and will open at the Astor Feb. 22.

"Chairman" Heavy Grosser, Lincoln

LINCOLN, Feb. 13.—"The County Chairman" topped off last week's stretch and went an extra day to $4,300, over average by $1,200. Further happiness fodder came by way of the unexpected steadiness of "The Mighty Barnum" which ran up to $2,900. They were at the Stuart and Lincoln, respectively.

The Orpheum, starting off with "Footlight Frolics" stage show and "Redhead" (3 days), and following in with "Caravan" (4 days), was good for $3,000 even.

Total first run gross was $13,050. Average is $9,100.

Estimated takings:

Week Ending Feb. 7:

"REDHEAD" (Monogram)
"CARAVAN" (Fox)

ORPHEUM—(1,200), 10c-15c-25c, 7 days. Stage show first 3 days. **Gross:** $3,000. (Average, $2,300)

"IRON DUKE" (Gaumont-British)

VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,850. (Average, $1,500)

"MIGHTY BARNUM" (U.A.)

LINCOLN—(1,600), 10c-25c, 7 days. **Gross:** $2,900. (Average, $2,200)

Week Ending Feb. 8:

"COUNTY CHAIRMAN" (Fox)

STUART — (2,000), 10c-25c-40c, 8 days. **Gross:** $4,300. (Average, $3,100)

Park Theatre to Open

The Park, formerly the Cosmopolitan, will reopen Feb. 21 with popular price revivals of Broadway shows. The first on the list is "No More Ladies." Chamberlain Brown is in charge.



J. M. Schenck Negotiating For Fox Met

(*Continued from page* 1)

puted circuit in conjunction with Warners, only to withdraw his offer later. He also told MOTION PICTURE DAILY that the Fox Met bondholders' committee had practically approved the plan already, adding that as an individual he would also operate the theatres in the circuit.

Schenck refused to comment when questioned as to whether United Artists or some company connected with it would later assume the obligations which would be incurred by him as an individual in his move to acquire the circuit.

Indicating renewed interest in the ultimate disposal of Fox Met, reports were also current yesterday that, following acquisition of the Audubon, former Skouras operated house, Harry Brandt was after the circuit. The reports also had it that Brandt would put in a bid for the bonds with William Fox backing the offer.

When finally reached yesterday after a series of telephone calls, Brandt stated: "I have nothing to say."

Reports linking Brandt with a deal for Fox Met. started some months ago when Milton C. Weisman, attorney for the I.T.O.A., of which Brandt is president, was appointed receiver for Fox Theatres, succeeding William E. Atkinson. Additional strength was given the rumors yesterday after a deal had been set with Weisman for the Audubon, which will be reopened in about two weeks. Minor alterations are being made at the house.

The office of Beekman, Bogue & Clark, counsel for the Fox Met. bondholders' committee, denied the reports, stating that they were awaiting a proposal from Milton C. Weisman, receiver of Fox Theatres, for taking care of that company's $5,000,000 claim against Fox Met. in the latter's reorganization plan. When this proposal is received, it was said, it will be given consideration by the committee and may be the basis for minor revisions in the present reorganization plan. It was stated, however, that the provisions in the plan specifying that the circuit may not be sold prior to May 1, 1936, will probably stand and that Skouras and Randforce will continue as operators in the meantime.

Weisman is in Florida and not expected back for another 10 days.

Col. Will Distribute Ken Maynard Series

HOLLYWOOD, Feb. 13.—Columbia will distribute the series of eight Ken Maynard pictures which Larry Darmour says he will produce, with the first slated to go into production April 1. The group will be included in Columbia's next season's product.

RKO Takes Shubert Theatre, Cincinnati

(*Continued from page* 1)

stage units will be used with films at 35 to 42 cents, including the sales tax.

Legitimate shows booked into the Shubert after March 1 will be switched to the Cox.

This gives RKO eight Cincinnati units. The others are the Albee, Palace, Capitol, Lyric, Grand, Family and Paramount.

Warners Set "Napoleon"

HOLLYWOOD, Feb. 13.—Warners have completed long-deferred plans for the filming of "Napoleon," by Emil Ludwig. Edward G. Robinson has been cast as the Little Corporal and Bette Davis will play opposite as Josephine. Production will start immediately after Robinson and Miss Davis finish their present assignments.

J. F. Wharton on Coast

HOLLYWOOD, Feb. 13.—John F. Wharton, vice-president and general counsel of Pioneer, arrived here today to look over studio activities, returning to New York on Friday.

Fox Seeks New Title

HOLLYWOOD, Feb. 13.—Fox is searching for a new title for their newspaper story, "Safe In Jail," which is set to start this month. No cast or directorial assignments have been made.

Expect Court Will Approve Para. Setup

(*Continued from page* 1)

final objections, including any involving members of the proposed board, would be held.

Although Charles E. Richardson has not yet formally indicated that he would serve on the board, his acceptance is being taken for granted in reorganization circles. Leading factions regard the proposed board of 16 as the one which will be elected, without change, following the reorganization. This view is, of course, subject to any action to the contrary which may be taken by the court in the meantime.

The important combination of creditor groups headed by the H. A. Fortington interests, have voiced dissatisfaction with the termination of Emanuel Cohen's services as production head, stating that they regarded Cohen's record with the company as a "good" one and felt they should have been consulted prior to the final action. They state that they were not advised of even the intent to dismiss Cohen. One representative of this group said yesterday that more might be said on the subject when the new board assumes control after reorganization, and pointed out that no contracts had been given Henry Herzbrun or Ernst Lubitsch as Cohen's successors.





THANKS...

FORMIDABLE and weird are the stories of the motion picture business that reach the outside. These tales of incredible tycoons, mysterious geniuses and fabulous sums caused the Editors of THE MARCH OF TIME to view their venture into this new field with trepidation.

The Editors knew that TIME and FORTUNE and THE MARCH OF TIME on the air had valuable and loyal followings. But before these people could see THE MARCH OF TIME on theatre screens nation-wide, they knew that "the trade" must approve and cooperate. THE MARCH OF TIME's Editors worked industriously at their picture, wondering if the men wise in the selling and exploiting of screen entertainment would catch THE MARCH OF TIME's enthusiasm for real life drama from the world's news.

A week has passed since the première of THE MARCH OF TIME. The first release has been well received by the public, critics and trade press. But even more encouraging than the praise has been the friendly, interested criticism.

To famed showmen—Dave Loew, Charles Moskowitz, Nick Schenck, Joe Vogel, Eugene Picker of Loew's; to Barney Balaban, Walter Immerman, Abe Kaufman of B. and K.; Jules Rubin of Publix Great States; Jack Sullivan and Charles Skouras of Fox West Coast—go THE MARCH OF TIME's sincere thanks for continued support and encouragement. Also to Ralph Branton, A. H. Blank of Tri-State Theatres; Al Boyd in Philadelphia; Chris Buckley of Albany; Dave Idzal in Detroit; Wm. Smalley, Smalley's Up-State Circuit; Bob O'Donnell of Inter-State in Texas; Al Steffes in Minnesota and N. L. Nathanson in Canada.

In the fields of exploitation and publicity, the Editors thank Oscar Doob, New York; Bill Hollander, Chicago; Carter Barron of Washington; William Saxton and Herb Morgan of Baltimore; Milt Harris, Cleveland; Reves Espey on the West Coast; Frederic Schrader, Detroit; Harry Freeman, Philadelphia; Everett Cumings, Omaha; Stanley Brown, Des Moines; for starting THE MARCH OF TIME onto the screen with one of the most successful campaigns ever given any picture.

THE MARCH OF TIME's Editors realize that they must be worthy of the industry's support, that their film is yet far from perfect. It is their determination to make each release a more complete, a more skillful issue.

Released by **FIRST DIVISION**—Harry H. Thomas, *Pres.,* Radio City, N. Y.

THE MARCH OF TIME

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Court Gives Sanction to Para. Setup

Deposits to Be Altered To Allow Withdrawal

A formal order giving preliminary court approval to the Paramount plan of reorganization was signed yesterday by Federal Judge Alfred C. Coxe following a hearing. Judge Coxe also stated from the bench that he would approve the form of deposit certificates used by the Paramount bondholders' and stockholders' committees, providing they were altered to permit depositors to withdraw without payment of an assessment.

The court ruled that the committees could not assess depositors, as proposed, declaring that proper fees for

(*Continued on page* 12)

Allied Is Silent on Board Discussions

WASHINGTON, Feb. 14.—Allied policies—legislative, code attitude and plans for the May convention—were discussed behind closed doors today by the board of directors and no statement was issued at the close of the all-day session.

Abram F. Myers refused all comment, but indicated that a statement might be forthcoming tomorrow.

Garner Will Present Two Quigley Awards

WASHINGTON, Feb. 14.—Vice-President Garner will present the 1934 Quigley grand awards tomorrow

(*Continued on page* 13)

Mastbaum Closing

Philadelphia, Feb. 14.—The Mastbaum, which threw open its doors Christmas Eve under the direction of Roxy, is slated to close on or about Feb. 28. This will mark finis to the arrangement between Roxy and the Warners which control the theatre.

Reports were again current in New York last night that Roxy would return to the local theatre field as impresario of the Center under a policy calling for stage spectacles.

U. A., Music Hall, Rivoli Deal Reported on Verge

Agreement on terms of the much-discussed deal between the Music Hall and United Artists under which the former would become first run outlet for U. A. in New York and assume ownership and operation of the Rivoli was reported to have been reached yesterday, although the point apparently has not been reached where pens are poised for the signatures necessary to conclusion of the transaction.

Reports in circulation chalk up a victory for Joseph M. Schenck and his insistence that the Rockefeller interests had to acquire possession of the Rivoli, current first run showwindow for U. A. on Broadway, at a purchase price of $1,000,000. Credited yesterday was the story the deal on his basis had been struck with payments in cash to be made over a period of years.

The setup would call for operation of the theatre by the Music Hall. The latter house would have first call

(*Continued on page* 12)

Reels Release Advance Films Of Hauptmann

The words dooming Bruno Richard Hauptmann to death for the murder of the Lindbergh baby had barely been spoken in the courtroom at Flemington, N. J., Wednesday night when the news of the verdict came tumbling from the screens of many of the nation's theatres.

Pathe News and Hearst Metrotone had prepared double reels in advance, one announcing a verdict of guilty and the other a verdict of not guilty, while Paramount had gone its competitors one better by also preparing

(*Continued on page* 10)

Seeks Law to Keep Reels Out of Court

BALTIMORE, Feb. 14.—Legislation will be introduced in the General Assembly by Miss Mary E. W. Risteau, Democratic Senator from Harford County, to outlaw the making of talking pictures at a court session during a trial.

Miss Risteau decided on this move after having seen the pictures of the Hauptmann trial.

Robb & Rowley Add Twelve to Circuit

Robb & Rowley has added 12 theatres in six Texas towns to the circuit, making a new total of 82 houses. Among the new acquisitions are theatres in Taylor and Brenham.

Harold Robb and Ed Rowley arrived Tuesday on the *Santa Elena* from the coast and will spend about

(*Continued on page* 12)

Senators Ask General Probe Into the NRA

By BERTRAM F. LINZ

WASHINGTON, Feb. 14.—Full investigation of the National Recovery Administration was today demanded in a resolution offered in the Senate by Senators Nye of North Dakota and McCarran of Nevada on charges of "injustice, oppression and favoritism in the administration of the codes of the several industries."

The investigation would be conducted by the Senate commerce committee and should be made, the two

(*Continued on page* 12)

Expect Speedy Deal For Skouras' Pacts

Conferences between Spyros and Charles Skouras and Chase National heads on the pending 10-year joint operating contract with National Theatres Corp. are expected to wind up next week when signatures will be affixed.

S. R. Kent left for Miami yesterday for a vacation. He has been sitting

(*Continued on page* 13)

RCA Loses British Sound Patent Suit

By BRUCE ALLAN

LONDON, Feb. 14.—Justice Bennett in Chancery Court today dismissed a patent infringement suit brought by RCA against Gaumont British.

The court ruled that a varying light beam used by Gaumont and British Acoustic was not the same as that used by RCA.

View Schenck Bid Friendly To Loew Firm

Close Association of the Brothers Mentioned

Joseph M. Schenck's bid, tendered not as president of United Artists but as an individual operator, for acquisition of Fox Met through the purchase of the outstanding claims of the bankrupt estate was viewed by observers yesterday as a move conceived in friendliness toward the Loew circuit, its president, Nicholas M. Schenck, and its far-flung operations in the metropolitan area.

The close association between the brothers was cited as eliminating at the outset any plan on Joseph M.'s part to create formidable circuit opposition to the thoroughly-entrenched Loew chain with its 70 theatres in the Greater New York area.

It will be recalled that Nicholas M., in conjunction with Harry M. Warner, had entered a joint bid for Fox Met several months ago at

(*Continued on page* 10)

Warners' Circuit Key Men in Shifts

In a wide shift of manpower resulting in abandonment of the posts of eastern and western district managers, the Warner circuit yesterday moved I. J. Hoffman to New Haven as circuit head of its New England theatres and Moe Silver to Albany as head of the New York state houses, exclusive of the metropolitan area, which continues under the

(*Continued on page* 12)

Lubitsch Denies He Has a Toeplitz Deal

HOLLYWOOD, Feb. 14.—Ernst Lubitsch told MOTION PICTURE DAILY here today that he had no contract with

(*Continued on page* 13)

Crowd Out Early

Washington, Feb. 14.—It is estimated 2,300 persons were on hand between 6 and 7 o'clock this morning for the first "coffee, doughnuts and Gable" milk man's showing. The picture was "After Office Hours."

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Studio Union Pacts Practically Agreed

Agreements on studio union contracts for the current year were in final stages of discussion yesterday with prospects of their being concluded late at night or early today, according to Pat Casey, major studio labor representative, who is conducting the meetings with union heads here.

No obstacles to an agreement have been encountered, Casey reported, but final conferences extended longer than were first anticipated.

"Town's Talking" Shown

Columbia's "The Whole Town's Talking," which stars Edward G. Robinson, was shown to the trade yesterday morning at the Astor. The picture opens at the Music Hall shortly.

Among those who attended were: Irving Renner, Samuel Baker, Harry Shiffman, Rudy Sanders, Harry Brandt, John Bennas, Charles Steiner, Jack Hatten, Eugene Levy, Sidney Jacobson, Samuel Winderman, Arthur Siegel, Leo Justin, Sam Rinzler, Louis Frisch, Charles Moses, Lee Ochs, David Snapper and Jack Cohn.

Mrs. Brown Buried

ELGIN, Ill., Feb. 14.—Final services were held here today for Mrs. Pearl Sayler Brown, wife of Colvin W. Brown of the Quigley Publishing Co., who died in New York on Tuesday.

Burial was at the Bluff City Cemetery.

Insiders' Outlook

By RED KANN

JOE SCHENCK, whose masterful victory over the intricacies of the rumba constantly surprises those who have seen him step, surprised the headlines out of their complacency Wednesday night when his interest in, and his bid for, Fox Met finally pieced themselves together into a yarn of very sizable import. Out of the welter of court hearings, charges and counter charges, proposals and whatnot which have characterized the attempts to reorganize that valuable New York circuit, nothing more dramatic or unexpected has come to light since Loew and Warner joined hands several months ago on an identical mission. . . .

▼

And yet, a peek into the background and a sifting of the circumstances stamp the move with logic and plenty of it. Go back over the trail with us. Factor number one was a plan by Harry M. Warner to acquire Fox Met. In one move, this would have set up his company as a force in the theatre scales weighing off the richest territory in the United States. Factor number two, or easily number one, is and always has been an understandable strategy on Nick Schenck's part to protect the Loew theatres, representing as many millions as they do. There came the day, a surprising day then, when Fox Met bids were aired in Federal court to find Warner and Schenck, who haven't always hit it off on the best of terms, entering a joint offer for the coveted circuit. . . .

▼

Much went on in high council chambers. A condition of the Warner participation was popularly supposed to have been a split of properties giving Loew the Warner theatres on Broadway and the Strand in Brooklyn and Warners the Loew theatres in Northern Jersey, already a stronghold of Warner enterprise. A condition of Loew participation tied in the Fox product in Fox Met houses and there brows knitted and midnight oil burned. A deal was well nigh struck when Sid Kent realized, or was caused to realize that behind Fox was Chase National with its Rockefeller influence as represented by Winthrop W. Aldrich; that behind RKO, or interested in RKO as the largest common stockholder, was the selfsame oil family. Kent, there is sufficient reason to believe, asked Nick Schenck if he wouldn't bow out of the deal set up for Fox film. And Schenck consented. With that major line of product continuing to go to the RKO circuit, Loew's interest in Fox Met became less and less keen to arrive finally at the point where the company's offer for Fox Met ultimately was withdrawn. . . .

▼

Constantly recurring, however, was the necessity for trench-digging to ward off the creation of that third major circuit in the metropolitan area. It existed then. It exists now and that brings this bit of history to its Wednesday chapter: the discovery that Joe Schenck individually and *per se,* was actively in the ring for Fox Met by purchase of claims outstanding against the bankrupt estate. He doesn't have to go far afield. Over ninety per cent of the secured claims, represented as they are by $12,460,700 in bonds, are held by the bondholders' committee. The Loew-Warner, when made, bid ran to 42 cents on the dollar. Lightning calculation makes it apparent in a hurry that the circuit can go to Schenck for approximately $5,000,000 if the original valuation prevails and if his offer wins out. . . .

▼

Joe and Nick are brothers. They are very close brothers. That's one factor. Long has been the understanding that they are partners in much, if not all, either undertakes. That's another factor which makes the conclusion to be drawn simple enough. This is it: If Joe becomes owner of Fox Met, his operation of its 86 theatres not only will be geared in friendly fashion insofar as Loew's is concerned, but will remove whatever fear of a third major New York City chain may be coursing through Nick's mind. As axiomatic as all that. . . .

▼

Other angles. The Skouras-Randforce operating agreement will keep those circuit men in the picture until May 1, 1936. What is there to prevent the bondholders' committee from selling to Joe Schenck now, today or tomorrow? You're being told. Nothing. Mandatory upon him, however, would be his observance of the existing operating deal until arrival of its expiration date. While this dabble in futures is afoot, ponder over the possibility that a Joe Schenck purchase could become a sale to Loew's when the Skourases and Randforce find themselves out. It's only a trifle more than a year away anyway. . . .

▼

If you've gone this far, a question leaping to the front might well have to do with RKO. That circuit has something like $25,000,000 invested in its Greater New York houses. Loew's 70, plus a friendly 86 of Fox Met's would equal a condition which Messrs. Meehan, Thompson and Blumberg couldn't dodge by turning the page. What would they do under the circumstances? Would they sit back, content to remain in second place? Would they? Would you? Who would? . . .

▼ ▼

It was Columbia's day yesterday what with an Astor trade show of "The Whole Town's Talking" and the sort of reception which the picture properly earned. Already covered by preview service from the coast, this is merely to pass on another reaction. Here is the picture in which Eddie Robinson plays a combination Casper Milquetoast and Public Enemy No. 1 part and drains both widely divergent roles to their last rich dregs. He's immense. And so is the picture with its adroit seesawing of comedy and melodrama. . . .

▼

Aside from telling you forthwith that "The Whole Town's Talking" will do a rousing business, this is to stress now, because the time is fitting, the value of sinking hooks into a yarn before permitting the cameras to do their stuff. Implausible at times, yes; but the Robinson attraction is steeped and steeped well in story values cleverly concocted and thoroughly worked out. It sets out to tell what it has to say, never overlooks any bets as it pits Robinson, the innocuous against Robinson, the killer and, aided plentifully by the starring performance as well as by the script by Jo Swerling and Bob Riskin and the direction by Jack Ford, comes through as one of the season's best pictures. If anything else has been overlooked, throw that in as well. . . .

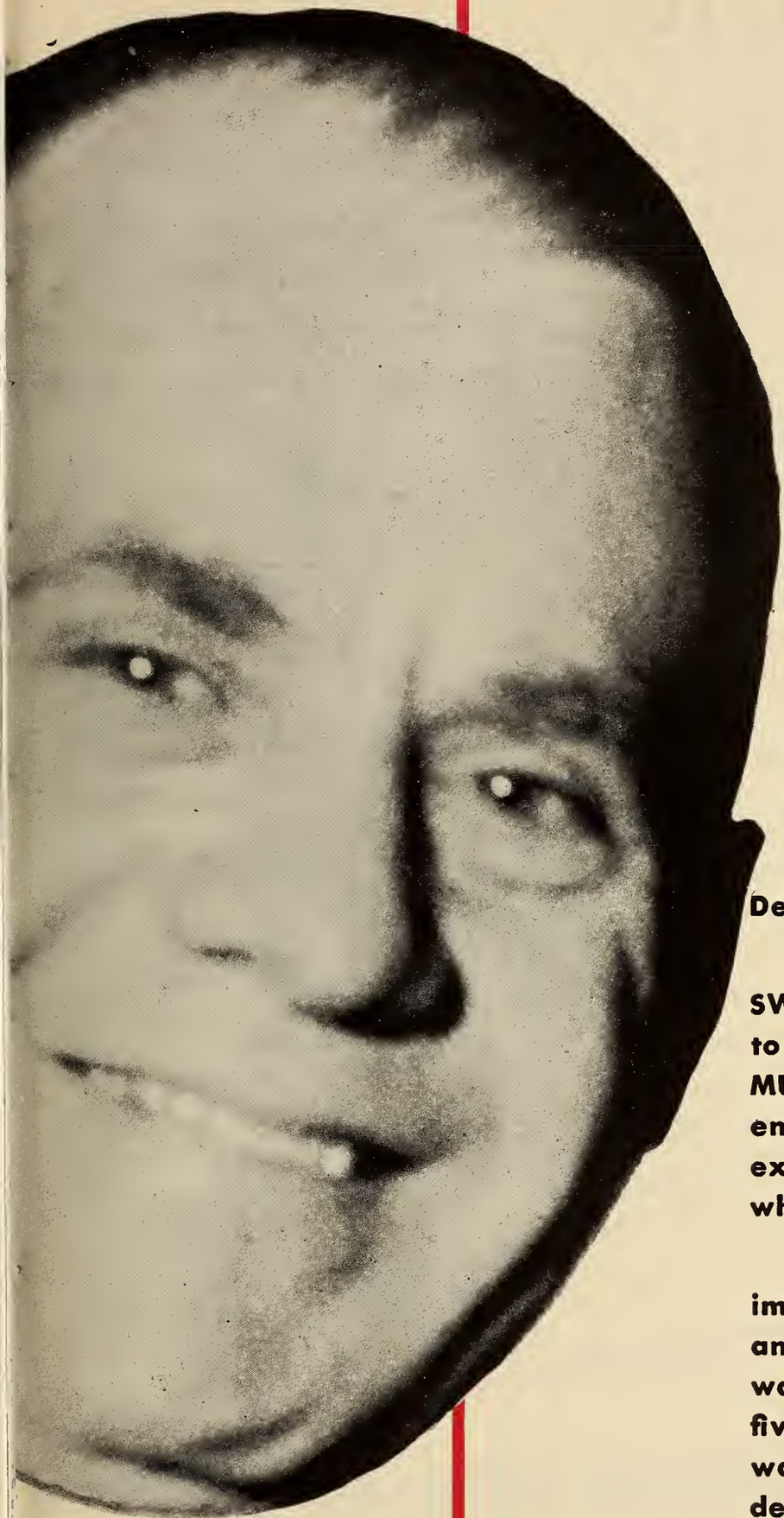
Only 12 Extras Won Living Wage in '34

HOLLYWOOD, Feb. 14.—The Central Casting Office's annual report shows that only 12 extras earned a "living wage" during 1934. The report also showed that only six extras earned $2,500 or more. One of these was a woman. There were only five women who earned $2,000 or more. A further check of the report showed that all the top salaried extras were listed in the Class A, or well-dressed group.

The casting office revealed that 219,859 jobs were given out last year to approximately 4,000 extras and that the average pay check was $9.03.

Ritchey Gets Peerless

Ritchey International Corp., Monogram's export affiliate, has acquired foreign rights to all Peerless pictures, including eight on the 1934-35 program.



You, Too, Can Wear The Famous John Hamrick Smile!

NOTED SEATTLE SHOWMAN REVEALS SIMPLE RECIPE FOR HAPPINESS

Dear Jack Warner:

The other night I sat in a preview on SWEET MUSIC, and if the audience reaction to this picture means anything, SWEET MUSIC is going to be one of the best audience pictures of the season, and I hasten to extend to you my praise for the manner in which you handled Rudy Vallee.

You made a regular trouper out of him immediately on entering his first scene, and you kept him a regular trouper all the way through. Before we were in the picture five minutes, everyone in the audience was convulsed with laughter. This picture deserves success because it is filled to overflowing with entertainment value.

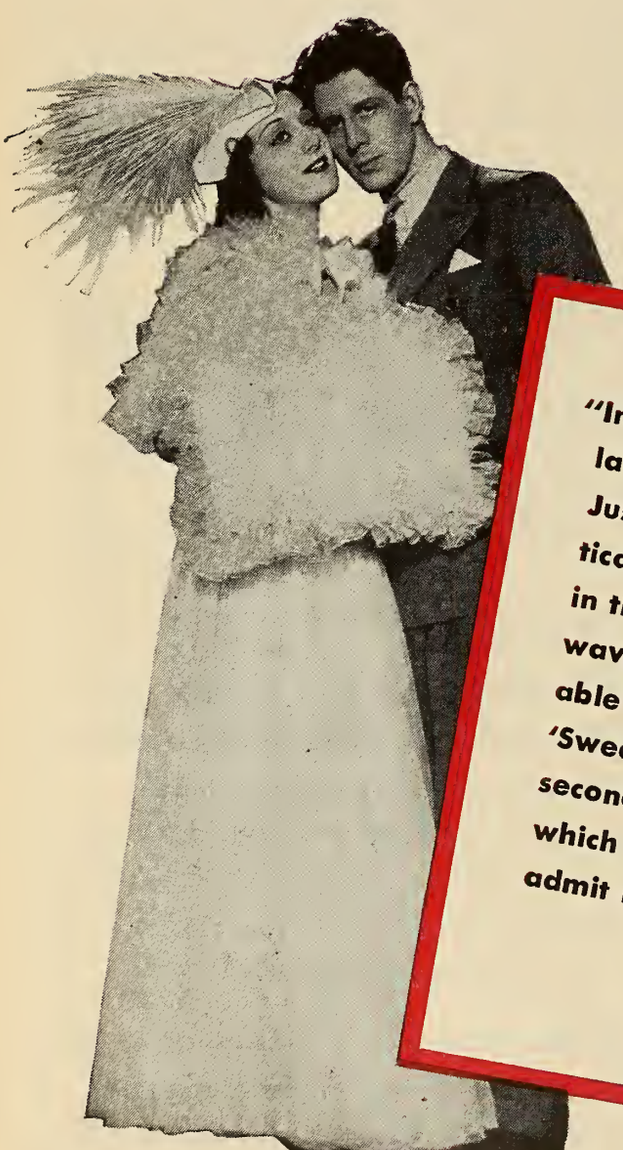
With worlds of good wishes,

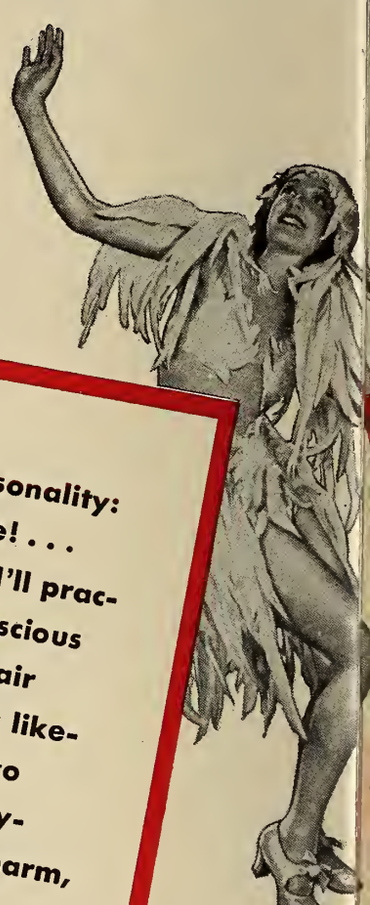
Sincerely,

J. C. Hamrick

RUDY WINS APPLAUSE OF EXPERT

You're going to be surprised
Bros.' first Rudy Vallee show
be *too* surprised, we're re
warnings from three other





"Introducing a brand new and grand new personality: ladies and gentlemen, I give you Rudy Vallee! . . . Just go to see 'Sweet Music', is all I ask; and I'll practically guarantee you'll all become Vallee-conscious in the cinema as so many of you are over the air waves. For here's a different Rudy, a genuinely likeable chap . . . There's a refreshing spontaneity to 'Sweet Music' absent from the screen since 'Forty-second Street' . . . and through it all the Vallee Charm, which I'd always believed to be a myth but now admit is an American institution."

—EDITOR DELIGHT EVANS
in Screenland

HAVE YOU SCREENED

RUDY VALLEE i

With ANN DVORAK • 9 STARS

Directe

DE PREVIEWERS!

n you see Warner just so you won't ing these friendly gnized authorities.

"After screening SWEET MUSIC, today, I believe this picture has great box office possibilities. It is the best thing Vallee has done and Ann Dvorak is excellent. It is a down-to-earth picture that I am sure will bring in money."

—M. J. MULLIN,
M & P Theatres, Boston

"Last night we screened SWEET MUSIC for about twenty people, including some of the local critics, and if ever we received a surprise, it was after looking at this one. It was the unanimous opinion of everybody that Vallee will be made after this picture is released, and that the picture contains everything to make it sure-fire box office. If it doesn't break box office records, it will not be the picture's fault."

—HAROLD J. MIRISCH,
Milwaukee Zone Manager,
Warner Bros. Theatres





ET?.....WARNER BROS.'

SWEET MUSIC"

! BANDS • 6 SONGS • 100 GIRLS

lfred E. Green

"Ten-shun-



Shirley **TEMPLE** • *Lionel* **BARRYMORE**

in

'The LITTLE COLONEL'

A B. G. DeSylva Production *with*

EVELYN VENABLE • JOHN LODGE • BILL ROBINSON

Screen play and adaptation by William Conselman. Directed by David Butler Based on the story by Annie Fellows Johnson.

Little Colonel...

Look what they're saying about your next picture."



"Charming, lovable, without the slightest trace of precociousness, Shirley will capture audiences' affections with her amazing versatility, being equally at home in comedy, drama, pathos or charm. In Technicolor her personality radiates as one in a million.

"Shirley's drawing power, plus Barrymore, plus Robinson, should gratify box offices as much or more than previous Temple films."

—*Motion Picture Daily*

FOX

FROM ALL OVER
THE WORLD, FOR
65 YEARS . . . . .

MILLIONS and
MILLIONS and
MILLIONS

HAVE FLOCKED
TO PARIS TO SEE

Folies





Zorgere

Now

DARRYL F. ZANUCK

IS BRINGING

THIS GAYEST OF

ALL SHOWS TO

YOU AS

20TH CENTURY'S

GREATEST SPECIAL!

View Schenck Bid Friendly To Loew Firm

(*Continued from page* 1)

which time several questions of product for the considered circuit proved sufficiently important to subsequently induce withdrawal of the bid. The understanding at the time was that Schenck of Loew's and M-G-M had persuaded himself to step into the picture to avoid the entry of a third circuit into this territory where Loew's and RKO had been dominant for years.

The 86 theatres currently comprising Fox Met in hands disposed to be unfriendly toward Loew's are regarded by those familiar with the territory as at once creating competition which, with additions, might prove to be formidable particularly in view of the fact that a number of the Fox Met houses are opposition to units in the Loew circuit.

Ultimate disposal, therefore, of Fox Met to interests associated or, at least, inclined to cooperate with Loew's is further viewed as a step much to be desired from Nicholas M. Schenck's point of view.

$4,500,000 Reported as Bid

Schenck's bid for the Fox Met bonds is understood to approximate $4,500,000. In addition to this, it is understood some agreement will be worked out with Milton C. Weisman, as receiver of Fox Theatres, on the settlement of the latter's $5,000,000 claim, based on its ownership of all of the Fox Met stock. The bondholders' committee contends that Fox Met is insolvent and that the stock, therefore, is valueless.

However, in its original plan of reorganization for Fox Met, the committee proposed to settle this claim for $100,000 cash and leases on several Fox Theatres' houses as an additional consideration. In the second plan of reorganization the stockholders' claim is ignored completely. One report has it that Schenck's offer contemplates a payment of $200,000, plus other considerations, to the stockholders of Fox Theatres.

While it is conceded in quarters close to Fox Met reorganization circles that Schenck is acting on his own, it is pointed out that he will head the new company if his offer is consummated and there would be nothing to prevent him from selling to Loew's after May 1, 1936, the date on which the operating agreement between Skouras, Randforce and the bondholders' committee expires.

Cobb Will Be M.C. At Academy Dinner

HOLLYWOOD, Feb. 14.—Irvin S. Cobb will act as master of ceremonies at the Academy banquet at the Biltmore Hotel late this month, and Major Nathan Levinson will preside at the dinner in the absence of President Frank Lloyd. Lionel Barrymore will represent the former award winners.

Plans are being completed whereby the dinner music will be played by a combined studio orchestra with Louis Silvers, Nat Finston, Max Steiner and Louis de Francisco directing.

Purely Personal

LILA LEE has deserted this wet and dreary town for the west coast. She planed out to Hollywood Wednesday after having been here for some time, during which she made "Blind Road" for Select and acquired a new husband.

•

GLORIA GRAFTON has arrived on the coast to begin work at Radio. She last appeared here on the stage in "Kill That Story," in which she sang "Two Cigarettes in the Dark." Present plans call for her doing the same part in the picture.

•

MRS. JAMES GLEASON and RUSSELL GLEASON were present at a screening of "Murder on a Honeymoon" at Radio the other day. JIMMY GLEASON, husband and father, respectively, is featured in the picture and was the attraction.

•

BARNEY BALABAN, GERALD BROOKS and DR. JULIUS KLEIN were among interested spectators at yesterday's Federal court hearing on the Paramount reorganization plan.

•

MILTON WEISS, of M-G-M, was very proud of that black and white top coat at the Ampa luncheon yesterday. That is, until someone asked if he got a baseball bat with the coat.

•

LILLIAN BROWN, ebony-haired beauty of the U. A. publicity department, was an easy winner in the Valentine Sweepstakes conducted in that office yesterday.

•

ARTHUR LOEW is slated to return from the coast tomorrow and after a stay here will go back to Hollywood to confer with M-G-M executives on foreign angles in new product.

•

ROSALIND RUSSELL of M-G-M is due from the coast today by plane. She will immediately entrain for Waterbury, Conn., to visit her family.

•

BARBARA STANWYCK and her husband, FRANK FAY, will arrive in town any day now. They are going to make a personal appearance tour of the eastern cities.

•

HELEN WESTLEY, Theatre Guild player who recently finished work in Radio's new ANNE SHIRLEY film, is on her way to New York for a vacation.

•

ALICE FLEMING of M-G-M is now MRS. PAUL ESHLEMAN. She returned yesterday from a honeymoon at Pinehurst, N. C.

•

LOUIS DENT, operating the former Louis Marcus houses in Salt Lake for Publix, is in town for a week.

•

BOB HOPE starts work today at the Brooklyn Vitaphone plant in a short.

•

SAM RINZLER is vacationing in Miami.

•

PERRY CHARLES is down with a cold.

•

J. ROBERT RUBIN returns from that Florida vacation on Monday.

•

GRADWELL SEARS is in Chicago.

FREDDIE BARTHOLOMEW, the young David of "David Copperfield," like MICKEY MOUSE, is lending his name and likeness to the merchandising of articles intended for the use of the young folk. Several contracts have already been signed for various lines of novelties through Hoerle-Marks, Inc., who have been appointed his exclusive representatives in the commercial field.

•

VICTOR MOORE is all set to play the role he has created in "Anything Goes" on the stage for Paramount. MOORE, under contract to Universal until 1940, is being loaned to Paramount, which originally planned to spot W. C. FIELDS in the role and later dropped the idea. BING CROSBY and ETHEL MERMAN are slated for the film.

•

ARTHUR LEVAL sang two songs for Ampa members at the M. P. Club yesterday. The Tic Toc Girls also rendered three vocal numbers. JOHNNY GREEN played "Body and Soul" on the piano while EDMUND GWENN, BASIL RATHBONE and VICTOR MOORE made short speeches. MONROE GREENTHAL presided.

Quip of the Day

"If the actors' strike really gets going in Hollywood" says Whitney Bolton, "can you imagine Shirley Temple marching up and down with a sandwich board reading: 'Junior Laemmle Is Unfair'?"

HELEN CHANDLER became the bride yesterday of BRAMWELL FLETCHER, British player of the cast of "Within the Gates." GLADYS SWARTHOUT was soloist at the ceremony, which was performed at Riverside Chapel.

•

JOE VOGEL seemed calm enough at luncheon yesterday and this despite what was a big event in his life: the marriage of his sister, ADELE, to MAX LIEBOWITZ last night.

•

BILL SCHORR has set back his stage production of "Sing Before Breaktast" to the fall. MRS. S. is FLORENCE ROSS of the U.A. publicity department.

•

ROBERT SAVINI will plane to Chicago Monday and from there will go to Kansas City, Oklahoma City and Dallas.

•

FRANK GILLMORE, the Actor's Equity man, plans a Mediterranean cruise. He shoves off March 9.

•

RUTH ETTING will be interviewed by NELLIE REVELL over the WJZ hookup next Tuesday afternoon.

•

GEORGE W. WEEKS is another of the sales managers who will attend the New Orleans convention.

•

ED KUYKENDALL arrived yesterday on Campi and M. P. T. O. A. convention business.

Two Re-signed by Para.

HOLLYWOOD, Feb. 14.—Further indication of the permanency of the new Paramount studio setup was given today with the signing of Jeff Lazarus, editorial board head, and Travis Banton, designer, to new long-term contracts.

Reels Release Advance Films Of Hauptmann

(*Continued from page* 1)

a third reel to be used in the event the jury found Hauptmann guilty with a recommendation of mercy.

These films consisted solely of old material, showing the highlights of the trial. The spot clips taken when the verdict was handed down will not be generally released to theatres until today. The advance prints had been shipped.

News of the verdict was flashed to the theatres and exchanges which had been provided with the advance reels as soon as it was announced. The Metrotone reel was screened in 107 theatres of the Loew circuit throughout the eastern section of the country five minutes after the verdict was announced. The advance prints had been shipped by plane to 15 eastern cities having Loew houses. The Pathe release was at the same time being shown at the Embassy and Palace here, as well as at other RKO houses.

In many instances theatre audiences learned of Hauptmann's doom long before the newspapers announced it.

Fox Movietone did not go to such lengths as rival newsreels. It was content to piece together some 150 feet of film of the highlights of the trial and of scenes about the courthouse when the verdict was given out. It was estimated yesterday by Laurence Stallings, editor of the reel, that but one-eighth of the current release was devoted to the Hauptmann trial.

When questioned yesterday, newsreel officials said they did not know what disposal they would make of the thousands of feet of film of the Hauptmann trial. Would a short feature be made from it? They weren't sure what would be done with it.

In the latest issue of the Metrotone reel the Macon disaster was dramatized with the cooperation of Columbia. Scenes from "Above the Clouds" which show a dirigible sinking in mid-ocean were incorporated, with Edwin C. Hill narrating the event. Columbia was given credit for the shots.

Heavy Cut Predicted In General Theatres

LONDON, Feb. 14.—It is understood here tonight that in the reconstruction scheme to be recommended for General Theatres Corp., Ltd., a two-thirds reduction will be urged in the value of preference shares from £1 to six shillings, eight pence. Abolition of cumulative rights also will be asked, it is said, with a smaller cut in the value of ordinary shares.

Interest on debentures will not be altered, according to reports, but the sinking fund will be modified.

Affairs of the circuit have been under investigation for some time by the Joint Committee on Iinvestment Trusts and Insurance Companies. During the progress of the probe it has been rumored that John Maxwell of Associated British Picture Corp., has made an offer for the circuit. Mark Ostrer is chairman and C. M. Woolf is deputy chairman. Any recapitalization will have to be approved by shareholders.



AND HATS OFF TO AMERICA'S SHOWMEN!

FROM SCREENLAND MAGAZINE, APRIL ISSUE.

"David Copperfield" is receiving more tributes than any picture of recent years.

•

Editorials are being written about it. Critics are pouring out their hearts in praise of it.

•

We reprint on this page the high honor which has been bestowed upon it by Miss Delight Evans, editor of Screenland Magazine. It is one of many similar honors and Leo happily extends his thanks to all.

•

He takes this opportunity to express his deepest appreciation to his exhibitor friends for their brilliant presentation of his beloved picture to the public. Not in years has there been so thorough and so successful an exploitation of a motion picture. The record of extended runs is greater than on any previous M-G-M picture.

•

Happily indeed a great motion picture wins its true reward in patronage at the box-office!

Produced by David O. Selznick; Directed by George Cukor; Adaptation by Hugh Walpole; Screen play by Howard Estabrook.

SCREENLAND Honor Page



George Cukor, the ace director of "David Copperfield," is shown directly above guiding Freddie Bartholomew and Elizabeth Allan through a scene. The close-ups above, show Freddie, left, as the boy David *with W. C. Fields as the inimitable* Micawber; *and, right, with Jessie Ralph, the perfect* Peggotty.

All Honor to All Those who Made "David Copperfield" the Miracle Motion Picture! Thanks to the Courageous Producer, the Brilliant Director, and the Distinguished Cast who Captured the True Spirit of Charles Dickens' Masterpiece!

IT IS easy for us, watching "David Copperfield" on the screen today, to admire and marvel at its perfection. But stop to think for just a moment of the terrific two years' work, energy and devotion that went into its production! First, the courage of Metro-Goldwyn-Mayer in undertaking it. Second, the painstaking adaptation. Third, the flawless casting. And through it all the genius of director George Cukor, who has taken his fine material and woven it into an immortal motion picture. Cukor has contributed more than polished technique, more than clever craftsmanship; he has expressed a rare sensitiveness and understanding and humanity worthy of Dickens himself. Indeed, if D. W. Griffith may be called the first great director for giving the screen most of the dramatic devices still in use today: the close-up, the struggle, the chase—then surely George Cukor is the second great director—who, achieving technical perfection effortlessly, goes many steps further and re-creates the inner beauty that is always hiding in the hearts and souls of men, waiting for the great artists to reveal it. Hail Cukor!



The grown-up David, *acted by Frank Lawton, with Madge Evans, as* Agnes, *above.*





Above, David *and his child-wife* Dora *(Maureen O'Sullivan). Left, more stellar performers.*

Court Gives Sanction to Para. Setup

(Continued from page 1)

the services rendered would be fixed by the court. Approval of the deposit agreements, expected on the submission of the revised forms within the next few days, will permit the committees to vote their assents to the plan after depositors have had 30 days in which to withdraw. Those who do not withdraw automatically assent to the plan.

The plan given preliminary approval by the court yesterday contained the changes from the original plan which were recommended by Judge Coxe at the previous hearing. These included a reduction of the bank interest from six to five per cent on the so-called new money debt and changes in the management provisions stipulating that the first board of directors will have a tenure of three years and cumulative voting for board members will be permitted thereafter. The plan named the 16 directors previously announced. Judge Coxe issued an order, returnable April 4, to show cause why the plan should not be confirmed and placed in effect.

Although Szold and Brandwen, counsel for the Munger debenture committee, were prepared to present opposition to John D. Hertz and possibly other members of the board yesterday, Judge Coxe ruled that these and other objections to the plan would not be heard until April 4.

Wants Assurance on Setup

George Z. Medalie, counsel for a combined creditors' group with aggregate claims of $14,000,000, asked some assurance from the court that the 16 directors named would constitute the initial board, that the membership would not be raised at the outset to 18, as permitted in the by-laws, and that a definite guarantee of "good management" be given by specifying the tenure of individual members during the first three-year period. The court replied that these matters should be worked out among the reorganization groups themselves, but that if an agreement could not be reached he would join in the conferences himself before a final order approving the plan was signed.

It was brought out that for the purposes of voting on the plan the Paramount trustees are allowing $25,500,000 of debenture claims and $1,500,000 of other claims without question, and are making a provisional allowance of 50 or 60 other claims amounting to $23,000,000 so that their holders may vote with that amount of representation.

That the Allied Owners' claim of $23,000,000, which the plan proposes to settle for $5,000,000 and other considerations may again be thrown open was indicated yesterday by Monroe Goldwater, counsel for the company. Goldwater declared that the Allied trustees would not accept the settlement in its present form as it provides for a method of payment which would be subject to a $500,000 Federal tax. A revision in the method of payment can be validly effected to avoid the tax, Goldwater said, and until this was done Allied would not accept the settlement formally.

An application by Root, Clark, Buckner & Ballantine, counsel for the Paramount trustees, for the filing of affidavits by purchasers of Paramount securities from Feb. 11 until confirmation of the plan was dismissed by Judge Coxe with the remark that it called for "a lot of unnecessary work."

U. A., Music Hall, Rivoli Deal Reported on Verge

(Continued from page 1)

on all United Artists product, thus adding to its film availabilities product drawn from Radio, Columbia, Fox, Universal and sporadically from Paramount and Gaumont British. "Sluff" product not deemed big enough for the Music Hall would go to the Rivoli.

W. G. Van Schmus, managing director of the Music Hall, stated yesterday Broadway rumors were not to be credited and that a deal was no closer than it was several weeks ago when activity looking toward its consummation approached what was described by insiders as "the sizzling point."

He leaves for Hollywood today to remain until March 1 or thereabouts. Whether or not negotiaions will be continued on the ground there was not apparent. Present in Hollywood currently are Schenck, Nathan Burkan, Dennis F. O'Brien, Mary Pickford, Samuel Goldwyn and Charles Chaplin. The latter trio, with Schenck, are participating partners in United Artists.

Wall Street

Eastman Gains 3¾ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	39½	38½	39	+ ⅛
Consolidated Film	6⅝	6½	6½	+ ½
Consolidated Film pfd (½v)	21¼	21⅛	21⅛	— ¼
Eastman (5)	119¼	117	119¼	+3¾
Fox Film "A"	9¾	9	9½	— ½
Loew's, Inc. (1a).	33¼	33	33⅛	+ ¼
Loew's, Inc. pfd (6½)	104	104	104	.....
Paramount	3⅝	3½	3⅝	.....
Pathe	1⅛	1	1⅛	+ ⅛
RKO	1⅞	1⅞	1⅞	.....
Warner	3⅝	3⅝	3⅝	.....
Warner pfd	20½	20½	20½	— ½

Technicolor Rises 2 on Curb

	High	Low	Close	Net Change
Technicolor	15¾	13⅝	15½	+2
Trans-Lux (.10k)	3¼	3⅛	3¼	+ ⅜

Loew's Bonds Up ½

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights.	105	104⅝	105	+ ½
Paramount B'way 5½s '51	49	49	49	.....
Paramount F. L. 6s '47	70	69½	70	.....
Paramount Publix 5½s '50	70½	70	70	.....
Warner Bros. 6s '39 wd	55¼	55	55	— ¼

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 14)

Para.'s Caribbean Sales Are Shifted

Distribution of Paramount product in the Republics of Guatemala, Honduras, El Salvador, Nicaragua and also in British Honduras will be carried on by Paramount Films of Guatemala, Inc. Saul E. Jacobs, with headquarters in Guatemala City has been appointed manager of the company.

Distribution in these territories was formerly carried on by Paramount Films, S. A., with headquarters in the Canal Zone.

Robb & Rowley Add Twelve to Circuit

(Continued from page 1)

a week here on film deals and a vacation. They were accompanied by J. Y. Robb, brother of Harold, and Harvey Leuthstrom, southern division manager for American Seating. The Robb brothers and Rowley will leave for the M. P. T. O. A. convention in New Orleans in a week and Leuthstrom will depart within a few days for Chicago, Racine, Wis., and Grand Rapids, Mich.

M-G-M Borrows Krasna

HOLLYWOOD, Feb. 14.—Norman Krasna has been borrowed by M-G-M from Paramount to do the adaptation of "Reckless." It's a one picture deal.

Warners' Circuit Key Men in Shifts

(Continued from page 1)

direction of Harry Charnas. Hoffman formerly was eastern district manager and Silver, in charge of the west. The move, incidentally, returns Hoffman to his home ground where he and his brother, B. E., developed the circuit which the Warners bought out a couple of years ago.

At the same time, Ted Schlanger, former sales manager and latterly assistant to Clayton Bond, chief film buyer for the circuit, was upped to the post of assistant general manager with headquarters in Philadelphia as head of that Warner division.

The Philadelphia territory will continue to function as recently realigned. Herbert Copelan is zone manager handling the Atlantic City houses; David E. Weshner, zone manager of the Philadelphia first runs; Leonard Schlesinger, zone manager of key neighborhood houses and subsequent runs in that city; and A. J. Vanni, zone manager of theatres out of Philadelphia but managed from that point.

W. Stewart Macdonald, Bond and Mort Blumenstock are retained in the home office as personal assistants to Joseph Bernhard.

Asks Board Man Ousted

LOS ANGELES, Feb. 14.—The I. T. O. of Southern California has filed a protest with the local grievance board demanding the resignation of Harry Hicks, a member of the body. He is charged with being unfit to pass judgment on code violations when he himself is allegedly guilty of reducing the 25-cent admission scale at the Arlington and Gem by selling coupons at 10 for two dollars. A hearing is set for next Tuesday.

Toeplitz Coming Here

LONDON, Feb. 14.—Ludovico Toeplitz will sail on the *Olympic* shortly to be in New York for the premiere of "The Dictator" late in March.

Senators Ask General Probe Into the NRA

(Continued from page 1)

senators declared, before consideration is given any legislation to continue the Recovery Act.

The resolution carries an indictment of the codes on 21 charges, including oppression of small enterprises; ignoring the rights of labor "in the competitive battle of the strong to seize the markets of the weak"; domination of code authorities by "certain elements" of industry and the use of power for the oppression of other elements; "that in certain cases the administrators themselves have not hesitated openly to suspend or revoke the law for the benefit of favored individuals"; and misuse of confidential data.

"Notwithstanding the provisions of the constitution of the United States that all bills for raising revenue shall originate in the House of Representatives," it was alleged, "code authorities have assumed and are exercising the power to levy taxes on industries and are enforcing collection thereof by duress.

"Code authority administration in many cases has lost all semblance of a rule of law and has become a rule of men bent upon the oppression of their weaker competitors."

Campi Acts on About 20 Pending Appeals

About 20 appeals were disposed of yesterday by Campi at a special session, presided over by Sidney Justin of Paramount. Two of the cases involving bank nights and decisions of the lower boards were upheld. The other appeals included reduced admissions, clearance and zoning and overbuying.

Attending the session were Deputy Administrator William P. Farnsworth, I. Levinson, Charles L. O'Reilly, Ed Kuykendall, Felix Feist, Edward Golden, Gordon C. Youngman, E. T. Gormersall and Harold S. Bareford.

No action was taken on the Leonia, Leonia, N. J., clearance and zoning situation, which has been pending for some time. It is believed that more time is needed in trying to get Loew's, Skouras and Warners to settle the matter. The next session will be held Feb. 21 when Kansas City, Milwaukee and New Haven schedules will be discussed.

Cincy Clearance Set

CINCINNATI, Feb. 14.—Under a decision of the clearance and zoning board, the Nordland, suburban house, will get pictures 28 days after the Paramount second run, and where the Paramount does not play a picture the Nordland will be entitled to features 60 days after the downtown first run.

The overbuying decision by the grievance board which ordered M. A. Shea, Weller, Zanesville, to release 24 features of the 1934-35 schedule to Zanesville Theatres, Inc., has been appealed to Campi.

Garner Will Present Two Quigley Awards

(*Continued from page* 1)

morning at his offices in the Capitol to William Hendricks, manager of the Warner at Memphis, and Morris Rosenthal, manager of the Majestic at Bridgeport. They were first and second winners, respectively, in the recent judging in New York.

Among those who have accepted invitations to attend the ceremonies are Senators Kenneth McKellar and Nathan Lynn Bachman of Tennessee; August Lonergan and Francis Maloney of Connecticut; Speaker Joseph W. Byrnes of the House; Representative William Citron of Connecticut; A. Julian Brylawski, president of the local M. P. T. O.; John J. Payette, Warner theatre Washington zone manager; Carter T. Barron, division director for Loew's; Harry Shaw, Loew's New England division manager; Mort Blumenstock, Warner theatre advertising manager.

Both award winners flew here for the ceremonies, Rosenthal and Shaw as guests of the Sikorsky airplane company at Bridgeport.

Local theatre men and exchange executives feted the men at a special breakfast this morning, and A-Mike Vogel, chairman of the Managers' Round Table Club of *Motion Picture Herald* was their host in the afternoon.

Ontario Board Saw 2,161 Films in '34

Toronto, Feb. 14.—During the past year Ontario censors cast an official eye upon 2,161 films, of which 1,309 were approved as submitted, 816 were revised before acceptance and only 36 were rejected in their entirety. Of the 2,161 subjects examined, 150 were British and for the first time on record one British feature was turned down by the board, while 39 were approved after deletions.

With regard to British pictures, department statistics show that 108 were passed in 1933 as compared with 149 in 1934, or an increase of 41 for the year. The figures were released by the new censor chairman, J. B. Hardwicke.

Expect Speedy Deal For Skouras' Pacts

(*Continued from page* 1)

in for Fox while Leo Spitz has been retained by the Skourases to represent them. Charles Buckley, F.W.C. attorney, will arrive from Los Angeles on Sunday to represent the circuit at a code appeal hearing the following day.

The code complaint was filed by L. L. Bard of the Colorado, Pasadena, not only against Fox West Coast but also against United West Coast and U. A. circuits. Charles Skouras plans to appear before the Campi committee to present his side of the issue.

Injury Delays Fox Film

Hollywood, Feb. 14.—Production on Fox's "It's a Small World" will be held up a week as result of a laceration over Spencer Tracy's eye, received while at work today.

One Sick, Another Weds

Hollywood, Feb. 14.—W. H. Moore, Jr., Fox West Coast trustee, today was reported recovering from a heart attack at Hollywood Hospital. Another trustee, Charles Irwin, was married yesterday in San Francisco to Helen Mack.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Vanessa: Her Love Story"

(*M-G-M*)

Hollywood, Feb. 14.—Running the rainbow of romance, fringing on heartbreak and covering the emotional fields with a mantle of beauty, this production, as grown-up entertainment, jerks the heart strings while dramatizing psychologies in a mature manner.

Planting Miss Helen Hayes and Robert Montgomery deeply in love, but with Miss Hayes married to mentally deranged Otto Kruger and with the English law prohibiting divorce where either person in marriage goes insane, this central situation branches into absorbing values.

Opening on the reunion of the Herries family, one of England's finest, founded by an 18th Century buccaneer, the last daughter (May Robson) in a keynote speech reminds the assorted relatives that, while today they are smug and respectable, dull but useful, the rogue Herries who founded the family was daring, wilful and interesting, that in their blood flowed also the wild gypsy strain of the girl the rogue married. At the party Montgomery, a poet-adventurer, falls madly in love with Vanessa, played by Miss Hayes. Engaged, they separate before marriage. Drunk, he marries a barmaid. She marries dull Kruger, who goes berserk. The death of Kruger consummates the romance of Montgomery and Miss Hayes.

Miss Hayes, Montgomery, Miss Robson and Kruger give outstanding performances. The cast, including Lewis Stone, Violet Kemble Cooper, Henry Stephenson, Donald Crisp and others, is splendid. William K. Howard, in a rare mood, directed deftly, forcibly and for a maximum of drama.

David O. Selznick's production is rich with values and is stamped with quality. Hugh Walpole and Lenore Coffee did the screen play from Walpole's book. Ray June photographed well.

While the appeal to stolid British virtues is undeniable, the names and romance may assure box-office vogue domestically with adults and particularly women.

Production Code Seal No. 614. Running time, 72 minutes. "A."

"The Woman in Red"

(*Warners*)

Hollywood, Feb. 14.—As a drama of social circles and their warring hypocritical factions this one is good entertainment with limited audience appeal. The picture is particularly interesting to the feminine contingent and sophisticated clientele.

Barbara Stanwyck is a professional fancy horseback rider in the hire of a society woman (Genevieve Tobin). Gene Raymond, polo-playing member of an ultra-social family, marries her and gets the family frown. Hypocritical whispers in society circles almost wreck the romance, but the couple, undaunted, start a business of their own keeping stables for horse fanciers.

The tri-cornered romantic threat is John Eldredge, who loans money to Miss Stanwyck in good faith unbeknown to Raymond. The woman returns the favor by boarding Eldredge's yacht to aid him in closing a big deal by use of the Raymond family name.

The climax features the accidental death of a drunken woman and the subsequent trial of Eldredge for murder. The hitch in the court case is: Who was the woman in red? Miss Stanwyck nearly wrecks the family name by testifying on the stand. Nevertheless, all ends well despite the family ire stirred by Miss Tobin's scandalous whispering.

Robert Florey's direction is intelligent, with good technical supervision by Marguerita Hellman. The performances are all good, including the portrayals of Phillip Reed, Dorothy Tree, Claude Gillingwater, Doris Lloyd and Forester Harvey.

This picture should average well in large cities.

Production Code Seal No. 523. Running time, 62 minutes. "A."

"The Right to Live," this morning's opener at the Rivoli, was reviewed by wire from Hollywood Feb. 9.

"Behold My Wife," last night's preview at the Roxy, was reviewed by wire from Hollywood Nov. 23.

"Little Men," opening at the Astor tonight, was reviewed by wire from Hollywood Dec. 8.

"A Notorious Gentleman," which opened at the Mayfair last night, was reviewed by wire from Hollywood Jan. 10.

"Carnival," previewed at the Rialto last night, was reviewed from Hollywood by wire Jan. 16.

National Ridicules Warner Trailer Suit

Warners' suit to stop the making of National Screen's trailers on its productions is described as "ridiculous" in a statement issued yesterday by National which has 20 days in which to reply in the N. Y. Supreme Court to the Warner charges. As the complaint was filed Feb 7, the time limit expires Feb. 27.

Warners claim National's trailers are "damaging their reputation and business."

Without waiting for the formality of a court response, National Screen issued a statement yesterday in which it said it "welcomed the opportunity of having the proper authorities determine whether or not it has the right to serve the requirements of its thousands of exhibitor customers throughout the country, as long as it does not infringe on any copyright protections."

The statement says further that "the contention that no one has the right to mention the name of their productions, or the players in any of these productions without their authorized permission is too ridiculous to require lengthy comment."

Coast Relief Cost $150,000 for 1934

Hollywood, Feb. 14.—A report covering operations of the M. P. Relief Fund for the year 1934 reveals $150,000 was collected and disbursed.

In round figures, 4,000 cases, representing over 10,000 individuals received aid. Two thousand weekly grocery orders, providing food for about 5,000 individuals were issued; 1,000 persons received treatment from physicians, dentists, opticians and laboratories; 200 individuals received medical treatment in hospitals and sanitariums. Private nursing was provided in 50 cases. Medical appliances were supplied to 50 people, and 1,000 received drugs. There were 43 deaths during the year, and through the courtesy of Pierce Bros., morticians, 29 funerals were handled without charge.

The executive committee of the fund believe it will be necessary to raise approximately a quarter million dollars to meet the needs for 1935 and to this end, plans are being formulated to obtain it through contributions from studio workers.

Lubitsch Denies He Has a Toeplitz Deal

(*Continued from page* 1)

Toeplitz Prod., as reported. He said he had had indefinite preliminary conversations with Toeplitz but had never agreed on any proposition.

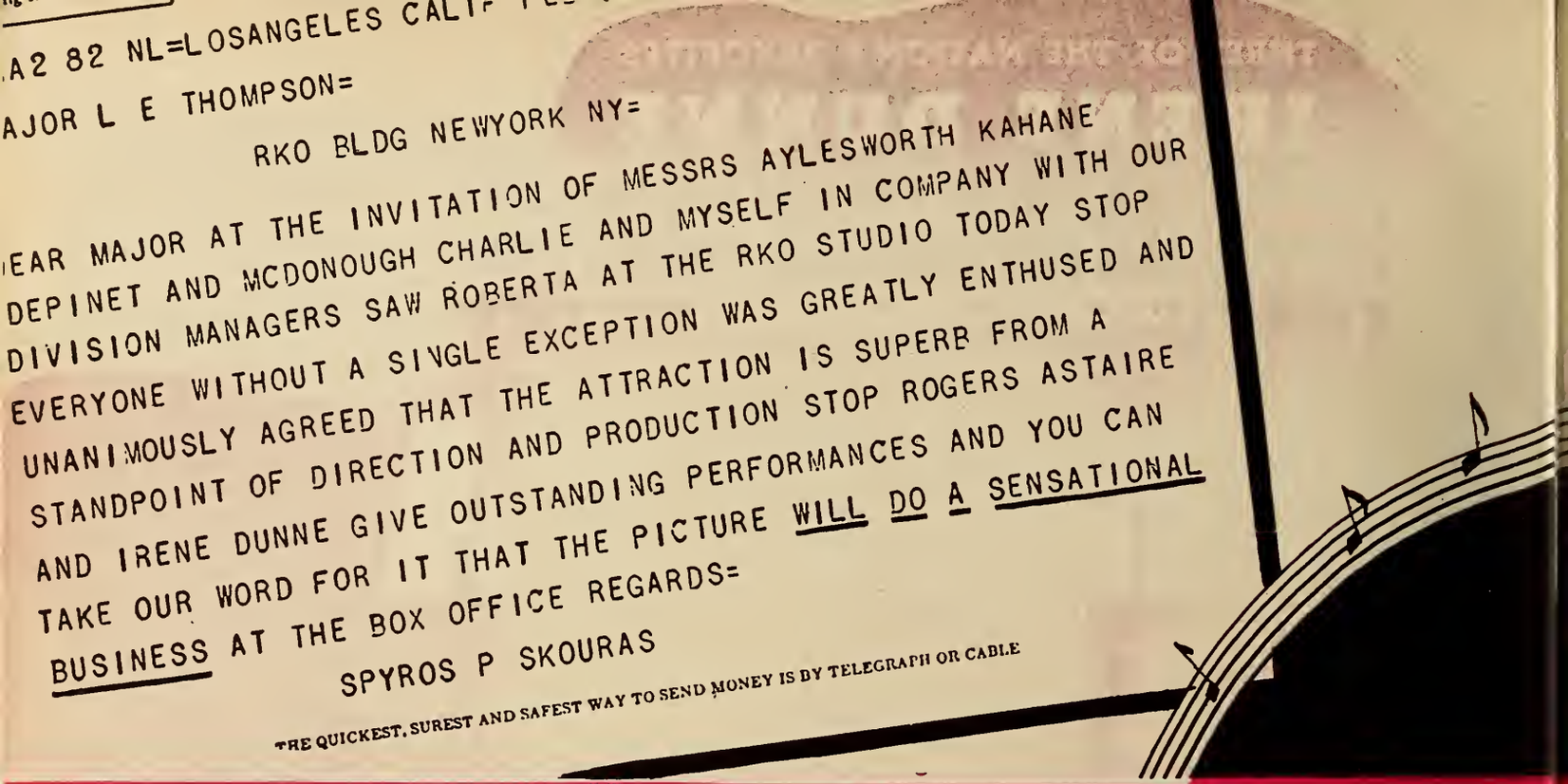
"I would never have undertaken the Paramount portfolio," he said, "if any prior contract existed."

Asked about his production plans, he said: "I would rather be judged by what I do rather than what I say."

Queried about changes in personnel, he said: "As Mr. Zukor said before, our organization remains intact, with the exception of Henry Herzbrun."

Lubitsch said Gary Cooper's contract has some time to run and the company has no intention of parting with him, he indicated.

Jack Moss, Cooper's manager, says Cooper's contract has 19 months more to go and calls for six pictures. In addition, the company has options for extensions.



SPYROS P. SKOURAS *Wires*

"WILL D

SENSAT

BUSINE

THREE OF THE NATION'S FAVORITES

IRENE DUNNE

The Golden Girl with the Silver Song

FRED ASTAIRE
GINGER ROGERS

America's Dancing Stars

ROBERTA

From the play "Roberta." Book and lyrics by Otto Harbach. Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

JEROME KERN'S DAZZLING MUSICAL ROMANCE . . . SURPASSING
ON THE SCREEN ITS MIGHTY STAGE SUCCESS . . . with RANDOLPH
SCOTT ★ HELEN WESTLEY ★ VICTOR VARCONI ★ CLAIRE DODD



RKO-RADIO PICTURE

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IONAL
SS"

A LAUGH PANIC IN ANY THEATRE!

WILL GET EVERY ENTERTAINMENT DOLLAR IN EVERY TOWN!

SWEET MUSIC TO EVERY BOX-OFFICE IN THE COUNTRY!

THE BEST COLUMBIA HAS EVER MADE!

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1560 BROADWAY
NEW YORK CITY
A SUBSIDIARY OF
Fanchon & Marco, inc.
BRYANT 9-3100

Columbia Pictures Corp.
729 Seventh Avenue
New York City

Gentlemen:

Your endorsement ads on "THE WHOLE TOWN'S TALKING" didn't go far enough! This picture will get every entertainment doller in every town.

I know that I'm just one of thousands of exhibitors who are deeply grateful to Columbia for a truly gigantic boxoffice attraction that will be a laugh panic in any theatre.

Sincerely.
Harry Arthur
Harry Arthur

C & H

THEATRE INVESTMENT COMPANY
DIRECTION
JENSEN & VON HERBERG
CENTRAL OFFICE - DEXTER HORTON BLDG.
SEATTLE

Columbia Pictures Corp.
729 Seventh Avenue
New York City

Gentlemen:

I have just seen "THE WHOLE TOWN'S TALKING" and I believe it to be the best Columbia has ever made! Exhibitors are crying for pictures that will break records the way this one will. It's sweet music to me and every boxoffice in the country.

Congratulations!

Sincerely,
J. von Herberg
J. von Herberg

OPERA
BAGD
MAJES
EMPRE
VENETI

-AND THESE ARE ONLY TWO OF THE RAVES ROM SMART SHOWMEN AS EXHIBITORS VERYWHERE SHOUT THEIR PRAISES OF

World Premiere
RADIO CITY MUSIC HALL

EDWARD G. ROBINSON
in THE WHOLE TOWN'S TALKING

with **Jean Arthur • Wallace Ford • Arthur Byron**

A JOHN FORD PRODUCTION

Screen play by Jo Swerling and Robert Riskin. Based on a Story by W. R. Burnett. Directed by John Ford.

COLUMBIA PICTURES

Another **COLUMBIA HIT!**

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 40 NEW YORK, SATURDAY, FEBRUARY 16, 1935 TEN CENTS

Ohio Leaders Deny Rift in Their Ranks

Charge Hays Office Is Circulating Rumors

Martin G. Smith, president; M. B. Horwitz, treasurer, and P. J. Wood, secretary and business manager of the Independent Theatre Owners of Ohio, yesterday issued individual and collective denials of reports, presumably emanating from Columbus, that any split in the ranks of exhibitor organization in their state had developed. In the same breath and assigning no known motivation, they laid the blame for circulation of such rumors at the door of the Hays organization.

Smith and Horwitz were hot under the collar. So was Wood, who did most of the talking.

"Talk that Ohio exhibitors were behind unsuccessful efforts to introduce a two-cents-a-foot tax are false,

(*Continued on page 3*)

K.C. Church Shows Start Controversy

KANSAS CITY, Feb. 15.—Attempt of some suburban exhibitors to put a stop to non-theatrical showings at the Linwood Community Church has created a controversy in local industry ranks. A grievance complaint has been filed in the nature of a test with A. H. Shaffer, Strand, as the complainant and Fox Film as respondent.

Certain exhibitors have long regarded the church's film shows on

(*Continued on page 3*)

Chicago Anti-Trust Suits Set for Feb. 22

CHICAGO, Feb. 15.—Suits under the anti-trust statutes brought here by Jack Rubin of Public Theatres and James Roden, owner of the Astor, against major distributors and circuits were both continued to Feb. 22 by Federal Judge Woodward today when answers were filed by the defendants. The exhibitors, who charge they have been prevented from playing 10-cent duals, specifically name

(*Continued on page 4*)

Report Hankin Gets Four Warner Houses

PHILADELPHIA, Feb. 15.—It is reported here that Warners have leased the Imperial, Lindy, Astor and Poplar, all neighborhood houses, to Sol

(*Continued on page 4*)

State Dep't Seeks Advice On Copyright

Wants Aid on Proposed International Pact

By CLARENCE LINZ

WASHINGTON, Feb. 15.—All persons and associations which testified before the Senate Foreign Relations Committee last spring on the copyright treaty were invited today by the Department of State to confer with the inter-departmental committee which drafted a bill rejected by the Senate group on Wednesday. The conference will start on Tuesday and run through Saturday, with the exception of Friday.

It was explained by Under-Secretary of State Phillips that the bill is considered necessary to put a stop to certain outstanding abuses which

(*Continued on page 4*)

Nine More Set for Gaumont Release

Gaumont British has lined up its second group to be released in this country this season. The films are:

"My Heart Is Calling," musical starring Jan Kiepura and featuring Sonnie Hale.

"My Song for You," musical with the same duo.

"The Dictator," Toeplitz production with Clive Brook and Madeleine Carroll.

"The Man Who Knew Too Much," with

(*Continued on page 3*)

Hubert Marsh Dead; London Is Shocked

By BRUCE ALLAN

LONDON, Feb. 15.—Wardour Street was shocked this morning by the death of Hubert T. Marsh, chairman of the board and managing director of British and Dominion Pictures, Ltd. Marsh, who was 56, dropped

(*Continued on page 4*)

Cooking It On

Hollywood, Feb. 15.—Jack Dawn, makeup expert at M-G-M, has developed a new makeup process, which will make white men look like South Sea natives. Process consists of putting oil on the skin, then baking under violet ray lamp. Effect lasts for three months, they say. It will be used by several of the cast of "Typee," which will be shot in Tahiti.

Senate NRA Probe To Finance Group

WASHINGTON, Feb. 15.—Despite the opposition of its authors, the Senate today referred to the Finance Committee the Nye-McCarran resolution for an investigation of the National Recovery Administration.

Both Senators Nye and McCarran sought to have the investigation conducted by the Commerce Committee headed by Senator Copeland of New York, who is not as closely tied to

(*Continued on page 3*)

Nizer Statistics Annoy Campi Group

Objections to publication of data in connection with the activities of Code Authority without its sanction were raised at the Campi hearing Thursday, the contention being that before any facts and figures concerning Code

(*Continued on page 3*)

Stay on Cleveland Duals Is Dismissed

CLEVELAND, Feb. 15.—The temporary injunction suit against the Grand Central to restrain that theatre from playing double features was dismissed this week when the new lessees, Mrs. Max Kaplan, signed the single feature

(*Continued on page 4*)

Studio Hour, Wage Scales Are Revised

New Deal Effective in March—Deny Raises

The hour and wage provisions of the basic studio labor contract are revised for some unions in an agreement reached yesterday, concluding a week of conferences between labor representatives and Pat Casey, studio representative.

Under the revised agreement, carpenters, electricians and other key men on call are placed on a 60-hour basis with overtime for hours in excess of 60. This will replace the former "on call" practice. Truck drivers, who are now on a 36-hour week, with overtime figured on a straight time basis, will now be given time and one-half for overtime. In addition, the former minimum call of four hours, or one-half of an eight-hour day, has been changed to a

(*Continued on page 3*)

Code Condemned as Allied Meet Closes

By W. A. WHITNEY

WASHINGTON, Feb. 15.—Condemnation of code operations and expressions of support for Representative Culkin's bill aimed at block booking featured the closing day's session of the Allied board of directors here today.

It was stated that some of the state units intend to withdraw from code compliance immediately and have

(*Continued on page 3*)

U. A. Boosts List To 35 Next Season

HOLLYWOOD, Feb. 15.—United Artists, agreeing on plans for the release of 35 features during the 1935-36 season, increases its schedule to the largest number in the company's history. For the current season the company

(*Continued on page 4*)

Women Seek Federal Control for Films

WASHINGTON, Feb. 15.—Control by the Government of story material used in the production of pictu and creation of a National Film I tute for visual education are urg

(*Continued on page 4*)

Washington's Leaders Join In Quigley Award Ceremony

WASHINGTON, Feb. 15.—Unusual ceremonies marked the presentation of the Quigley grand awards in the Capitol today by Vice-President Garner. The winners, William Hendricks, manager of the Warner, Memphis, and Morris Rosenthal, manager of Loew's Majestic, Bridgeport, received the awards in the presence of legislators from a number of states.

Among those present were Senators Kenneth McKellar and Nathan Lynn Bachman of Tennessee and August Lonergan and Francis Maloney of Connecticut, Speaker Joseph

(*Continued on page 3*)

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Advertising Manager

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Wall Street

Eastman Up 1¼ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	39¾	39¼	39⅝	+ ⅝
Consolidated Film	6¾	6½	6¾	+ ¼
Consolidated Film pfd (½v)	22⅛	21⅛	22	+ ⅞
Eastman (5)	121	119½	120½	+1¼
Eastman pfd (6)	146	145½	145½	— ½
Fox Film "A"	10	10	10	+ ½
Loew's, Inc. (1a)	345⅜	335⅜	345⅜	+1½
Paramount Publix	3¾	3⅝	3¾	+ ⅛
Pathe Exchange	1⅛	1	1	— ⅛
Pathe "A"	14¾	14⅝	14¾	— ⅛
RKO	2	1⅞	2	+ ⅛
Warner Bros.	3¾	3⅝	3¾	+ ⅛
Warner Bros. pfd	21	21	21	+ ½

Technicolor Off ½ on Curb

	High	Low	Close	Net Change
Technicolor	15½	14¾	15	— ½
Trans-Lux (.10k)	3⅛	3⅛	3⅛	— ⅜

Pathe Bonds Gain ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	8	8	8	.....
Keith, B. F. 6s '46	70	69	69	— ½
Loew's 6s '41, ww deb rights	104½	104½	104½	— ½
Paramount B'way 5½s '51	49½	49½	49½	.....
Paramount F. L. F. L. 6s '47	70⅛	70	70	.....
Paramount Publix 5½s '50	70½	70	70	.....
Pathe 7s '37 ww	102⅞	102½	102½	+ ½
Warner Bros. 6s '39, wd	54¾	54⅜	54⅜	— ⅝

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 15)

Purely Personal

SIR CEDRIC HARDWICK sails tonight for England on the *Berengaria.* He recently finished work in "Becky Sharp" for Pioneer and will start shortly in "Peg Woffington" for British and Dominion.

•

WILLIAM SHAPIRO plans to leave for the coast in a few weeks. He's now working on an important deal which, when consummated, will require a trip to Hollywood.

•

LOUIS SOLOMON, head of Puritan Pictures, arrives today from the coast. He recently signed TIM MCCOY for a series of features for the independent market.

•

LESLIE HOWARD and EDDIE CANTOR are slated for appearance tomorrow night at the Catholic Actors' Guild benefit. The St. James is the theatre.

•

BOB GOLDSTEIN arrived back in town yesterday from Chicago. He plans no future trips until after JACK DEMPSEY's new restaurant opens.

•

LENORE COFFEE of the M-G-M writers' staff arrives from the coast Wednesday or Thursday en route to Europe for a vacation.

Quip of the Day

E. A. Briles, exhibitor of Stafford, Kan., and a member of the Kansas legislature, has been thinking about laws. Here is one of his deductions: "We Americans have a great weakness for passing laws, and the most serious weakness is that we pass right by them and pay no attention to them."

LOUIS FRISCH says SAM RINZLER is in Miami having a fine time, but is on call to return at a moment's notice.

•

M. H. AYLESWORTH, NED DEPINET and A. H. MCCAUSLAND leave the coast this week-end.

•

NORMAN ELSON, formerly with Columbia, is now in charge of the Broadway houses of Brandt Theatres.

•

MAURICE CHEVALIER aired a bit from "Folies Bergere" last night on the Hollywood Hotel program.

•

ALINE MACMAHON hits town tomorrow from the coast. It will be a three-month vacation for her.

•

WALLACE BEERY arrived in town yesterday and goes on the air tomorrow night on the Lux program.

•

HARRY BRANDT's Florida tan is a joy and a complete job. Even his bald pate is deeply hued.

•

DON HANCOCK is back in town after a flying, literally and figuratively, trip to Washington.

•

DAVE PALFREYMAN leaves for New Orleans tonight to be gone three weeks.

•

ANTHONY THORNE's "Delay in the Sun" has been acquired by Universal.

•

LAURENCE BOLOGNINO plans to get off to Miami late next week.

•

ED KUYKENDALL heads southward today.

FRANK CONKLIN, of the Hearst hotels, will be tendered a buffet luncheon and cocktail party next Wednesday at the Warwick Hotel. MARTIN STARR is chairman of the arrangements committee and the reason for the party is CONKLIN's promotion to the position of assistant general manager of the Hearst hostelries.

•

LOWELL THOMAS has been signed to supply the narrative for "Wings Over Mt. Everest," American edition of the film record of the Houston Mt. Everest flight being released by Educational as a three-reel special.

•

TREM CARR and W. RAY JOHNSTON will be guests of RUSSELL BELL at the Monogram artist's home in Ossining tonight.

•

HARRY THOMAS was in Pittsburgh yesterday. He went to the Smoky City from Toronto. He is due back today.

•

HELEN WESTLEY is back from Hollywood and again near the Theatre Guild to which she is closely attached.

•

Compliance Director SOL A. ROSENBLATT arrives today for a week-end at his Great Neck home.

•

IKE LIBSON was in and out this week, but managed to visit the RKO home office while he was here.

•

M. H. HOFFMAN, Jr., left for Hollywood yesterday after a two-week vacation here.

•

PAT CASEY leaves for the coast the end of next week.

Roach Back on the Lot

HOLLYWOOD, Feb. 15.—Hal Roach is back at the studio after having been ill two weeks with the flu. He plans to put his third feature into production the latter part of next month. Laurel and Hardy will be co-starred. "Vagabond Lady," with Robert Young, Evelyn Venable, Reginald Denny, and Burton Churchill, has been completed. James Horne will direct the next feature.

M-G-M Buys Wall Yarn

HOLLYWOOD, Feb. 15.—M-G-M has purchased "The Amateur Hour," by Edward Wall. Frank Hayes, actor, has been signed for seven years.

Vitaphone Editing 20

Twenty Vitaphone shorts, 12 of them two-reelers and the rest one-reelers, are being edited for early release.

Voe Plans a Series

Voe Pictures Corp. has been formed to produce a series of shorts featuring "The Voice of Experience," popular radio feature.

Acquire German Film

Danubia Pictures, Inc., has taken over American distribution of the German film "Rakoczy Marsch."

Harry Brandt Drops 2

Harry Brandt has dropped the New and Rivoli, Rockaway Beach, from his string of theatres.

Two-Men Bill Would Darken 400—Walsh

SAN FRANCISCO, Feb. 15.—Approximately 400 of the 1,100 independent theatres in this state will be compelled to close if the two-men-in-a-booth bill is passed, insists Morgan Walsh, president of the Northern California I.T.O.A.

Walsh made the declaration at a session called to discuss pending legislation. He analyzed the probable effects of about 200 bills.

Also present at the meeting were John J. Bryson, Hays office representative, and Hulda McGinn, manager of the California Theatre Ass'n.

Walsh spread consternation when he pointed out that the proposed footage tax would be passed to exhibitors under the terms of their contracts.

Bryson said: "We are confronting the most serious situation in Sacramento in the history of our industry."

Expect to Clear Up Tax Upon Equipment

Clearing up of the question as to whether sound reproducing equipment used in theatres is subject to the five per cent tax levied against radios, radio and phonograph combinations and musical instruments is expected shortly by the Entertainment Apparatus Manufacturers' Ass'n.

In a bulletin just issued the association points out that Deputy Commissioner D. S. Bliss of the Internal Revenue Department has reversed local agents and has requested manufacturers to submit detailed copies of their specifications.

Warner Crowd Will Make Merry Tonight

The Warner Club will make merry tonight at its sixth annual banquet and ball at the Waldorf-Astoria. A crowd of more than 1,500 is expected. Paul Whiteman and his orchestra will deliver the dance music. Many stage, screen and radio personalities will have a hand in the entertainment.

Morros Arranging Show

Boris Morros is in charge of the talent for the M. P. Club show tomorrow night. He is lining up a program to surround the preview of "Ruggles of Red Gap."

Among the talent to appear will be three Metropolitan Opera stars, Frederick Schorr, Kathryn Newman and Henrietta Shuman. Emery Deutsch, violinist; Emile Boreo of "Folies Bergere," and Monroe Silvers, songwriter and radio artist, are also on the program.

Formed for Financing

WASHINGTON, Feb. 15.—A new film financing corporation, known as the Standard Capital Co. of Wilmington, Del., has been formed, it became known here when the company was accorded permission of the Standard Securities Commission to float an issue of 15,000 shares of six per cent preferred, par value $100, and 33,333 shares of $1 par common.

Plan Monogram Drive

Monogram franchise holders will hold a play-date-paydate drive from May 1 to May 31 in honor of W. Ray Johnston. Edward Golden may leave next week on a tour of exchanges.

Studio Hour, Wage Scales Are Revised

(*Continued from page* 1)

three-hour minimum call, because of the new six-hour day.

The changes become effective on March 4 and expire, together with the basic agreement, in March, 1936. Studio laborers and painters and several I. A. T. S. E. unions were denied inclusion in the basic agreement, but their applications will probably be considered when the new one is negotiated next year. A 20 per cent wage increase for the five unions now in the agreement was denied.

Sitting in at the sessions with Casey and individual representatives of producing companies were William Hutchinson, president of the United Brotherhood of Carpenters and Joiners; Daniel Tracy, president of the International Brotherhood of Electrical Workers; Joseph N. Weber, president of the American Federation of Musicians, and Daniel J. Tobin, head of the truck drivers' union.

Nizer Statistics Annoy Campi Group

(*Continued from page* 1)

Authority are made public they must first be approved by the body.

In particular, the attack was directed against Louis Nizer's forthcoming book, "New Courts of Industry: Self Regulation Under the Motion Picture Code." Some of the members wanted to know where the information came from and why such data as is contained in the book had not been presented to Campi members prior to its publication. The contention of one of the codists was that such information is not official unless passed by the body. An article appearing in the *New York Times* and based on the forthcoming book was also criticized.

No official objections went on the record, it is said, because the session was declared to be a special meeting for the purpose of handing down decisions on appeals. When the full Campi body convenes next Thursday, it is understood that the matter will come up again for official action.

Tyree Dillard, Jr., who sat for John C. Flinn during the executive secretary's absence, would not discuss the situation, but was anxious to know how Campi's reaction to the Nizer book leaked out. Flinn is on the coast and is expected back Tuesday or Wednesday.

Pennsylvanians to Fight 10% Tax Plan

PHILADELPHIA, Feb. 15.—Under the direction of Lewen Pizor, president, the M.P.T.O. of this territory has decided to wage a determined campaign against the proposed 10 per cent state tax on admissions. A legislative committee headed by Pizor and including M. E. Comerford, Michael Egnal. Herbert Coane, George P. Aarons and Herbert Effinger met today and proposed that every exhibitor in the state be asked to contact his representative.

Washington's Leaders Join In Quigley Award Ceremony

(*Continued from page* 1)

W. Byrns of the House, Representative William Citron of Connecticut, and Bishop Thomas F. Gailor of Memphis.

Industry representatives included A-Mike Vogel, chairman of the Managers' Round Table Club of *Motion Picture Herald*; John J. Payette, Washington zone manager for Warner Theatres; A. Julian Brylawski, president of the Washington M.P.T.O. unit; Carter T. Barron, Loew theatres eastern division chief; Frank LaFalce, Lew Brown and William Ewing.

In making the presentation, Garner said: "I am pleased to present to you the Martin Quigley grand award, which distinction is accorded you for the excellence of your advertising campaign on 'Six-Day Bike Rider' adjudged the best submitted during 1934. My congratulations." He referred to "The Mighty Barnum" campaign in making the presentation to Rosenthal.

In brief remarks Senators McKellar and Lonergan endorsed the purpose of the Quigley awards and congratulated the winners on the cooperation which they had enlisted among local merchants. They described this as a stimulant to business.

Speaker Byrns greeted Hendricks as a fellow Tennessean and said he took great pride in the honors bestowed upon his fellow citizen.

Hendricks arrived early this morning and was greeted by a delegation of local film and theatre men. With Rosenthal, he was guest of honor at a breakfast.

After the presentation there was an informal gathering. In the evening there was a reception with entertainment provided by LaFalce, Brown and Ewing, who headed the reception committee.

Hendricks and Rosenthal left for New York tonight to be entertained further before returning to their posts.

Code Condemned as Allied Meet Closes

(*Continued from page* 1)

urged the national organization to do so on June 16 unless proposed extension of the NRA corrects what Allied terms its defects.

New York executives were severely criticized for permitting substitutes to sit for them at Campi sessions.

Some bills pending in Congress were condemned, but Culkin's bill which is designed not only to end block booking, but also to require synopses of stories in advance of release and to amend Section 2 of the Clayton Act to make it apply to license agreements as well as sales was approved.

The convention committee reported receipt of an invitation from Gov. Eugene O. Talmadge of Georgia. It was voted to enlarge the committee to include certain national officers situated in strategic points. The convention will be held the second week of May in Atlanta.

L. F. Martin Quits As Allied Manager

DES MOINES, Feb. 15.—Lester F. Martin, former secretary-treasurer, has resigned as business manager of Allied Theatre Owners of Iowa and Nebraska and will enter private business in Des Moines and Nevada. All activities of Allied are being carried on in the office of the president, Leo. F. Wolcott, at Eldora, Ia., until a new business manager is appointed by the board of directors.

Defer RKO-M. & S. Case

Arbitration hearings of the Meyer & Schneider breach of lease charges against RKO on operating policies at the Apollo and Hollywood, which were scheduled to be resumed yesterday, were adjourned to today because of the inability of Max D. Steuer, plaintiff's counsel, to appear.

K.C. Church Shows Start Controversy

(*Continued from page* 1)

Sunday as competition. An afternoon and evening performance was given, and either a small admission charge or a collection is made.

The case may not be heard, as Grace Gannon, board secretary, is having difficulty finding anyone to serve who isn't prejudiced in the matter one way or the other. Many are willing to make an exception in this particular case because the pastor, Dr. Burris A. Jenkins, for many years has been an avowed friend of the industry.

Wisconsin Circuit's Bank Nights Stopped

MILWAUKEE, Feb. 15.—In four cases, involving Wisconsin Amusement Enterprises, Inc., the grievance board has ordered the circuit to discontinue bank nights at its Oriental, Shorewood, State and Tower theatres. Complaints against the first two houses were issued by the Oakland Theatre, Inc., and against the latter by the Colonial Amusement Co. All the houses are neighborhoods.

Amateur, gift nights, double and triple features are getting a play in most of the outlying theatres with admissions in many cases dropped to 15 and 10 cents.

Act Against Krellberg

LOS ANGELES, Feb. 15.—Action against S. S. Krellberg for alleged violation of the production labor code by underpaying studio help was filed in Federal court here today jointly by the studio labor and regional compliance boards.

Louis Dent in Town

Describing his visit here as one for "general business," Louis Dent, operating 20 theatres in Salt Lake City and Colorado for Publix, leaves for Utah next Tuesday night. He says conditions are fair in his towns.

Ohio Leaders Deny Rift in Their Ranks

(*Continued from page* 1)

as is the story that Ohio exhibitors were sponsors of a measure seeking to increase the censorship fee per reel from $1 to $3.

"However, we are sponsoring a measure making it unlawful for distributors to designate days of the week when exhibitors must play their pictures. Widespread objection to this practice, current with all major distributors, has developed throughout the state. It encourages the exhibition of pictures not suitable for Sunday showings and the new measure is being supported by the Ohio Council of Churches and latterly by the Ohio Congress of Parents and Teachers.

"Furthermore, we are at a loss to know and we are anxious to ascertain why and who is spreading the propaganda that the exhibitor unit is now divided among itself. This is a falsehood, complete and unequivocal."

Smith and Horwitz reached New York yesterday from Washington where they attended the meeting of Allied's national directors. Wood came on from Ohio.

The trio was bitter over what it asserted to be the complete lack of cooperation, morally and financially, from affiliated circuits in waging the fight against adverse legislation. Late yesterday they conferred individually with Nate Blumberg of RKO, Joseph Bernhard of Warners and Joe Vogel of Loew's, in an effort to persuade those circuit executives to bear part of the expenses incurred to date.

Last night, Wood indicated the conversations had been satisfactory from the viewpoint of the I. T. O. of Ohio. The group remains over for further deliberations on this point and checks out for Ohio tonight.

Senate NRA Probe To Finance Group

(*Continued from page* 1)

the Administration as is Senator Harrison of Mississippi, chairman of the Finance Committee, but the latter insisted that it go to his group because it will be in charge of the expected legislation extending the life of the Recovery Act.

During the discussion in the Senate, Senator King of Utah, a member of the Judiciary Committee, reported a resolution proposing an inquiry into whether the Recovery Act had contributed to monopolies. The inquiry would be conducted by a sub-committee consisting of Senators King, Borah of Idaho, and McGill of Kansas.

Nine More Set for Gaumont Release

(*Continued from page* 1)

Nova Pilbeam, Edna Best, Leslie Banks and Peter Lorre.

"The Camels Are Coming," with Jack Hulbert.

"Man of Aran," the Robert Flaherty production, already shown in some spots here.

"Lover Divine," musical with Helen Chandler, Hans Jaray and Marta Eggerth.

A George Arliss film.

A Conrad Veidt picture.

State Dep't Seeks Advice on Copyright

(*Continued from page* 1)

have accrued under copyright legislation passed a generation ago and only slightly amended since then, as well as to bring our laws into conformity with the International Copyright Convention.

The treaty is considered of "large importance" in the department because its adoption would greatly strengthen the ability of the department to protect the interests of Americans in other countries.

The draft legislation submitted to the Senate committee this week appears to be a thorough revision of the copyright laws. It provides for flat protection for 56 years instead of for two terms of 28 years each, as at present. The penalty for infringement is reduced from a minimum of $250 to $100.

The bill establishes the right of the author to control his work even after transfer of the copyright, so that he may prevent modification or misuse, but allows him to sign away the right to modify, so that stories may be adapted for screen or stage use. It also protects literary works not heretofore covered, such as continuities.

The bill is considered by those who have seen it to be a conscientious effort on the part of the department not only to secure an agreement of the various interests but also to include a number of features to which objection will be raised by producers.

The International Copyright Convention, which dates from 1886 and was revised in 1928, was submitted to the Senate by President Roosevelt about a year ago. It had previously been submitted in 1931 by President Hoover.

Women Seek Federal Control for Films

(*Continued from page* 1)

Parent-Teacher Ass'ns. in New York in petitions which have been sent to members of the New York Congressional delegation.

The petitions urge the enactment of legislation to provide supervision over the selection and treatment of story material, and creation of an institute "to encourage the production, distribution and exhibition of motion pictures for visual education and for suitable entertainment to meet the needs in rural and urban centers."

The proposed institute would be operated by the education office in the Department of the Interior.

Stay on Cleveland Duals Is Dismissed

(*Continued from page* 1)

agreement which binds the majority of local houses.

The Grand Central was obligated to play single features under the lesseeship of Max Kaplan. Recently Kaplan turned the lease back to the landlord, who, in turn, leased it to Mrs. Max Kaplan.

The injunction was granted to the Fountain theatre, a competitive house playing singles.

Cleveland now has six double feature houses. They are the Alhambra, Metropolitan, Family, Temple, Erie and Rex.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Wedding Night"

(*Goldwyn-United Artists*)

HOLLYWOOD, Feb. 15.—Samuel Goldwyn, with his usual canny showmanship spotting together Gary Cooper and Anna Sten, has fashioned an interesting love drama from down-to-earth materials.

Well produced and with artistic completeness, the film is a triumph for personality values, direction and well told story.

The original story by Edwin Knopf takes Novelist Cooper to his ancestral farm in Connecticut with his wife, Helen Vinson, returning to Manhattan gaiety, while he, searching, strikes on a story idea revealing the love life and customs of Polish immigrants on the American scene.

From Miss Sten, Polish farmer's daughter, Cooper gets an inspiration—she seeking music and poetry, he seeking reality and facts about the lives of immigrants. Miss Vinson, returning, finds the novel advanced and senses therefrom a Cooper-Sten relationship, but refuses to give him up.

On Miss Sten's wedding night, after Cooper has left, the bridegroom, Ralph Bellamy, accuses Miss Sten, and in a drunken rage rushes to Cooper's home. Miss Sten follows, and, in a pushing brawl on Cooper's stairway, Miss Sten is killed. Cooper and Miss Vinson dedicate the completed novel to Miss Sten.

Virile Gary, in appeal and performance, is impressive. Miss Sten, combining the earthy and spirituelle quality, has reserves untouched. Miss Vinson is a dramatic surprise. She arrives at maturity by outstanding trouping. Bellamy is good. Siegfried Rumann, Walter Brennan, Hilda Vaughn stand out in a well directed cast. King Vidor's direction from Edith Fitzgerald's screen play has simplicity and force. Gregg Toland's photography is excellent.

Assaying Cooper, Miss Sten and the title, showmen should cash in to their satisfaction.

Previewed without Production Code Seal. Running time, 83 minutes. "G."

Report Hankin Gets Four Warner Houses

(*Continued from page* 1)

Hankin, former middle west exhibitor and lately Warner zone manager here.

This is looked upon here as what might be the first move in a semi-decentralization of Warner houses here, since each of the houses in the deal is located in the territories where there is heavy independent opposition which employs double featuring and premiums.

What Hankin's policy will be is not known.

Joseph Bernhard, general manager of Warner Theatres, last night denied that the four Philadelphia houses had been turned over to Hankin. He did admit, however, that such a deal was pending.

Completes Extra Task

LOS ANGELES, Feb. 15.—The extras' standing committee has completed its recommendations on the registration of extra talent. On Monday they will be forwarded by Major J. O. Donovan to Compliance Director Sol A. Rosenblatt.

Dubinsky Prefers Miami

KANSAS CITY, Feb. 15.—Ed Dubinsky leaves this weekend to join the evergrowing film colony in Florida. It's his annual custom.

Flash Preview

Hongkong Nights—Looks suitable for dual bill program.

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Franchise Tax Jump In Lehman Program

ALBANY, Feb. 15.—Included in Governor Lehman's fiscal program adopted by the Senate and Assembly is an increase in the corporation franchise tax of one and one-half per cent, which it is estimated will raise $6,000,000.

Unincorporated businesses will be taxed four per cent on net income above $5,000. This is estimated to yield $6,500,000. Taxes are also imposed upon insurance premiums and personal income taxes are increased.

Standing Room Bill Revived in Missouri

JEFFERSON CITY, Mo., Feb. 15.—The old familiar standing room only bill and the customary measure to place a tax on every foot of film distributed in the state have made their appearance in legislative halls.

FWC Aids Defense Week

LOS ANGELES, Feb. 15.—Fox West Coast Theatres has joined the National Defense Week campaign by showing patriotic trailers with special music and talks by reserve officers. The programs were arranged and executed by Lieut. W. H. Lollier, company executive.

NBC to Build on Coast

HOLLYWOOD, Feb. 15.—Erection of a studio here within a year is planned by NBC, with television in mind, it was said today by M. H. Aylesworth, head of the company.

U. A. Boosts List To 35 Next Season

(*Continued from page* 1)

is committed to a minimum schedule of 22 releases, which represents an increase over other years.

The new season plans were made known by Joseph M. Schenck, president, following a directors' meeting last night. The program calls for 25 features from domestic producers and 10 from British producers. Of the 25 domestic pictures, 20th Century will deliver 12; Samuel Goldwyn, six; Reliance, four; Charles Chaplin, two; Mary Pickford, one. Alexander Korda of London Films, will produce four and Herbert Wilcox of British & Dominion, two. The remaining four to come from abroad are still undetermined.

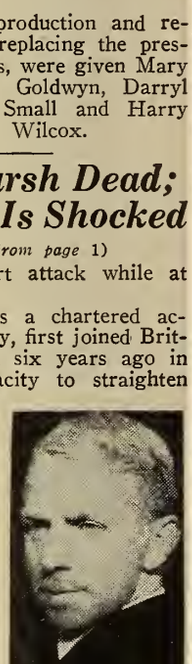
New five-year production and releasing contracts, replacing the present short term ones, were given Mary Pickford, Chaplin, Goldwyn, Darryl Zanuck, Edward Small and Harry Goetz, Korda and Wilcox.

Hubert Marsh Dead; London Is Shocked

(*Continued from page* 1)

dead from a heart attack while at work.

Marsh, who was a chartered accountant in the City, first joined British and Dominion six years ago in an executive capacity to straighten out the financial condition of the company. He was so successful that in three years' time he had the concern functioning on a paying basis.



Hubert T. Marsh

He is credited with being one of the first English executives to secure worldwide distribution for British product. This was done when he went to America two years ago and closed a deal with United Artists there.

Marsh is also credited as having done much to create a better feeling between the City, London's Wall Street, and local film interests.

Captain Richard Norton, who is now in America, and Herbert Wilcox, general manager of production, are co-directors on the board with Marsh.

Chicago Anti-Trust Suits Set for Feb. 22

(*Continued from page* 1)

Warners, B. & K., Essaness and exchanges.

Judge Woodward said he would hear both cases together because of their similarity.

Roden will ask for a temporary injunction against the defendants, which will be followed by a claim for $300,000 damages.

Validity of the current understanding between exhibitors and exchanges on 10-cent admissions is challenged by Rubin and Roden.

Distribution executives brought here by the litigation have returned to New York, only Neil Agnew and Charles Reagan of Paramount remaining behind.

The Leading Daily Newspaper of the Motion Picture Industry

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Hold Midwest Move Speeds K. C. Zoning

Independents Heartened By L. A. Schedule

KANSAS CITY, Feb. 17.—Rejection by Fox Midwest of I.T.O. proposals for a new clearance schedule for Kansas City is regarded here as an indication to Campi to proceed with consideration of the schedule it has before it and which it has been pondering for some time.

Moves of the local independents' organization to obtain adoption of a substitute plan were initiated independently of the local clearance and zoning board. The I.T.O. is opposing the schedule Campi is prepared to act upon as well as the arrangement in effect here this season. The organization has submitted its new proposals to Campi as an alternative to legal action, which is threatened.

The independents are heartened by Campi's approval of clearance based on admissions, as provided in the Los Angeles schedule, but oppose the

(*Continued on page* 3)

Fox to Sue on Old Sherman Film Pact

As an aftermath to the M. & S.-RKO arbitration proceedings now going on, Fox plans to file a suit against Benjamin Sherman, president of the defunct Manhattan Playhouses, for

(*Continued on page* 9)

Martin Suit Against Koplar Is Set Here

ST. LOUIS, Feb. 17.—A $25,000 damage suit charging Harry Koplar, former Skouras associate here, with causing a false arrest in 1932 of Thomas J. Martin, Warner auditor,

(*Continued on page* 9)

New Griffith Spots Raise Total to 103

With the acquisition recently of the Dunkin and American in Cushing, Okla., the Griffith circuit, operating in New Mexico, Texas and Oklahoma

(*Continued on page* 9)

"Copperfield Take Rises to $204,620

With $44,500 in the till for the fourth stanza, "David Copperfield" tallied a gross of $204,620 during its

(*Continued on page* 9)

Justice Dep't Busy in Ohio; State May Conduct Own Probe

Cleveland, Feb. 17.—Department of Justice operatives have been working under cover in and around Cleveland for the past 10 days, *Motion Picture Daily* learned yesterday.

They are checking into exhibition conditions and presumably are after findings to present to the Attorney General of the United States.

Columbus, Feb. 17.—A statewide investigation of the industry is considered as anything but remote.

If decision finally is made to proceed along such lines, the development will crystallize under the state's Valentine anti-trust statute.

Three IATSE Locals Being Reorganized

Taking over of control of the Chicago operators' local by George Browne, president of the I.A.T.S.E., raises to three the number of locals now in the hands of the national organization. The other two are the Pittsburgh local and Local 306 here.

Only recently the Kansas City local was restored to local control after a long period of probation during which it was reorganized.

Browne has announced that the books of the Chicago union, long dominated by the late Tom Maloy, will be examined and the results

(*Continued on page* 8)

"U" Men Planning New Orleans Meet

NEW ORLEANS, Feb. 17.—Universal will hold a meeting of several of its district managers here during the M. P. T. O. A. convention, those planning to be present including W. J. Heineman, western district; Henry Herbel, headquartering in Chicago; John Ezell, headquartering in Atlanta, and Harry Graham, headquartering in Kansas City.

James R. Grainger leaves for New Orleans Wednesday but will stop off at Atlanta while en route.

NRA Drawing Basic Operator Wage Pact

Although several clauses have not been finally passed upon by the NRA fact-finding committee, the I. A. T. S. E. is drawing up a new operators'

(*Continued on page* 8)

Justice Study Of NRA Given To the Senate

By BERTRAM F. LINZ

WASHINGTON, Feb. 17.—Results of studies made by the Department of Justice into monopolistic practices under the NRA codes were today laid before members of the Senate Judiciary Sub-committee, which is planning to investigate the NRA, by Russell Hardy, special assistant to the Attorney General.

The sub-committee, composed of Senators King of Utah, chairman; Borah of Idaho and McGill of Kansas, will make its investigation with a view to determining whether the

(*Continued on page* 8)

G. B. Help Is Given To General Theatres

By BRUCE ALLAN

LONDON, Feb. 17.—In the reorganization of General Theatres Corp., Ltd., the new management has reached an agreement with Gaumont British whereby the latter will receive £35,000 yearly for 10 years subject in the first five years to nine per cent to be paid on the ordinary shares. Gaumont agrees to invest £450,000 in five and one-half per cent second debenture stock.

General Theatres capitalization is

(*Continued on page* 9)

Skouras Denies FWC Shifts in Prospect

Reports emanating from the coast that radical changes will follow withdrawal of Reeves Espy from Fox West Coast next month were described

(*Continued on page* 9)

Film Probes Here Sought By the ITOA

Protection Fight Stirs Move for State Action

Following many open discussions of local conditions by the membership, the I.T.O.A. board of directors at a secret meeting last week took the first step in a move for a state anti-trust investigation of major circuit activities in this territory, it was learned over the week-end. The action has been brewing for some time, but came to a head last week when the body passed a resolution seeking a probe of asserted practices by major circuits. It is understood such a probe would be conducted by the attorney general's office here.

A committee to present the facts to the Senate and Governor Lehman will be named Wednesday when the regular meeting will be held at the Astor.

While no mention has been made of the particular circuits involved, it is understood the action is directed against Loew's. Several efforts have

(*Continued on page* 3)

Promise Circuits' Aid in Ohio Fight

Declaring that circuits and the M.P.P.D.A. would cooperate financially and in other ways with the Independent Theatre Owners of Ohio in combating unfavorable theatre legislation in the state, a Hays office spokesman, replying to charges made by officers of the exhibitor organization holding the Hays office responsible for reports of dissension in the

(*Continued on page* 9)

Jersey Sales Tax May Include Films

TRENTON, Feb. 17.—A movement has started in the New Jersey Legislature to amend the sales tax legislation to include amusements and particularly film theatres. Amusements were elimi-

(*Continued on page* 9)

Asserts Television Needs $100,000,000

HOLLYWOOD, Feb. 17.—"It will require $100,000,000 to launch television as a new form of entertainment, but when it does come it will sweep the

(*Continued on page* 10)

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Wall Street

Pathe "A" Gains ¼ on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc (cl)	39¼	38¾	38¾	— ⅜
Consolidated Film Industries	6¼	6⅛	6¼	— ½
Consolidated Film Ind., pfd. (½v)	21¼	20⅝	21	—1
Eastman Kodak	121	120	120	— ½
Eastman Kodak pfd.	146	146	146	+ ½
Fox Film "A"	10¼	9⅞	10¼	+ ⅛
Loew's Inc. (1a)	34⅝	34¼	34¼	— ⅜
Loew's Inc., pfd.	104	104	104	.....
Paramount Publix	3⅝	3½	3½	— ¼
Pathe Exchange	1⅜	1	1⅛	+ ⅛
Pathe Exchange "A"	15	15	15	+ ¼
RKO	1⅞	1⅞	1⅞	— ⅛
Warner Bros.	3¾	3⅝	3¾	.....

Technicolor Up ¼ on Curb

	High	Low	Close	Net Change
Technicolor	15¼	15	15¼	+ ¼
Trans Lux (10k)	3⅛	3⅛	3⅛	.....

Warner Bonds Rise ⅝

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf.	7¾	7½	7½	— ½
Keith B. F. 6s '46	69½	69½	69½	+ ½
Loew's 6s '41, ww deb rights	104⅝	104½	104½	.....
Paramount Broadway 5½s '51	49½	49½	49½	.....
Paramount F. L., 6s '47	70¼	69⅝	69⅝	— ⅜
Paramount Publix 5½s, '50	7¼	7¼	7¼	+ ⅛
Warner Bros. 6s. '39 wd	55	55	55	+ ⅝

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 16)

Insiders' Outlook

By RED KANN

THE time to turn the page is now, if you've had enough on Paramount and what goes on there, for this is another chapter in that exciting serial.

▼

Manny Cohen may yet have his day in court if the $14,000,000 Fortington creditor group has its say and its way. This is the crowd which quietly acquired a young carload of Paramount bonds and then insisted upon board representation before reorganization factors could spell Fortington. It later did some maneuvering, threw out some lines and hauled them in with enough company creditors dangling to earn for itself a minimum of four directors on the new board. Now it insists its members are genuinely concerned over the why and the wherefore of Cohen's abrupt departure and maintains explanations supplied to date are not at all satisfactory. . . .

▼

Listen to a spokesman:

"We are not convinced that Cohen's dismissal was for the company's good. Out of his last 19 pictures, we find that 16 were money makers. To us, that is a good record. The only explanation of his dismissal that has been given us is that production costs increased alarmingly under Cohen in recent months. We have received no figures to support the statement.

"When the new board of directors takes office we intend to ask for a complete explanation and will demand that Cohen be given a hearing. Even a criminal is afforded that opportunity. Moreover, we are displeased with the manner of his dismissal. We were not informed of what was contemplated nor were we consulted in any way. It seems to us that the Paramount trustees, in taking an action of such great importance to the future of the company so shortly before the reorganization, might have first conferred with the people who own the company." . . .

▼

Meanwhile, other matters tying in with this state of affairs are proceeding apace or something. Members of the Root, Clark, Buckner & Ballantine law staff in the service of the trustees, have been delegated to work with Alfred Cook, counsel for Paramount and for the stockholders' committee, in attempts to pacify the Fortington champions of Cohen. No success, to date. . . .

▼

While such hustle and bustle continues, plans are being shaped for a special meeting of stockholders to elect the new board immediately upon confirmation of the reorganization plan by the court so that the board may take over direction of the company immediately. Little serious objection to any of the 16 directors agreed upon is anticipated. The weightiest of it undoubtedly will come from the Munger debenture committee, which would prefer to see R. C. Kremer, the Corticelli Silk man, in John D. Hertz's place on the board, or, if Charles E. Richardson, former trustee, goes on, then Charles D. Hilles, active trustee, should be there, too. The Munger committee is enthused over the Hilles' record as trustee. Regardless, informal functioning of the board is anticipated even in advance of any court confirmation of the plan. . . .

▼

No discussions have been held yet on the underwriting of the new stock issue. No one in the center of reorganizing activities appears anxious to be the first to mention the subject, although all have it on their minds. The difficulty seems to be that everyone except Samuel Zirn has a banking connection of one sort or another. With this and that to contend with in the daily battle for place, the name of Eugene Leake, trustee, gains daily strength as a candidate for treasurer after reorganization, of course. His latest champion and in a position to have himself heard is Percy H. Johnston, member of the board as a representative of those creditor banks and chairman of the board of the Chemical bank. . . .

▼

From downtown, if you listen, reports will inform you that Kuhn, Loeb and Lehman Brothers as well as one or two other financial houses identified with the reorganization through ownership of large blocks of securities, are ready and willing to divorce themselves from the picture completely in as brief a time as it may require to dispose of their present holdings or to liquidate the securities which will be issued by the new company in exchange for the old. Counter that with the impression afoot in Times Square where the knowledge of the almost feverish buying of Paramount securities by both houses in recent months is well known. Uptown doubts downtown proposes to step out so willingly. . . .

▼

Merely to clear up one confusion, it may be enlightening to inform reorganization factors bothered about the heavyweight trading in securities by Newborg Co. and Belden Co. just who has been buying for whom. Newborg's initial trading was as nominee of Kuhn, Loeb & Co.—probably $200,000 of it. The remainder, in the neighborhood of another $150,000, has been speculative and on Newborg's own initiative. Belden, which traded to the extent of more than $500,000 in Paramount securities, has been acting for P. C. Mohrman, a firm of investment counsellors headed by four statisticians formerly associated with the late Colonel Pope of Eastman, Dillon. He leaped into prominence in financial circles when he amassed a fortune—much of it through trading in Fox Film stock—in the bear market of 1928. The Mohrman buying in Paramount securities, likewise, is solely speculative. . . .

▼

K. L. may find some solace in this: The men who count there have been fearful the buying might be on behalf of Lehman Brothers. Those rallied around the Lehman standard were in reverse: They thought K. L. was manipulating the moves. One more angle and then to something else: What of these reports that Cook may figure prominently in the Paramount executive roster after reorganization is finally effected? Well, what about them? . . .

▼

A host of names but with one objective: Ben Schulberg, Billy Goldman, Fanchon and Marco, Kidder, Peabody and Company, Harry M. Warner, Joe Schnitzer, Lou Berman. What a melee, but what a yarn when it is a yarn! Patience. . . .

▼

Hollywood bulletin: Joe Schenck says he'll be back in New York in about ten days when he expects to close for the Fox Met circuit. . . .

Club's Second Show Draws Sunday Crowd

Approximately 150 attended the second preview showing held at the M. P. Club last night. Cocktails preceded dinner, which was held at 7 o'clock. "Ruggles of Red Gap" was screened at 9 o'clock and the screening was followed by entertainment and dancing.

Boris Morros was in charge of the entertainment which included numbers by Frederick Schorr, Kathryn Newman and Henrietta Shuman of the Metropolitan Opera; Emery Deutsch, violinist; Emil Boreo of "Folies Bergere," and Monroe Silvers, radio entertainer.

Film Probes Here Sought By the ITOA

(*Continued from page* 1)

been made to get the circuit to relieve exhibitors from the cumulative protection strain, but nothing of consequence has developed.

Senator Nye is reported interested and is understood to have asked for certain facts relative to the independents' plight. Federal investigators are reported secretly working in Bergen and Hudson counties in New Jersey. Their summons into New Jersey is reported to have been at the instigation of two exhibitors and not through any exhibitor body.

Harry Brandt, president of the I.T.O.A., several months ago stated that as soon as the local operator basic agreement was set he would seek a clearance and zoning schedule for New York. Members of the local board were reported interested in the request and even held hopes that a meeting of all theatre owners would be called for the drafting of a schedule. This, however, never materialized.

Century Case Important

One of the most important clearance cases in this territory is now before the local board. One hearing was held about two weeks ago and the adjourned session is slated to resume on Wednesday morning. The issue involves the Century circuit against RKO in Long Island. RKO's Strand and Columbia, Far Rockaway, and the Alden, Jamaica, are presently buying seven days' protection over the Fantasy, Rockville Center, which for five years has been playing day and date. Century contends the Fantasy is not a competitor to the RKO houses.

Important in the national clearance picture is the decision handed down recently by Campi which, according to some code members, sets a precedent in determining how far apart two theatres must be for one to get clearance over the other. In the case of the Warners' Forum in Los Angeles against F.W.C.'s Uptown, the two houses are a mile apart and Code Authority declared them noncompetitive. Up to this season the F.W.C. house has been getting clearance over the Forum. The combined drawing population of both houses is 25,000.

Whether this decision will be a guiding factor in the Century-RKO dispute here is up to the board. If the precedent set in the Los Angeles case is accepted by the body, many local exhibitors with theatres separated a mile from their competitors will bring similar complaints, it is said.

Costian on the Coast

HOLLYWOOD, Feb. 17. — Thomas Costian, eastern story editor for Fox, has arrived here for conferences with studio officials. He plans to remain here for several weeks.

Hamrick Drops First Run

PORTLAND, Feb. 17.—John Hamrick has dropped the Music Box as a first run. The house will revert to its 15-cent scale.

Boston Clearances Based on Old Plan

BOSTON, Feb. 17.—The clearance and zoning board has adopted individual decisions on theatres which were included in the original north and east of Boston schedules, with the exception of Reading, Stoneham and Wakefield.

Appeals have been received from the Egleston Amusement Co. for the Fairmount in the Mattapan zone; Middlesex Theatres, Inc., for the Capital, Arlington, in the Cambridge zone; Somerville Capitol Theatre Co., for the Capitol, Somerville, in the Cambridge zone; A. Bendsley, for the Community Playhouse, Wellesley Hills, in the Newton zone. These await New York decisions. An appeal has also been received from the Wakefield on the decision given on the Reading Theatre Corp. vs. the Wakefield.

Set Clearance for Utah Church Shows

SALT LAKE CITY, Feb. 17.—Establishing what is regarded as a precedent for the entire intermountain territory, an agreement on clearance has been reached here in connection with the L. D. S. ward amusement halls, which are church-operated and designated as non-theatrical accounts, presenting films one day a week.

The agreement reduces clearance to six months after release date in this territory, according to F. C. Loofborough, local code board secretary. All of the ward houses here and the one in Magna are involved.

Change N. O. Clearances

NEW ORLEANS, Feb. 17.—The Peacock and Gentilly have been zoned together by the clearance and zoning board, with each house getting films 60 days after first run in the downtown area, depending upon contracts. This decision, arrived at after several postponements, was brought about on the plea of Tony Demharder, manager of the Peacock, who asserted that despite the fact he had contract giving him playing time 60 days after Canal St., he had to wait 60 more days until the Dreamland, three miles away, played pictures. E. J. Myrick, executive vice-president of United Theatres, owners of the Dreamland, asked for another postponement, but was overruled. Two postponements had already been granted.

Smalley Wins 2 Cases

ALBANY, Feb. 17.—Smalley Chain Theatres has won two cases against the Schine Theatrical Co. One charged the operation of a lottery in Norwich, N. Y. The other complaint, brought on behalf of the Cooperstown, Cooperstown, N. Y., accused the Palace and Oneonta, Oneonta, N. Y., of issuing student tickets. A third complaint, involving Schine's Colonial and Smalley's Norwich, Norwich, N. Y., and alleging confiscation of the latter's advertising, has been dismissed. Stop orders have been issued in the first two cases.

"Valley Forge" to Capra

HOLLYWOOD, Feb. 17. — Frank Capra's next for Columbia will be "Valley Forge," the Maxwell Anderson play now in New York. As the title suggests, the story deals with portions of the life of Washington.

Braddock Man Loses Exemption on Labor

Compliance Director Sol A. Rosenblatt has denied J. A. Gallaher of the Braddock, Braddock, Pa., an exemption from the minimum wage scale set for that theatre on May 10, 1934. Gallaher made an application for exemption, but after an investigation by Robert A. Gaffner, assistant deputy administrator, Rosenblatt refused to set aside the labor provisions of the code.

On request of Herman J. Brown of the Inland Amusement Co., operating the New Majestic, Nampa, Ia., Rosenblatt confirmed an exemption asked for as a result of a decision handed down against the theatre. Brown asked that his case be turned over to the local recovery board. This was approved by the compliance head.

Finds He's Late on St. Joseph Appeal

KANSAS CITY, Feb. 17.—Dissatisfied with the clearance schedule set up for St. Joseph, Mo., Frank H. Cassil, subsequent exhibitor in that city, sought to file an appeal, but learned that the period in which he could take an appeal had expired.

Other subsequents are said to be satisfied with the new plan, which reduces Dubinsky's first run protection to some extent. Dubinsky has voluntarily agreed to reduce the Orpheum's first run protection to 74 days.

Decides 1st Bank Night

WASHINGTON, Feb. 17.—The local grievance board has just decided its first bank night case, having found L. M. Corcoran, operator of the Ponton, Crew, Va., guilty of violating the code by offering cash prizes. The complainant was Mrs. L. B. Bradshaw of the Crew, same town. The board ordered the defendant to refrain from any practice tending to reduce admissions.

To Push Foreign Films

Meropolis Pictures Corp. has been formed with headquarters in New York City to bring "outstanding" European product before American audiences. The company, the general manager of which is Martin J. Lewis, for the past six years with the 55th St. Playhouse and before that with Fox and European producing companies, has branches in the capitals of Europe.

The first release will be the French "La Maternelle" (to be known here as "Loving Hands"), which will be presented with English titles in association with John S. Tapernoux. It will open at a Broadway theatre in the near future.

Morgan Stays at M-G-M

HOLLYWOOD, Feb. 17.—M-G-M has signed Frank Morgan to a new term contract. Morgan's first under the new ticket will be "No More Ladies," with Joan Crawford and Robert Montgomery.

King Signed for Three

HOLLYWOOD, Feb. 17.—Henry King has signed a new contract with Fox to direct three pictures during the coming year. It was previously announced that King had signed a year's contract, but this was denied by the studio.

Hold Midwest Move Speeds K. C. Zoning

(*Continued from page* 1)

standard set by that plan whereby seven days' clearance may be granted over equally priced houses. They want identical clearance for identical admissions, as has prevailed here heretofore.

Objection is raised to distributors granting Fox Midwest seven days' protection over equally priced subsequent runs, even though the latter give premiums and adopt other practices termed unfair.

The I.T.O. also wants unrestricted double billing privileges, and points to the recent Federal court decision in Philadelphia as granting them that right. Most of the distributors here do not permit twin billing of product which receives a first run, and Columbia and Universal have a limited list of pictures which may be dualed.

Would Set Penalties

Conceding, however, that some penalties should be imposed, the I.T.O. proposes to set back theatres 28 days after regular clearance when dualing or using premiums, and, when using both, to delay clearance 42 days beyond the normal spot.

Additionally, these clearances are included in the plan the organization wants Campi to adopt, but which E. C. Rhoden, Fox Midwest division manager, has rejected: 30-cent run (first subsequent run), 28 days from close of first run; second subsequent run, charging 25 cents, 14 days after 30-cent run; third subsequent run, or second 25-cent run, 14 days following second subsequent run; 20-cent run, 14 days later; 15-cent run, to follow 20 cents by 21 days; 10 cents, 42 days after 15 cents.

This should shorten the existing protection over houses charging 20 cents or less, but would also cut first runs' clearance from seven to 14 days. The latter proposal, it is said, is one of the main reasons Campi will not accept the I.T.O. suggestions. First runs will resist any curtailment of their protection. In fact, they demand longer clearance over subsequent runs.

Ask Legal Fight on Flint Factory Shows

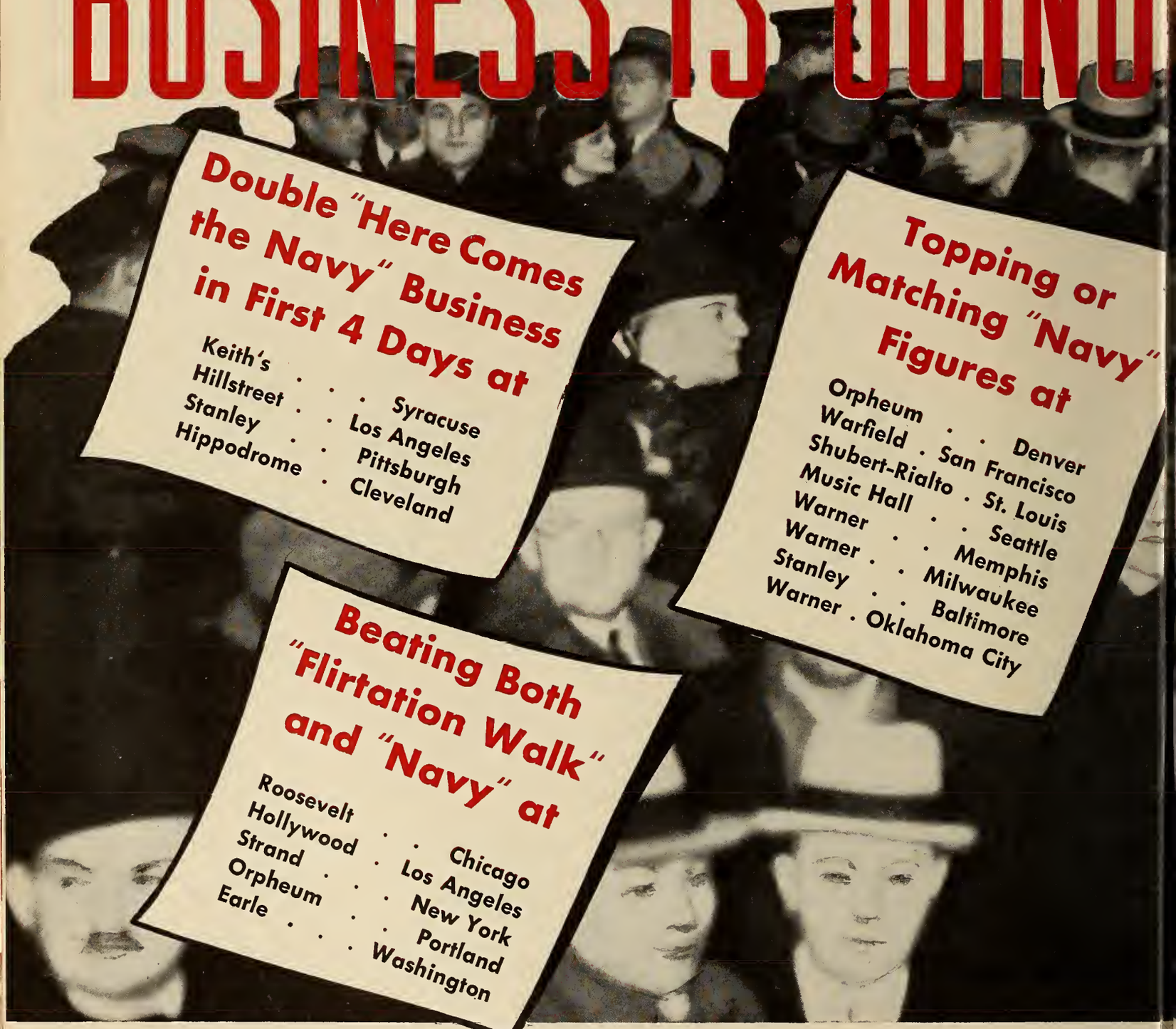
DETROIT, Feb. 17.—Four exhibitors have been asked to join several exchanges here in a legal move to prevent film showings by the Industrial Mutual Ass'n. Collection of damages is also aimed at on the ground that the films were obtained in violation of exclusive distribution rights held by the exchanges.

The I.M.A. is made up of workers in the Flint automobile plants. Sunday shows have been given with nominal admissions. Allied of Michigan has long waged a fight against the showings.

IEM to Meet Feb. 19

BOSTON, Feb. 17.—The next meeting of the Independent Exhibitors of Massachusetts, affiliate of Allied, will be Feb. 19. National and local problems will be considered. Pending local legislation will be given particular attention.

BUSINESS IS GOING



Double "Here Comes the Navy" Business in First 4 Days at

Keith's . . . Syracuse
Hillstreet . . Los Angeles
Stanley . . . Pittsburgh
Hippodrome . Cleveland

Topping or Matching "Navy" Figures at

Orpheum . . . Denver
Warfield . San Francisco
Shubert-Rialto . St. Louis
Music Hall . . Seattle
Warner . . . Memphis
Warner . . . Milwaukee
Stanley . . . Baltimore
Warner . Oklahoma City

Beating Both "Flirtation Walk" and "Navy" at

Roosevelt . . Chicago
Hollywood . Los Angeles
Strand . . . New York
Orpheum . . Portland
Earle . . . Washington

Everywhere—America's Biggest Attractio

"DEVIL DOGS

Starring JAMES CAGNEY • PAT

"Gold Diggers of 1935"—Jolson and Keeler in "Go Into Your Dance"

Paul Muni in "Black Fury"—Dolores Del Rio in "In Caliente"

TO THE DEVIL DOGS!



ince The World's Fair! . . Warner Bros.'

OF THE AIR"

BRIEN Directed by Lloyd Bacon

From the same Company that's bringing you Rudy Vallee in "Sweet Music"—

Kay Francis in "Living on Velvet" with Warren William and George Brent—

UNIVERSAL CAN SING

WITH SWEET MUSIC THAT
BRINGS BACK THE CLINK OF THE
GOOD OLD MONEY DAYS! . .
TAKE OUT THE LUNCH BOX
AND PUT BACK THE CASH BOX!

NIGHT LIFE of the GODS

OPENS SIMULTANE-
OUSLY AT THE N. Y. ROXY
AND RKO BOSTON
MEMORIAL FEB. 22!



THOSE SONGS of CHEER!

WITH A GRAND CHORUS THAT SWELLS OLD BOX OFFICE RECORDS INTO NEW MONEY MELODIES! YOU'LL SHOUT FOR UNIVERSAL ENCORES AFTER

The MYSTERY of EDWIN DROOD

BOOKED INTO RADIO CITY MUSIC HALL FOR MARCH 14th!



Three IATSE Locals Being Reorganized

(*Continued from page 1*)

made known to members. How long this will take and what the results will be are matters of conjecture, but the impression prevails that the union will be allowed to work out its reorganization in its own way so far as possible.

Pittsburgh was placed on probation because of internal dissension. Some of the elected officers refused to serve, and the probation order was instituted pending a new election. Meanwhile, Clyde Weston of Illinois, international representative, is in charge for the I. A. T. S. E.

New York Local 306 has been taken over entirely by the international.

The Cincinnati local, which has been on probation, has been reorganized and restored to self-government. An entirely new slate of officers has taken charge in Kansas City.

Harmony in Kansas City

The fact Kansas City has been free from intimidation of exhibitors and violence under the regime of Frank Dowd, business agent for 18 months, prompted the I. A. T. S. E. executive board to vote it self-government. The I. A. T. S. E. drafted Dowd to create harmony between exhibitors and the union and to compose internal dissension in union ranks largely caused by unemployment and other depression factors. Dowd, a former police officer, is considered to have held the members in check and to have cleaned up the mess.

The local was deprived of self-government on May 9, 1932, following a long-standing and bitter dispute with the theatres and a series of bombings and other outrages. During the period, the international office maintained close supervision of the local and appointed its officers.

Dowd retired as business agent in favor of Clyde A. Trantham, operator at Dubinsky's Liberty and a member of the local for 24 years, and returned to his former position in the booth at Loew's Midland. William McKinstrey, projectionist at the RKO Mainstreet, is the new president, succeeding H. H. Dunavan, the appointed officer. Frank H. Burkert, secretary for the last 24 years, has retired and has been replaced by E. F. Dougherty.

L. A. Zoning Details Will Be Cleared Up

Final approval of clauses pertaining to prints, geographical areas and starting date of the Los Angeles clearance and zoning schedule will be made at the Campi hearing on Thursday when John C. Flinn reports to the body on the action of the local board. Flinn met with the coast body last week when the print situation, geographical areas and other clauses in the schedule were discussed.

A preamble to the first schedule to get the official sanction of Campi is now being drawn and will also be included. Kansas City's plan is slated to be approved at the session and it is also likely the New Haven and Milwaukee schedules will be discussed.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Folies Bergere"

(*20th Century-U. A.*)

HOLLYWOOD, Feb. 17.—The production opens with an intimate view of back stage life, affording Maurice Chevalier wide latitude for his characteristic whimsicalities befitting a typical song and dance man of Paris.

This setting is interpolated with brief music hall sketches climaxed by the ensemble rendering "Rhythm of the Rain" number, which is lavishly mounted with a large bevy of beautiful dancing girls and catchy music. This sets the audience in the right frame of mind until the offering takes a sudden turn outside the theatre and depicts the complications arising through Chevalier's playing the dual character of an actor impersonating the great Baron Cassini, thereby creating many amusing situations between Ann Sothern, his jealous fiancee, and Merle Oberon, the baroness.

Much liberty with logic is taken yet the manner with which it is handled is acceptable as farcical comedy somewhat draggy at times but tolerated and compensated by the grand finale when the story returns to the stage for the "Straw Hat" number executed in admirable fashion and perpetuating the well known Chevalier head gear.

The picture is dominated throughout by Chevalier and should be received well by his followers. The principals are ably supported by Eric Blore, Ferdinand Munier, Walter Byron, Lumsden Hare, Robert Grieg and many others.

Director Roy del Ruth did his best in directing the material at hand. The effects and photography are fair.

Reviewed without production code seal. Running time, 78 minutes. "G."

"Let's Live Tonight"

(*Columbia*)

HOLLYWOOD, Feb. 17.—This one gets off to an excellent start but the story loses strength in development and leaves the picture slightly above average fare.

Tullio Carminati meets Lilian Harvey at the Monte Carlo Casino, wins money for her and then sails away on his private yacht as their romance begins. He decides after several months to return, arriving at the time when her mother is announcing Miss Harvey's engagement to his brother. Only then do they learn each other's identity. It has been established that Carminati is very fond of his brother, so from then on the story concerns his struggle between love for his brother and for Miss Harvey. The brother finally leaves for India and the lovers are reunited.

Director Victor Schertzinger attempts to develop the plot lightly against the background of the French Riviera and yachts and often succeeds, but the picture has its dragging moments because no strong motive for Carminati's leaving is established.

The production values throughout are excellent with splendid atmosphere of a Riviera carnival introduced in the scenes when Carminati returns. The supporting cast is dominated by Arthur Treacher and Janet Beecher with the others well balanced. Schertzinger contributes one number which is used as a theme song and played with consistent effect throughout.

Production Code Seal, No. 567. Running time, 73 minutes. "G."

Looking 'Em Over

"The Dictator"

(*Gaumont British*)

PARIS, Feb. 8.—This is obviously a strong effort on the part of the British industry. Settings are elaborate, crowds are large, it has a good musical score, excellent principals and pretty girls. History has been reproduced accurately, but as entertainment it falls short. It moves slowly and the treatment is cold.

It is the tale of a modest German doctor played by Clive Brook, who is taken in 1768 to the court of Christian VII of Denmark, portrayed splendidly by Emlyn Williams. Brook gradually gains influence over the King and becomes the real dictator of Denmark, but he falls in love

(*Continued on page 9*)

Justice Study Of NRA Given To the Senate

(*Continued from page 1*)

National Industrial Recovery Act or the activities of the Recovery Administration have encouraged or promoted monopolies and tended to nullify the anti-trust laws.

The Department of Justice for some time has been studying the operations of a number of industries, including films. Hardy was a feature of the hearings on the film code before the Darrow board, and has since made other investigations of the industry. He was also one of the chief actors in the recent grand jury proceedings in St. Louis which resuled in the indictment of several distributors.

With the Nye-McCarran resolution sent to the Senate Finance Committee, indications are that efforts will be made to stave off the comprehensive investigation of code administration sought by the North Dakota and Nevada senators. However, if unsuccessful in their attempt to get the investigation by resolution, they will make efforts to force the matter when the recovery legislation comes up for consideration.

Attack Based on Questionnaires

It was revealed by Nye that his attack will be based on 460 responses to 500 questionnaires sent by him to business men to determine the extent of the adverse effect of the operation of the Recovery Act.

President Roosevelt is expected to send his message asking for extension of the Recovery Act next week. He is understood now to be putting the finishing touches to his legislative proposals, which may call for an indefinite extension of the law by providing that it shall be continued for two years, unless Congress acts to the contrary.

One of the major problems, it is understood, has been whether to have the administration of the act handled by an individual or a board, with the latter believed now to be favored. It is probable that the legislation will provide some safeguards for the anti-trust laws.

NRA Drawing Basic Operator Wage Pact

(*Continued from page 1*)

contract which will be put into force as soon as the basic wage scale agreement is accepted. The new pact will replace the one that has been in existence for some time.

Another gathering of the fact-finding body will be called shortly after George Browne, president of the international union, arrives from Chicago where he is now reorganizing the local union. At this meeting it is expected that an agreement will be reached on the new basic scale.

Wants Wis. Plan Used

MILWAUKEE, Feb. 17.—The Wisconsin I. T. P. A. voted yesterday to petition Campi to permit operation of the clearance schedule adopted here last July. The organization claims it is the best plan to correct local evils.

Promise Circuits' Aid in Ohio Fight

(*Continued from page* 1)

state exhibitor ranks, said that the circuits, however, should not be expected to pay dues into the treasury of an organization of which they were not members.

"When the I.T.O. of Ohio was organized about a year ago," the Hays office spokesman said, "it declared that its policy would be to have nothing to do with affiliated circuits outside of combating them. Since then, repeated requests were received from the organization for financial aid in combating unfavorable legislation in Ohio, some of which were complied with despite the fact that circuits, independently of the I.T.O. of Ohio, fought other legislation without asking the state organization to share the cost. Circuits are glad to see the I.T.O. on record now as asking their aid. While they will cooperate on general and special legislative matters with the state organization, they do not care to be placed in the position of paying money into the treasury of an organization which dedicated itself as their enemy."

General denials of the charges that the Hays office was spreading rumors of any alleged split in the ranks of the Ohio organization were made by the M.P.P.D.A. spokesman. The charges were made Friday by Martin G. Smith, president; M. B. Horwitz, treasurer, and P. J. Wood, secretary and business manager of the I.T.O. of Ohio.

COLUMBUS, Feb. 17.—The Waldvogel bill which would rule off any attempt of distributors to designate days of the week on which exhibitors must play their pictures, has been reported out by the Senate committee assigned to discuss it. The measure has not passed the Senate, as earlier reported.

"Copperfield" Take Rises to $204,620

(*Continued from page* 1)

four weeks at the Capitol. The Dickens film is in its fifth week.

First week of "Devil Dogs of the Air" at the Strand garnered $19,360. "Bordertown" at the Palace took in around $9,000 and the Rivoli for the last eight days of "Clive of India" grossed $15,200. The Paramount on the first week of "The Gilded Lily" had a good week at $32,000 and the picture was held. "Lives of a Bengal Lancer" got $17,000 in its second week at the Rialto after three weeks at the Paramount. Yesterday the film opened at the State to what promises to be a good week, making the sixth consecutive week on Broadway without missing a day.

The Roxy opened strong Friday with "Behold My Wife," getting $3,800 for the day, indicating a $35,000 week. Louise Beavers on the stage is partly responsible for the draw.

Acquire French Film

Du World Pictures has acquired the American distribution rights to the French picture, "The Lady of the Camelias." Yvonne Printemps and Pierre Fresnay are starred.

Looking 'Em Over

"The Dictator"

(*Continued from page* 8)

with the British born Queen (Madeleine Carroll), who loves him and helps add to his power.

Brook's enemies hatch a plot against him and the Queen and prove her infidelity to the King. Brook is arrested and condemned to die. The Queen wants to stay with him, but Brook asks her to leave for England. She agrees, but delays her departure until his hour has struck.

This is the first picture from Toeplitz Prod., Ltd. It has been splendidly directed by Victor Saville. Sets, lighting and photography by Franz Planer are exceptional. The dialogue is clever in spots and also amusing. Nothing has been neglected in an effort to make it an important production. Scenes of a cabaret in Hamburg are excellent, but afterwards the tempo slows and there is no more action. Instead, long philosophical talk by Brook, or sophisticated dialogue between him and Miss Carroll, predominates. She seems too cold for the part.

In spite of its attractive elements, it is doubtful whether the film will be a commercial hit. It is too intellectual, even though it is an artistic masterpiece.

It should be sold on its artistic merits and with the names of Brook and Williams. Running time, 95 minutes. "A."

PIERRE AUTRE

Martin Suit Against Koplar Is Set Here

(*Continued from page* 1)

and former treasurer of Skouras Enterprises, is scheduled for trial Monday in New York.

Martin's arrest for contempt of court is alleged to have followed Koplar's complaint that the former had ignored a court order directing him to turn over to the receivers of Skouras Enterprises securities with a face value of $1,000,000. The Missouri Supreme Court absolved Martin, ruling that he could not be committed for refusing to obey a court order of which he had no knowledge.

Depositions in advance of the New York trial were taken here from various witnesses, including Walter H. Wohl, former receiver of the Skouras company; Frances A. Rogers, a courtroom deputy; N. Ruth Wood, a court reporter, and Harry Barker, who was referee in the Skouras Enterprises receivership.

Joseph Bernhard, Warner theatres general manager, said Saturday that he knew nothing about the suit. Martin could not be reached for comment.

New Griffith Spots Raise Total to 103

(*Continued from page* 1)

now has 103 houses. The two theatres, taken over from Hiram Dunkin, give Griffith control of the town, the circuit already having the Paramount.

R. E. Griffith, secretary and treasurer of the Griffith circuit and president of the R. E. Griffith Theatres, Inc., which has 15 houses in New Mexico, is in town with H. R. Falls, buyer and booker for Griffith, on an RKO deal. They plan to leave late this week for Washington and then home.

"Night Life" to Roxy

The "Night Life of the Gods" scheduled to go into the Music Hall opens at the Roxy on Feb. 22, instead.

Skouras Denies FWC Shifts in Prospect

(*Continued from page* 1)

Saturday as "a lot of bunk" by Charles Skouras, president of Fox West Coast Theatres Corp. Espy joins Samuel Goldwyn when he leaves the circuit.

Skouras Saturday wound up conferences with his brother, Chase National officials and W. C. Michel on the joint 10-year operating contract with National Theatres Corp. Michel sat for S. R. Kent, who left for Florida on Thursday. About three issues in the contract were straightened out yesterday and now the terms will be put into the written agreement. Skouras plans to remain for about two to three weeks. It is probable Spyros will leave for the coast when his brother goes west.

Charles Buckley, F.W.C. attorney, arrived yesterday for home office conferences and also to attend the appeal hearing today on the L. L. Bard overbuying grievance in Pasadena against the circuit.

G. B. Help Is Given To General Theatres

(*Continued from page* 1)

reduced under the new arrangement from £2,000,000 to £549,167. Written off assets include £1,135,215 in investments in subsidiaries and advances to them, as well as £203,118 in preliminary expenses and a discount of £112,500 on the first mortgage stock.

Pound ordinaries are reduced to one shilling in value, and in the future will take 50 per cent of the profits after payment of the preference dividend. The preference shares are reduced to six shillings, eight pence and made 15 per cent non-cumulative instead of seven and one-half per cent cumulative, and will be entitled to 50 per cent of the profits with the ordinaries.

Arrears of £187,500 are cancelled and the sinking fund of £1,951,071 on the debenture stock is suspended until 1939.

Fox to Sue on Old Sherman Film Pact

(*Continued from page* 1)

about $7,000, allegedly due on film rentals.

According to contracts, Fox contends that Sherman was personally liable in the event the circuit defaulted on payments. Several months ago Manhattan Playhouses went into bankruptcy and the houses reverted to Meyer & Schneider, owners.

Harry H. Buxbaum, local sales manager for Fox, was among the branch heads summoned at the early stages of the arbitration hearings. Auditors of the company have been checking the records of the Manhattan 1933-34 contracts and it is understood that as soon as the work is completed the suit will be filed.

Testimony to the effect that Manhattan Playhouses had repudiated its film contracts on going into bankruptcy was given during the course of the current arbitration hearings against RKO by Charles Steiner, formerly connected with the Apollo management. The arbitration hearings were resumed Saturday with Bernard Fleischnick, an M. & S. stockholder and former attorney for the circuit, being crossexamined by Bruce Bromley, RKO counsel. The hearings involve breach of lease charges brought against RKO as a result of film playing policies at the Hollywood and Apollo, which are leased from M. & S.

Jersey Sales Tax May Include Films

(*Continued from page* 1)

nated in the final draft of the bill approved by Gov. Harold G. Hoffman.

So strong is the opposition in the Legislature, however, that neither the sales nor corporate income tax measures could be passed at this time. The Democratic minority is solidly against the taxes measures and 15 Republicans are going along with them.

Assemblyman Joseph Altman of Atlantic City, one of the most influential House members, declared yesterday he would "not vote for any sales tax bill that taxes food, but eliminates movies and amusements." He based his stand on the assumption that a tax on food would hit the poor heavily for the necessities of life, while he considers any form of entertainment in the class of luxuries.

Other legislators are following Altman and a fight on the floor to amend the sales tax bill seems certain. This will be at least two weeks off, as no attempt will be made to bring the tax measures to a vote until various economy bills have been passed.

While the new move to include amusements in the tax bill may not obtain sufficient support for passage, it will have the effect of strengthening the opposition to the entire tax program and possibly resulting in its defeat.

Bernerd Bubbles Over

LONDON, Feb. 17.—Jeffrey Bernerd is in from New York with a one-word description of Gaumont British's activities in America. That word is "marvelous." There is nothing calling for stay in New York, he added, and so he will not return there for three months.

"Devil Dogs" Is Strong in Los Angeles

Los Angeles, Feb. 17.—Favorable weather and strong attractions boosted grosses here last week, but with three exceptions they still were below normal. Best comparative showing was made by "Devil Dogs of the Air" at the Hillstreet with a take of $12,300, which was over par by $4,300.

Playing day and date at Warners' Hollywood, however, the same film was under the line by $4,200 on a $9,800 gross.

"The Gilded Lily" took a strong $19,000 at the Paramount. A dual, "Under Pressure" and "The Night Is Young," was over par by $1,000 at $4,500 in United Artists.

Total first run business was $86,000. Average is $91,200.

Estimated takings for the week ending Feb. 13:

"DAVID COPPERFIELD" (M-G-M)
CHINESE—(2,300), 30c-65c, 6 days. **Gross:** $12,000. (Average, $12,500.)
"MAN OF ARAN" (Gaumont British)
FILMARTE—(800), 40c-55c, 3rd week, 7 days. **Gross:** $2,500. (Average, $2,750.)
"BABOONA" (Fox)
4-STAR—(900), 30c-55c, 7 days. **Gross:** $2,200. (Average, $3,250.)
"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $13,000. (Average, $14,000.)
"THE GILDED LILY" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf, Fanchon & Marco 10 acts vaudeville. **Gross:** $19,000. (Average, $18,000.)
"DEVIL DOGS OF THE AIR" (Warners)
HILLSTREET—(2,700), 25c-65c, 5 days. **Gross:** $12,300. (Average, $8,000.)
"UNDER PRESSURE" (Fox)
"THE NIGHT IS YOUNG" (M-G-M)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's 2nd "Crazy Show." **Gross:** $4,500. (Average, $3,500.)
"DEVIL DOGS OF THE AIR" (Warners)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 5 days. **Gross:** $9,800. (Average, $14,000.)
"THE RIGHT TO LIVE" (Warners)
"BEHIND THE EVIDENCE" (Col.)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $6,800. (Average, $12,000.)
"MYSTERY OF EDWIN DROOD" (Univ.)
PANTAGES—(5,000), 25c-40c, 5 days. **Gross:** $2,900. (Average, $3,200.)

Asserts Television Needs $100,000,000

(*Continued from page* 1)

nation," said M. H. Aylesworth, president of NBC, as he left for New York tonight.

Aylesworth has been here for the past two weeks attending conferences at the RKO studios and discussing plans for the building of television studios here.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

Purely Personal

Ben Piazza leaves for the coast tomorrow, stopping off a day in Chicago to see a local show and for interviews. On Saturday, Piazza stated he had lined up quite a number of stage people who will be recommended to Paramount studio heads on his return to Hollywood.

•

Joe Vogel returns today from Toronto where he attended the reopening Friday night of the Loew's Young St. The house was closed for a week during which it was remodeled.

Quip of the Day

Imaginary conversation, imagined by Joe Stein:
Film salesman (to exhibitor):
"If you bought Metramount's product at a $35 average, you'd be a sucker to pay more than $17.50 for ours."

Trem Carr is busy lining up a raft of new stories for Monogram's new program. He still hasn't decided when he'll return to the coast.

•

A. Mike Vogel anticipates a blessed event, as Winchell quaintly puts it.

•

William Shapiro was in Boston for the week-end.

•

Jack Warner hasn't been well.

Rudy Vallee will play host to his theatrical and newspaper friends at a cocktail party this afternoon at the Hollywood Restaurant. The pouring will be done in celebration of the crooner's appearance in his first Warner film, "Sweet Music." The doings will go on the air over WNEW at five o'clock.

•

Dave Loew postponed his trip to the coast to Saturday, believing he would be called to testify in the M. & S.-RKO arbitration proceedings. Loew wasn't called, declared it the first day of his vacation and spent the day with his family instead of going to the office.

•

Bebe Daniels, Ben Lyon and Skeets Gallagher opened their new show, "Hollywood Holiday," in Wilmington over the week-end. The trio moved to the Delaware metropolis last Wednesday to put the final touches on the play, which they plan to bring here in about a month.

•

Franchot Tone is busy writing a book on Hollywood. He expects to have it ready for his publishers in about three weeks. This will be his second novel since he left New York for the coast.

•

Ida Wilder, of the Moser & Terry outfit, left Saturday on the *Columbia* bound for a two-week trip. She will stop at Nassau, Havana and Miami.

Write-in Vote on Awards Sanctioned

Hollywood, Feb. 17.—Desiring to curb advance criticism of this year's nominees for awards, the Academy has thrown the final ballot wide open for members to pencil in their selections. This unprecedented change came as a result of an expression from nominees, including Frank Capra, Norman Krasna, Robert Riskin, Norma Shearer and William Powell, in which they approved the change.

Howard Estabrook, acting president, said criticisms of the nominations had been so uniform in contents that they raised a question as to whether they were based on genuine opinion or propaganda.

George Baker Made K. C. Variety Head

Kansas City, Feb. 17.—George Baker, manager of the Newman, has been elected president of the local Variety Club. Finton Jones was chosen first vice-president, Harry Taylor, second vice-president; Charles Jones, secretary, and John Muchmore, treasurer.

The elections were held here over the week-end and Frank C. Hensler, R. R. Biechele, J. C. Carrington, William Wagner, Robert Withers and R. C. Libeau were named directors for the coming year.

Club to Get Charter

Minneapolis, Feb. 17.—The local Variety Club will receive its charter from John Harris, founder of the Variety Clubs, at the Radisson Hotel Tuesday, when the entire membership will be officially inducted.

Stearn Out $12,000 Yearly by Decision

Columbus, Feb. 17.—Max Stearn, operating the Southern, hereafter will be $12,000 per year on the minus side through a court decision rendered yesterday.

Fifteen years ago Stearn obtained a lease on the present Neil Hotel site, subsequently assigning it to Archibald S. White, who agreed to erect a theatre thereon at a cost of $525,000 by Sept. 1, 1933, and lease it to Stearn for 20 years. The lease contained a forfeiture clause in case the house was not built.

Subsequently in a collateral agreement, it was stipulated that Stearn was to receive $12,000 annually in lieu of the erection of a theatre. These payments were maintained until July 1, 1933, when the hotel company filed suit to quiet its title. Judge Joseph Barnes, of the Franklin Couny Court of Appeals, ruled that the collateral agreement did not create an estate between the parties, and did not constitute a charge on the hotel organization.

Marsh Laid to Rest

London, Feb. 17.—Funeral services for Hubert T. Marsh, chairman of the board and managing director of British and Dominions, who died Friday, will be held today with burial at the Chislehurst Cemetery.

U. A. Studio Loss Light

Hollywood, Feb. 17.—United Artists studio officials breathed easier over the week-end when a check-up of the blaze which broke out on the back lot Friday night showed the loss was light.

"Devil Dogs" Chicago Hit; Gets $22,000

Chicago, Feb. 17.—"Devil Dogs of the Air" hit a hot pace at the Roosevelt in a week that was generally strong here. The gross ran $11,000 over normal for a total of $22,000.

At the Chicago "The Gilded Lily" was $2,400 up on a gross of $37,000, and "David Copperfield" at the United Artists piled up $25,000, over the normal mark by $8,000.

Total first run business was $143,000. Average is $127,600.

Estimated takings:

Week Ending Feb. 14:

"BORDERTOWN" Warners)
APOLLO—(1,400), 25c-35c-50c, 2nd week, 7 days. **Gross:** $6,000. (Average, $8,000)
"THE GILDED LILY" (Para.)
CHICAGO—(4,000), 25c-50c-68c, 2nd week, 7 days. Stage: John Boles & B. & K. production. **Gross:** $37,000. (Average, $34,600)
"HELL IN THE HEAVENS" (Fox)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Dionne Parents, Eddie Peabody. **Gross:** $15,000. (Average, $15,000)
"THE GOOD FAIRY" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Herb Williams, Three X Sisters, Buster Shaver & others. **Gross:** $19,000. (Average, $22,000)
"THE IRON DUKE" (Gaumont-British)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

Week Ending Feb. 15:

"DEVIL DOGS OF THE AIR" (Warners)
ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $22,000. (Average, $11,000)
"CHEATING CHEATERS" (Univ.)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Watson Sisters, Wilbur Hall, Les Ghezzis. **Gross:** $14,000. (Average, $15,000)

Week Ending Feb. 18:

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $25,000. (Average, $17,000)

Stamps Found Clicking

The use of stamps with likenesses of the company's contract players as an exploitation medium is reported by Warners to be proving a success with exhibitors. The stickers are sold at Warner exchanges at 50 cents the thousand, come in sheets of 100 and are in five different colors. They are held especially advantageous in tieups with local merchants, who can slap them on packages.

Lockwood for Kuykendall

Arthur Lockwood of Connecticut has been named Campi alternate for Ed Kuykendall and will act for the M.P.T.O.A. head for the next three weeks while he is preparing and attending the New Orleans convention.

Kuykendall left for his home in Columbus, Miss., Saturday and from there will proceed directly to the M.P.T.O.A. meeting.

Four Applications Up

Joseph I. Lubin, William E. MacKee, William M. Girden and Louis P. Krank will have their applications for membership in the M. P. Club passed upon Wednesday by the admissions committee.

Delay Consolidated Vote

Action on the Consolidated Film Industries preferred dividend has been deferred until the next meeting of the stockholders on March 15.

Where COULD you rather be than in NEW ORLEANS in MARDI GRAS time . . . .

BUSINESS

FUN

TOURS

PARTIES

SPECIAL RATES

COME

Here's your golden opportunity!—a real, honest, down-to-earth BUSINESS REASON for your blowing yourself to the time of your life! . . . the 15th ANNUAL M. P. T. O. A. CONVENTION IN NEW ORLEANS!

Imagine it!—New Orleans in Mardi Gras time! . . . Fun, color, spectacle (Oo-o-o la, la!). . . . The spirit of high carnival rife throughout one of the most hospitable cities in the whole world! . . . The event of a lifetime for you, your family, your friends—ALL AT A COST FAR BELOW THE REGULAR RATES!

SPECIAL LOW RAILROAD FARES, obtainable only by M. P. T. O. A. conventioneers and their families and guests . . . SPECIAL LOW HOTEL RATES, during the three-day convention, and during the Mardi Gras days immediately following—a time when even millionaires can't get rooms at any price! Vitally important issues to be discussed at the business sessions . . . plenty of social activities planned for you—and many, many more you can plan for yourself! . . . Intimate tours through the highways and byways of the friendly Frenchy city which has been the playground of bon vivants since long before the Louisiana Purchase!

It's all yours, at the lowest possible cost. COME! For full details contact National Headquarters, 1600 Broadway, New York City.

M·P·T·O·A

15TH ANNUAL CONVENTION

FEB. 25-28, 1935 . . .

HOTEL ROOSEVELT . .

New Orleans

SHOOTING ★ STARS ★ WITH DU PONT NEGATIVE



Photographed by WILLIAM DANIELS



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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 42 NEW YORK, TUESDAY, FEBRUARY 19, 1935 TEN CENTS

Gold Decision Clears Status Of Film Bonds

Money Not Bullion, Is Court's Ruling

By BERTRAM F. LINZ

WASHINGTON, Feb. 18.—Film companies having outstanding bonds calling for payment in gold are relieved from any necessity of paying more than the face value of their obligations in legal tender under an opinion handed down today by the U. S. Supreme Court.

Although the court did not rule directly upon the constitutionality of the devaluation of the dollar and the outlawing of the use of gold for monetary purposes, it held in general that the gold clauses in the cases before it "were not contracts for payment in gold coin as a commodity, or in bullion, but were contracts for the payment of money."

The court argued that to require givers of gold bonds to take their income in currency at its present value

(*Continued on page 6*)

Production Stays Well Above Normal

HOLLYWOOD, Feb. 18.—Studio activity still remains above normal and is close to the aggregate number of pictures in work for the preceding week. The past week's chart shows 43 features and six shorts in work as compared to 43 and seven for the previous week. In addition, there are 14 features and 12 shorts in the final

(*Continued on page 6*)

Jack Kelly, Booker At Warners, Passes

Jack Kelly, short subject booker for Warners, died at St. Claire Hospital here yesterday morning of pneumonia. He was in his 34th year.

The body will be cremated at Forncliff Crematory tomorrow afternoon following services at Riverside Memorial Chapel.

Surviving are his widow, several children and a brother.

Before joining Warners, Kelly had served with RKO.

Suit on G. T. Stock Stirs Up Interest

Film and financial circles evinced much interest yesterday in a suit filed in County Court here against the

(*Continued on page 6*)

Warner Theatre Personnel Reported on Percentages

Rearrangement of the Warner theatre personnel by which I. J. Hoffman, former eastern district manager, will make his headquarters in New Haven, and Moe Silver, former western district head, will make his new quarters in Albany, was reported last night to be tied in with a company plan to operate the circuit under a percentage arrangement with benefits accruing from such a plan reflecting to the advantage of the circuit personnel.

Louis Lazar, former district head in Albany, is out. Jack Sansan, for the past four years manager of the Roger Sherman, New Haven, has been transferred to Hartford where he takes over the Colonial, one of eight Warner houses in that town. He will also act as assistant to Harry Needles, Hartford zone manager. Angelo Sette, formerly assistant to Sansan, assumes full charge of the theatre. George Bronson, manager of the Colonial, Hartford, has been transferred to a Pittsburgh house.

Joseph Bernhard could not be reached for a statement last night.

Senate Group Plans Probes Of NRA Work

WASHINGTON, Feb. 18.—Plans are being made by the Senate judiciary sub-committee headed by Senator King of Utah for a complete investigation of the NRA and practically every code, it was learned today.

At an executive meeting with members of the sub-committee on Saturday, Russell Hardy, special assistant to the Attorney General, outlined some of the investigations made by the Department of Justice and discussed the recent St. Louis anti-trust suit. Members of the sub-committee

(*Continued on page 5*)

FWC Attorneys Hit Overbuying Charges

Overbuying charges against Fox West Coast in Pasadena and Ventura, Cal., were denied by circuit attorneys, Charles Buckley and William Powers, yesterday, before an appeal committee consisting of F. Thomas Murray, chairman; A. W. Smith, Jr., and Henry Sussman.

In both instances the attorneys presented evidence and testimony designed to show that overbuying did not exist. In the complaint of L. L. Bard of the

(*Continued on page 5*)

Graft Charges Draw Exhibitor Attention

Local exhibitors are speculating over the results of charges made to Mayor LaGuardia by Commissioner of Accounts Blanshard that graft and favoritism were evident in issuing li-

(*Continued on page 5*)

Industry Hit By Law Flood In Missouri

JEFFERSON CITY, Mo., Feb. 18.—Several bills striking directly at the industry, and a number indirectly, have been introduced in the Missouri legislature. Some are familiar proposals that appear year after year, designed to set up stringent regulatory features, but never approved.

It is expected that committees will dispose of many of the bills in short order. The measure to prohibit bank nights and all other forms of prize giveaways at theatres, under penalty of a fine, has already been killed by

(*Continued on page 5*)

Massachusetts Sale Tax Bill Is Killed

BOSTON, Feb. 18.—The proposed two per cent sales tax has been killed in committee. It was sponsored by Tax Commissioner Henry P. Long and industry leaders were prepared to launch a campaign against it.

Two other bills opposed by the industry are up for hearing this week. One is intended to prohibit admission of children under 14 to theatres and the other provides that all licensing authorities in cities and towns can act as censors.

Producers to Confer On Copyright Treaty

WASHINGTON, Feb. 18.—Views of producers on the proposed new copyright legislation will be laid before Dr. Wallace McClure, assistant chief of the treaty division of the Depart-

(*Continued on page 6*)

Highest Court Dismisses Fox Contract Case

Appeal on Arbitration Back to Minnesota

By CLARENCE LINZ

WASHINGTON, Feb. 18.—The U. S. Supreme Court today dismissed the appeal of Fox Film Corp. from a decision of the Minnesota Supreme Court holding that the agreement used in contracting to furnish product to A. B. Muller, Minnesota exhibitor, was illegal in its entirety because it contained an arbitration provision and the company therefore could not collect for pictures which had been refused by the showman.

The case was dismissed, the court announced, because "it appears that no final judgment has been entered" and the writ of certiorari was "improvidentially granted."

The contract involved called for the delivery of 46 pictures at an aggregate rental of $1,837. It was contended by Fox that Muller refused

(*Continued on page 6*)

Film Exports Jump $632,652 in 1934

By W. A. WHITNEY

WASHINGTON, Feb. 18.—Preliminary figures on American film exports for the year 1934 show a 30,000,000-foot increase in negative and positive sound and silent films over 1933, according to compilations made by N. D. Golden, chief of the Motion

(*Continued on page 6*)

Mississippi Houses Up by 58% in 1934

JACKSON, Miss., Feb. 18.—Theatres in Mississippi showed a healthy increase in business during 1934—58 per cent better than in 1933—and accounted for 81 per cent of the money collected from amusement taxes. Circuses and carnivals produced 11 per cent of the total collections.

Newsreels Studying Use of Trial Shots

After having sent representatives to the Mayfair to see "The Trial of the Century," a compilation of shots featuring Col. Lindbergh's flight across the Atlantic, his return to the United States and receptions here and in

(*Continued on page 6*)

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Warners Going to Coast

Harry M. and Mrs. Warner leave for the coast Friday to visit their daughter, Mrs. Mervyn LeRoy. On the same train will be Gwen Heller and the former Mrs. Jack Warner, who returned late last week from two weeks at Miami.

Arthur Seigel, stepson of Albert L. Warner, last week became a father of a bouncing boy.

Hearing on Sunday Bill

HARTFORD, Conn., Feb. 18.—A hearing will be held tomorrow afternoon before the judiciary committee of the State Legislature on a bill dealing with Sunday shows.

"Folies" at Rivoli Feb. 22

"Folies Bergere," 20th Century film which United Artists is releasing, opens at the Rivoli Friday for an indefinite run.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Purely Personal

GENE RAYMOND opens at the Chicago Palace on Feb. 22 in the first of a series of personal appearances. "Transient Lady," in which he appears, will be shown at the RKO house that week. Following the Windy City date, RAYMOND is booked for the Fox, Detroit, and may be booked in Cleveland, Kansas City and St. Louis, depending on whether or not he is needed on the coast. DANNY WINKLER and MARK HANNA arranged the personals.

•

FELIX FEIST, JR., was in town over the weekend. He was up at Lake Placid working on a picture, but the snow melted so he came down to spend a few days with his family. The studio wired him and he grabbed the Sunday plane for Hollywood after one night here.

•

GINGER ROGERS and LEW AYRES will be in town soon. MISS ROGERS is working on "Star of Midnight" for Radio and as soon as that's completed she and her husband will head for New York on their belated honeymoon.

Quip of the Day

In trying to explain her booking plight before a Campi appeal committee yesterday, Mrs. Jenne H. Dodge of the Mission, Ventura, Cal., stated that for three years she was able to get pictures third run on a first run basis.

"How do you explain this?" queried Henry Sussman, one of the committee.

"The first runs were the klucks," was her snappy reply.

CARL LESSERMAN, assistant to GRAD SEARS, and CHARLIE EINFELD, publicity and advertising chief at Warners, leave for New Orleans tomorrow. They comprise a substantial portion of the M.P.T.O.A. advance guard.

•

BRADFORD ROPES, who has just finished his writing assignment on "Hooray for Love" at Radio, is due in town any day now from the coast. He's anxious to get started on his stage musical, "Hometown Boy."

•

PAUL WHITEMAN had JIMMY GRAINGER as a dinner guest last night. Later, GRAINGER took in "Three Men on a Horse."

•

JACK HATTEM of the Interboro circuit is back from the south. Tanned, of course.

•

J. ROBERT RUBIN is back at his desk at M-G-M after two weeks in Palm Beach.

•

HERB CROOKER has been assigned the trade paper beat over at Warners. In conjunction with SID RETCHETNIK.

•

NICHOLAS S. LUDINGTON, president of First Division Prod., will arrive from the coast in about two weeks.

•

LELAND HAYWARD will arrive from the coast in about two weeks.

•

HERB CRUIKSHANK was a symphony in gray last night.

•

CAPTAIN PROSKE brings his tiger act to the Roxy Friday.

BEN ROSENBERG of National Screen was called out to Pittsburgh on business and from the looks of things now won't be able to join the gang on the M.P.T.O.A. special Saturday for New Orleans. He'll make the convention, however.

•

J. D. CLARK, WILLIAM KUPPER and ROGER FERRI have returned from Chicago where the first two conferred with B. & K. and FERRI put over another airplane stunt on "Baboona" after the mid-winter Fox sales meeting.

•

ANNE CAMERON'S novel, "The House of Trujillo," which appeared in *The Saturday Evening Post*, has been bought by M-G-M, which also bought the play, "The Far Off Hills" from WILLIAM HOWARD.

•

HARRY H. and MRS. BUXBAUM will be dinner guests of RICHARD CROOKS of the Metropolitan Opera on Thursday night. The place: Waldorf Astoria.

•

IRVING BROWNING is back with his cameras from a photographic tour of Quebec, where he filmed the winter sports and the many places of historic interest.

•

LILLIAN TEMPELTON, stylist on the Fox lot, is on her way here from the coast by boat. She's on her way to France to look at next year's models.

•

CLIVE BROOK, who recently completed "The Dictator" for Gaumont British, arrives here tomorrow on the *Manhattan* from England. MRS. BROOK is with him.

•

MOE STREIMER, local U. A. branch head, is back at his desk. He's matching tans with some of the boys who recently returned.

•

ERIC VON STROHEIM is the author of a novel of Hungarian gypsy life, to be published next week. The title is "Paprika."

•

CURTIS J. HARRISON has been appointed eastern advertising manager of *Photoplay*. He succeeds HERBERT J. DONOHOE.

•

CLAUDETTE COLBERT'S next for Paramount will be "A Bride Comes Home," a magazine yarn by ELIZABETH SANXEY HOLDING.

•

HAROLD RODNER took the air route to the coast yesterday. He'll be gone several weeks.

•

H. T. SILVERBERG, Buffalo film attorney, was in town yesterday on business.

•

JOHN MONK SAUNDERS' original story, "I Found Stella Parrish," has been bought by Warners.

•

WALTER CONNOLLY'S show, "The Bishop Misbehaves," opens at the Cort tomorrow night.

•

MAX COHEN is back from Miami with a swell tan.

•

BING CROSBY has been made an honorary member of the International Fathers' Day Ass'n., the organization has advised him from its headquarters in Spokane.

•

MARION MASON, who worked for both Radio and Paramount last year, has returned to the local stage. She can now be seen in "Field of Ermine."

•

NEIL AGNEW and CHARLES REAGAN have returned from Chicago. J. J. UNGER is back from his southern tour of Paramount exchanges under his supervision.

•

A. H. SCHWARTZ returned from Miami yesterday and plans to leave for the southern resort in about 10 days.

•

CHARLES C. PETTIJOHN and JOHN BOETTIGER were M. P. Club lunchers yesterday. So was JACK MILLER of Chicago.

•

ARTHUR LOEW is with us again, having returned from a flying trip to M-G-M's studios.

Wall Street

Most Gain on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	41	38¼	40	+1¾
Consolidated	6½	6	6½	+ ¼
Consolidated Film pfd (½v)	20⅞	19	20	—1
Eastman (5)	123	119	123	+3
Eastman pfd (6)	147	146⅞	147	+1
Fox Film "A"	11	10	11	+ ¾
Loew's, Inc.	36⅞	34	35½	+1¼
Paramount Publix	3⅞	3½	3¾	+ ¼
Pathe Exchange	1⅞	1	1⅞	.....
Pathe "A"	16¼	15	16¼	+1¼
RKO	2	1¾	2	+ ⅛
Warner Bros.	4	3⅝	3⅞	+ ⅛

Technicolor Up 1½ on Curb

	High	Low	Close	Net Change
Technicolor	17¼	15⅛	16¾	+1½
Trans-Lux (.10k)	3¼	3⅛	3¼	+ ⅛

Warner Bonds Rise ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7¾	7½	7¾	+ ¼
General Theatre Equip. 6s '40 ctf	7½	7½	7½	— ¼
Keith B. F. 6s '46	70	70	70	+ ½
Loew's 6s '41, ww deb rights	104⅜	104¼	104¼	— ¼
Paramount F. L. 6s '47	70	69½	69¾	+ ¼
Paramount Publix 5½s '50	76¾	69¾	69¾	+ ¼
Warner Bros. 6s '39, wd	55¾	55	55½	+ ½

(c) plus cash extras. (k) Special distribution. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 18)

M. & S. Hearing on Today

Hearings on the M. & S.-RKO arbitration case resume today, the meeting being an adjourned session from Saturday. John O'Connor may be put on the stand.

W. H. Moore Out of Bed

HOLLYWOOD, Feb. 18.—William H. Moore, Jr., a Fox West Coast trustee, was discharged from Hollywood Hospital today after a brief illness.

Two Radios for Roxy

The Roxy has booked two Radio features for presentation next month. They are "Murder on a Honeymoon" and "Enchanted April."

FAST MOVING COMEDY DRAMA IN THE SPIRIT OF "BROADWAY" AND "THE FRONT PAGE"



ROBERT
ARMSTRONG
IN

"The Mystery Man"

DAILY VARIETY DAILY

The Mystery Man

Monogram production and release. Directed by Ray McCarey. Original story by Tate Finn. Screen play by John Krafft and Rollo Lloyd. Photographed by Harry Neumann. Cast: Robert Armstrong, Maxine Doyle, Henry Kolker, James Burke, Guy Usher, LeRoy Mason, Otto Fries, Norman Houston, Dell Henderson, Sam Lufkin, Monte Collins, Sam Lufkin, Monica. Previewed at the Wilshire, Santa Running time, 67 mins. Feb. 1.

A smart, amusing hour's entertainment for any bill.

Built around the melodramatic adventures of a swaggering temporarily discredited newspaper reporter gone haywire with too much ready cash, the story plays for laughs and suspense and goes to town with both.

Robert Armstrong is the gusty newsmugg who stages a heavy bust when he gets a nice shiny revolver and fifty bucks as a bonus for repertorial labors. Fired at the height of his celebration with three other cockeyed cavaliers of the press, the dubious hero wakes up in another city, promptly gets himself tangled up in a romance with Maxine Doyle, loses his identity just when he needs it most, and by the grace of a newspaper man's luck, finally gets himself out of the spot.

Armstrong does a swell piece of comedy characterization, never going overboard for the laughs or the more serious moments when he finds himself in tough predicament as a murder suspect. He handles the romance equally well, keeping it topmood in a light vein. Maxine Doyle also comes through with a telling performance. She puts just the right emphasis on the doubts and confidences of a girl out of a job who hesitantly accepts the reporter's bantering chivalry. Hotel sequences, incidentally, are handled without a blue innuendo.

Henry Kolker makes the most of his part as the exasperated editor, while James Burke is excellent as Armstrong's new boss. Guy Usher is believable as the district attorney.

James Burtis, Sam Lufkin and Monte Collins are a riot as the repertorial stooges who make an art of inebriety.

LeRoy Mason well handles the menace as the briefly seen but sinister criminal who t[aunts] the po[lice] and Otto Fries as [a] pawn[broker] s[ells] Hou[dini] a[n] R[ope] trick. Henderson does a good job of Roll[o] Lloyd and Finn's original for building[ment] and d[irec]ting a traveling mystery-comedy that builds effectively and punches its points crisply.

Ray McCarey's direction is sound, balanced and sure. Speed is maintained without sloughing on the delightful character interplay, and plot is not hampered with sideswipes. Smart job of cutting upholds the directorial merits by clipping for full effect without a wasted foot, probably to be credited to Carl Pierson, and Harry Neumann's photography is first class.

Story has a moral, too: Never give a newspaper man $50 at a crack or he's liable to go out and solve a crime, win a reward and find himself married to a nice girl like Maxine Doyle.

"EXCITING ENTERTAINMENT"
—HOLLYWOOD REPORTER

•

with

MAXINE DOYLE

Presented by MONOGRAM PICTURES

Directed by RAYMOND McCAREY

Original Story by TATE FINN • Screen Play by JOHN KRAFT—ROLLO LLOYD

Pittsburgh Slashes Cause Film Holdup

PITTSBURGH, Feb. 18.—With the reduction of its scale from 40 to 25 cents, Mort Shea's Fulton is running into trouble with exchanges, some of which are refusing to honor contracts under existing prices. Fox this week pulled out "The Little Colonel," which was booked to open at the Fulton next week, and other commitments are expected to be abrogated.

The same thing happened to the Alvin, where an early-bird matinee price of 15 cents had been announced last week from opening until 12.30. When the distributors protested, the Alvin immediately returned to its 25 and 40-cent scale, eliminating the 15-cent seats after a single week.

ITPA of Wisconsin Joins in Tax Fight

MILWAUKEE, Feb. 18.—The Independent Theatres' Protective Ass'n. of Wisconsin and Upper Michigan is working with the newly formed Wisconsin Federation of Independent Ass'ns., which has been organized for the purpose of enacting a state fair trade act, modeled along the lines of the Junior Capper-Kelly bill in California.

The group will also back chain store tax legislation and seeks to oppose a sales tax. It includes in its membership associations representing all lines of independent retail businesses.

Ask Jersey Houses To Aid Safety Film

Cooperation of New Jersey theatre owners in connection with the highway safety drive being conducted by state officials will be sought on Feb. 21 when members of Allied of New Jersey will meet with Gov. Harold G. Hoffman. The session will be held at the State House assembly chamber in Trenton, during which a one-reel subject "Once Upon a Time," dealing with highway safety will be screened.

Exhibitors will be asked to show the subject on all screens and advance indications are that every theatre will exhibit the subject.

Neb. Sunday Vote Set

LINCOLN, Feb. 18.—Petitioners have gained a special election to be called soon in Beatrice, Neb., a nearby town of 10,000, to ballot on Sunday shows. Since Lincoln's passage out of the blue law classification last summer, Beatrice has been the sole remaining town of any size in the state on a six-day basis. Although voted down several times before, 700 more than the 900 necessary signers were obtained on the petition.

Nebraska Rental Tax Up

LINCOLN, Feb. 18.—One of the first measures dealing with the show business to come up for hearing in the Nebraska legislative session will probably be the bill calling for a 10 per cent tax on film rentals. The bill asks a monthly settlement.

Harry Rapf Recovering

HOLLYWOOD, Feb. 18.—Harry Rapf, M-G-M executive, who has been in the hospital suffering from flu, has gone to Palm Springs, and will remain there until his recovery is complete.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Naughty Marietta"

(M-G-M)

HOLLYWOOD, Feb. 18.—This is a highly entertaining interpretation of the well-known Victor Herbert operetta containing the bulk of the melodies written by the immortal composer and rendered to perfection by the rich, enchanting voices of Jeannette MacDonald and Nelson Eddy.

Eddy, submerged more or less on the M-G-M contract list in recent months, steps out into a top spot among the present day romantic leads in this offering blending his voice and acting personality with Miss MacDonald which provides a team the public will talk about. "Naughty Marietta" may compete with Grace Moore's picture, "One Night of Love," as the story has the same type material although different in locale and dominated by music.

The action and plot are well handled, holding interest throughout by the expert direction of W. S. Van Dyke, who makes his debut as a director of musicals with admirable effect. The screen treatment by John Lee Mahin, Albert Hackett and Frances Goodrich modernized the operetta with smooth tempo and simplicity for the appreciation of all classes. Beautiful settings and action harmonize with charming music.

The cast, well balanced and effective, includes Frank Morgan, Elsa Lanchester, Douglas Dumbrille, Joseph Cawthorn, Jane Barnes, Cecelia Parker, Walter Kingsford and others. William Daniels' photography enriches the production with consistent beauty both indoors and outdoors. Hunt Stromberg produced splendidly.

This picture should go big generally with names, the title and the music as magnets. No production code seal. Running time, 80 minutes. "G."

"Dog of Flanders"

(Radio)

HOLLYWOOD, Feb. 18.—As a classic portrait of a boy and his dog, this picture is artistically fine entertainment but undoubtedly limited in mass appeal due to the lack of cast names and the lethargic tempo paralleling foreign film technique. The film's beauty is simplicity abetted by touching performances and noteworthy direction done with a fine sense of feeling and understanding.

The story revolves around Frankie Thomas, a youngster with an emotional depth of love for humanity and animals. Thomas and his grandfather (O. P. Heggie) adopt the police dog Lightning, who had suffered brutal treatment at the hands of his former master. A juvenile romance springs up between Thomas and Helen Parrish with the girl's father (DeWitt Jennings) intervening in favor of another youngster (Richard Quine). The plot is climaxed by a contest for the best art drawings with Thomas and Quine competing for top honors. Heggie dies and, while the authorities try to place Thomas in an orphanage, the child wins the contest, although not without certain sympathy producing hardships of which the dog Lightning is the central figure throughout. The performances of Heggie, Thomas, Miss Parrish, Jennings, Christian Rub and Quine are excellent throughout.

Edward Sloman's direction is of the first order. J. Roy Hunt photographed in keeping with the theme. Ainsworth Morgan penned the screen play from the novel. The picture should do best in neighborhood houses.

No production code seal. Running time, 76 minutes. "G."

Looking 'Em Over

"While the Patient Slept"

(First National)

Guy Kibbee and Aline MacMahon thread an element of humor all through the fabric of a swell mystery story that keeps the audience fluctuating between the jitters and chuckles. The yarn moves along at a fast pace.

The story begins with an aged uncle suffering a mild stroke in front of a fireplace as he reaches for a porcelain elephant on a mantel. Miss MacMahon, as a nurse, responds with a doctor, and most of what happens after that takes place in the room where the patient is unconscious. A man is shot on a stairway with the elephant in his hand. While Guy

(Continued on page 5)

"Copperfield" May Reach to $240,000

"David Copperfield" is heading for a $240,000 gross for its five-week stay at the Capitol. During the first month, the picture tallied $204,620 and over the week-end garnered about $20,000. M-G-M is anxious to get "Sequoia" started at the Capitol, having turned down a deal by Arthur Mayer for a Rialto booking.

"Little Men" at the Astor is aiming for an $8,000 week, while "A Notorious Gentleman" held up well at the Mayfair over the week-end with a possible $9,500 for the stanza ending Friday night.

"Copperfield" Sets Marks in Cleveland

CLEVELAND, Feb. 18.—"David Copperfield" is setting a unique record in this territory. In the first six weeks of its release, the picture won 119 extra playing days in excess of its contracts, in 67 engagements. This means that the picture played extended running time in every instance but three. Of those three exceptions, extended time was not available in two cases, and the third has already played a repeat engagement.

Vallee, Honor Guest

Rudy Vallee, whose Warner picture, "Sweet Music," opens at the Strand tomorrow night, was guest of honor at a cocktail party in the Green Room of the Edison yesterday with the Brothers Warner as host. Last minute arrangements had moved the party from the Hollywood Restaurant to the Green Room of the Edison while a Warner attache went on guard in front of the Hollywood to make certain the invited few finally found their way into the chosen quarters of the Edison.

Noah Beery was among the professionals who made an appearance. The trade press, newspaper and fan magazine contingent was on hand in impressive numbers.

Hits Jury Stage Deal

The American Federation of Actors is on record as being opposed to any person connected with the recent Hauptmann trial in Flemington, N. J., appearing on the stage. When it was learned that vaudeville engagements had been offered the Hauptmann jury and other persons connected with the trial the federation, through official channels, said:

"We believe that the stage should be kept clear of people whose names have gained public attention through association with criminal trials, as their stage appearances do the theatre more harm than good."

Drew Is Given a Watch

CLEVELAND, Feb. 18.—Frank Drew, outgoing president of the Cleveland Variety Club was presented with a wrist watch, with baguette diamond numerals, by members of the club at a testimonial dinner given in his honor.

Restrict Milwaukee Kids

MILWAUKEE, Feb. 18.—Children under seven years are prohibited from attending school, theatres or any other public place under an order issued by Dr. John P. Koehler, health commissioner, in an attempt to check a local scarlet fever epidemic.

Industry Hit By Law Flood In Missouri

(*Continued from page 1*)

the House committee on criminal justice.

Two bills that would impose a 10 per cent tax on theatres admissions are pending, one specifically mentioning picture shows and to provide for old age pensions. Two separate bills are in for a "reel tax," levying one mill per foot of film shown in the state. There is a measure prohibiting standing room. A five per cent sales tax bill on luxuries presumably would include theatre admissions.

A chain store tax proposal, including theatres, has been reported favorably for passage. Sponsored by four representatives, it would levy a tax of $25 or $200 per unit, depending on the number in the chain.

Five sales tax bills are in the hopper, any one of which would hit theatres. All are opposed by retail merchants and commercial interests, as well as exhibitors. One would extend the life of the present one-half of one per cent levy, but on a broader taxing base. Others are for one, two and three per cent.

Plan Tax on Slot Devices

Theatres which have weighing, vending or other slot machines would pay a registration fee of from $3 to $15 per machine, under one proposal. Another would open the state to horse and dog racing, always stiff competition to theatres in St. Louis and Kansas City, and provide a heavy license fee for the tracks and a tax of 20 cents per admission ticket.

Rep. E. J. Keating of Kansas City introduced a bill writing into the Missouri laws provisions for state codes similar to the NRA. It is sponsored by national officials, said Keating.

There is a measure levying a tax of one per cent on gross incomes from all sources with $400 exemption. Another would double the corporation franchise tax, now 50 cents per $1,000 capital stock. Three representatives presented a measure to create an unemployment reserve act whereby employers would be required to set aside a small percentage of the payrolls for unemployment benefits, in line with the President's security program.

Billboards within 300 feet of a highway would be taxed $25 a year by the county, under another proposal.

Hicks Is Attacked As a Code Violator

Los Angeles, Feb. 18.—Since Harry Hicks, member of the local grievance board, violated the price code, it is alleged, by selling a $2.50 script at $2 for admission to his Arlington Theatre, the I. T. O. of Southern California has appealed to all exchange managers asking them to sell Hicks pictures on a 20-cent basis. Even though Hicks signified that he had withdrawn the script, those already sold were sufficient grounds to place him in the 20-cent zone, it was charged.

Hicks will come before the grievance board tomorrow to show cause why he should not be removed as a member of the board.

Looking 'Em Over

"While the Patient Slept"

(*Continued from page 4*)

Kibbee, as a police lieutenant, is trying to solve the crime with his sergeant, Allen Jenkins, another man is suffocated with a violin string.

Suspicion points to Patricia Ellis. Lyle Talbot tries to protect her and gets himself under a cloud. Kibbee runs into a lot of blind alleys trying to solve the case until Miss MacMahon gets busy and goes through some serio-comic antics. The comedy element is heightened by Kibbee's awkward efforts to convince Miss MacMahon that his romantic intentions are serious.

The production has been staged in luxurious background and has been well directed by Ray Enright. It's good, general entertainment.

Production Code Seal No. 576. Running time, 65 minutes. "G."

Rebate on Benefit Tickets Given O. K.

Washington, Feb. 18.—Benefit rebate on tickets sold outside a theatre by a charitable organization, when the price equals that of the theatre's top admission, is not an unfair practice, according to a grievance board decision here today.

Robert Levine, operating the Colony, Portsmouth, Va., brought the case against William S. Wilder, charging the Gates was violating the code by negotiating with the King's Daughters' Hospital Auxiliary to sell tickets outside the theatre. The Auxiliary received one-quarter of the moneys received.

The board dismissed the case on the ground that each patron paid the theatre's advertised top price of 30 cents. It was unofficially stated that there was no reason why Levine should not do likewise.

Wilder's reply to the charge was offered in writing.

Three of K. C. Code Cases Are Dropped

Kansas City, Feb. 18.—Three complaints have been withdrawn from the local grievance board. Two, involving bank nights, were Fox Granada, Emporia, Kan., against the Lyric, same city, and Fox Midwest Theatres, Joplin, Mo., against the Rex, same city.

The third, charging non-theatricals, was lodged against Fox Film by A. H. Shaffer, Strand, Kansas City, seeking to stop film shows at the Linwood Community Church. Shaffer brought the complaint on behalf of several suburban exhibitors, and when his action stirred resentment in film ranks he attempted to have the others sign as co-complainants. They refused, it is understood, and the withdrawal followed.

Miller Here for Appeal

Jack Miller arrived from Chicago yesterday in preparation for a Campi appeal hearing today in which he is a defendant. His Lido, Maywood, Ill., has been charged with excessive protection by the Yale, same city.

Miller plans to leave for New Orleans tonight, but may change his mind and return to Chicago and from there go south.

Kingston with Wieland

Al Kingston has completed negotiations to represent the Wieland Agency, of England, in New York and Hollywood.

FWC Attorneys Hit Overbuying Charges

(*Continued from page 1*)

Colorado, Pasadena, the exhibitor stated that F.W.C. was trying to drive him out of business. The case was filed by Colcata Corp.

F.W.C. contended that Colbar Corp. had the theatre at the time F.W.C. made a deal to lease the Colorado. After a term of unsuccessful operation a settlement of the agreement was made for $2,500 and free title to the equipment, valued at $80,000, was transferred to Bard. Buckley held the circuit was in the town before Bard built the house, had been buying most of the major product it now plays and has the right to continue with the showing of the pictures. He also stated that Pasadena is overseated, F.W.C. having closed the Raymond some time ago. Charges that too frequent changes were depriving the complainant of film were challenged by Buckley, who introduced figures to show that pictures were pulled when they were drawing as low as $200 to $240 a day. F.W.C. operates the U. A., Strand and Pasadea in Pasadena.

Ventura Case Follows

Mrs. Jenne H. Dodge of the Mission, Ventura, was the second protestant. Buckley showed that the circuit had bought 343 pictures first and second run for the American and Ventura. Mrs. Dodge complained that Fox and Paramount would not consider selling a second run in the town and she objected to the Ventura moving some of its pictures to the American for second showing when she can get only Columbia and Universal first run. Mrs. Dodge said she was willing to play second run after the Venture, but not after the American, which doubles. Under the new Los Angeles clearance schedule, the Mission plays 84 days after the Ventura. She said that all she needed was 45 pictures to complete her bookings to October.

Protection of first runs by refusal to sell second runs in a town was the defense of M-G-M in the "or otherwise" complaints filed by the Rivoli, Salt Lake City, and the Gem, Logan, Utah. Both exhibitors complained of inability to get sufficient product to keep open. Sidney Braunberg represented M-G-M.

Enright Directs Brown

Hollywood, Feb. 18.—Joe E. Brown's next, "Alibi Ike," will be directed by Ray Enright. The comedian is cast as a ball player.

Senate Group Plans Probes Of NRA Work

(*Continued from page 1*)

refused to discuss what Hardy told them.

It was said by Senator King that his group has received a large number of complaints against the film and other codes from all sections of the country.

While it has not yet been determined whether the sub-committee is to get the $5,000 sought for the investigation, Senator King today said the group is going ahead with plans for the probe, which would be conducted in the open with public hearings.

The sub-committee within the next few days will get in touch with Lowell Mason, who was counsel for the Darrow review board, and will have before it when it begins hearings all the reports of that group, which included a scathing attack on the film code.

May Retain Mason

Mason may be employed by the King sub-committee to serve in the same capacity as he did the Darrow board. Today he conferred at length with Senator King, and it is believed if the Senate grants the investigation fund sought, he will head the sub-committee's legal staff.

Officials of the Department of Commerce and Federal Trade Commission have been asked to supply the sub-committee with such statistical information as they may have bearing upon the complaints which have been received.

If the investigation is made, it is probable that Compliance Director Sol A. Rosenblatt, who participated in the drafting of the film code, will be among those called to the Capitol for questioning.

The inquiry, it was declared by Senator King, will not be confined to any particular code but will be a comprehensive investigation of all phases of code negotiation and administration, possibly with representatives of some of the code authorities called before the group to answer charges which have been made regarding their activities.

Graft Charges Draw Exhibitor Attention

(*Continued from page 1*)

censes to projectionists and master electricians. Blanshard cited 20 cases where sums of $100 and $200 were paid "fixers," naming Irving Gordon, Alberto Novarro and Joe Rosenberg as "go-betweens."

In his report to the Mayor, Blanshard added: "This reckless favoritism to certain men, regardless of their ability, is a public danger because of the responsibility of operators in preventing fires."

Flinn Is Returning East

Los Angeles, Feb. 18.—John C. Flinn was on his way east by plane tonight with the final draft of the local clearance schedule, which comes up for hearing Thursday at a Campi meeting in New York.

Gold Decision Clears Status Of Film Bonds

(Continued from page 1)

while their indebtedness on bonds must be met by an amount of currency determined by the former standard would be unreasonable.

Referring to the fact the bonds involved in these cases contained gold clauses, the court pointed out that "it is also common knowledge that a similar situation exists with respect to numerous industrial corporations that have issued their 'gold bonds' and must now receive payment for their products in existing currency."

"It requires no acute analysis or profound economic inquiry," adds the court, "to disclose the dislocation of the domestic economy which would be caused by such a disparity of conditions in which, it is insisted, those debtors under gold clauses should be required to pay $1.69 in currency while respectively receiving their taxes, rates, charges and prices on the basis of one dollar of that currency.

"We are not concerned with consequences, in the sense that consequences, however serious, may excuse an invasion of constitutional right. We are concerned with the constitutional power of the Congress over the monetary system of the country and its attempted frustration. Exercising that power, the Congress has undertaken to establish a uniform currency and parity between kinds of currency and to make that currency, dollar for dollar, legal tender for the payment of debts.

"We think it clearly shown that these clauses interfere with the exertion of the power granted to the Congress and certainly it is not established that the Congress arbitrarily or capriciously decided that such an interference existed."

Production Stays Well Above Normal

(Continued from page 1)

stages of preparation while 46 features and 17 shorts are in the cutting rooms.

Paramount continues to lead with seven features before the cameras, one preparing, and four in the cutting rooms. Radio shows seven, one and two; Fox, six, five and four; Universal, five, one and two; Warners, five, one and 11; Columbia, three, one and five; M-G-M, two, one and 11; Century, three, zero and zero; Goldwyn, zero, zero and one, while the independents have five, three and six.

In the short subject division Universal reports one before the cameras, one preparing and one editing. Columbia has one, zero and two; M-G-M, zero, three and five; Roach, zero, one and three; Radio, zero, one and one, while the independents have four, six and five.

Brantons Go to Florida

DES MOINES, Feb. 18.—G. Ralph Branton, manager of the Tri-States Theatre Corp., and Mrs. Branton have gone to Florida for a month's vacation. They made the trip by motor.

Garner Presents the Awards



Ceremony attending presentation in Washington of the Quigley Grand Awards by the Vice-President of the United States to Bill Hendricks, manager, Warner Theatre, Memphis, and Morris Rosenthal, manager, Loew-Majestic, Bridgeport, Conn. Others present included United States Senators McKellar and Bachman of Tennessee, Lonergan and Maloney of Connecticut, Speaker Joseph W. Byrnes, Representative William Citron of Connecticut, Bishop Thomas F. Gailor of Memphis, and A-Mike Vogel, chairman, Managers' Round Table Club of Motion Picture Herald.

Suit on G. T. Stock Stirs Up Interest

(Continued from page 1)

Chase National Bank, the Chase Securities Corp. and officials of the two companies in which a loss of $239,581 is charged in a syndicate operation involving 350,000 shares of General Theatre Equipment stock. The action was brought by the Plan Liquidating Corp.

The operations on which the suit is based are alleged to have been conducted by Pynchon & Co., defunct Stock Exchange firm. The defendants are accused of having disposed of the stock to favored groups with large profits accruing to themselves without advancing any funds of their own.

The plaintiff alleges that profits were taken from General Theatre Equipment as a result of the purchase by the defendants of 240,000 shares of Fox Film "A" stock at $30 per share at a time it was selling on the Stock Exchange at $48.

Producers to Confer On Copyright Treaty

(Continued from page 1)

ment of State, Thursday afternoon by members of the copyright committee of the M.P.P.D.A. The group will be headed by Edwin P. Kilroe, chairman of the committee, and will include four committee members.

The Department of State tomorrow will begin a series of conferences with representatives of the various interests which would be affected by the new legislation in an effort to secure an agreement as to the provisions which should be incorporated.

Newsreels Studying Use of Trial Shots

(Continued from page 1)

Washington, his trip to Mexico where he visited the Morrow family, Lindbergh's wedding, the kidnaping of the flier's baby and scenes of the Hauptmann trial, newsreel companies claim that they had the exclusive right to the Flemington trial scenes and have turned the matter over to Universal for possible action.

Willard McKay of Universal stated last night no legal action had been taken, but an investigation is being conducted.

Leo Justin, buyer and booker for the Mayfair, said he did not know of any reported "duping" of newsreel shots in the two-reel subject. He added he had closed a deal with Nat Saland of Mercury Film Laboratories for the showing "in good faith" and that if there were any legal action to be taken it would be against Saland and not the Mayair.

Examiner Critic Quits

SAN FRANCISCO, Feb. 18.—Lloyd ("Tiger") Thompson, for six years drama editor and critic of the *San Francisco Examiner*, has left his job to devote the greater part of his time to play writing. Thompson has been succeeded by Miss Ada Hanafin.

Retitle "Small Miracle"

HOLLYWOOD, Feb. 18.—"Small Miracle," now in production at Paramount, has been given a final release title. The film, which was retitled "Night Drama," will be released as "Four Hours to Kill."

Highest Court Dismisses Fox Contract Case

(Continued from page 1)

to accept, play or pay the license fee for any of them.

Muller contended that the contract was formulated as the result of a combination and conspiracy among major producers and distributors in violation of the anti-trust laws, was in restraint of trade and interstate commerce and illegal and void.

It was agreed that the inclusion prior to the Thacher decree in the Paramount case of the compulsory arbitration provision so affected the contract that its entire contents were illegal after the elimination of the provision.

The Minnesota decision held that the illegality of the arbitration clause permeated the whole contract and voided it.

In its appeal Fox had asked the U. S. Supreme Court to pass on the effect of its decision in the Paramount case and render a new opinion on the legality of modified types of the standard license agreement adopted after Judge Thacher had declared the old form, including the arbitration clause, to be outlawed.

Under the ruling the matter cannot be considered on its merits unless a new appeal is filed by Fox after the Minnesota courts issue a final judgment. Indications are that Fox will again appeal to the nation's highest tribunal after such judgment has been rendered.

Film Exports Jump $632,652 in 1934

(Continued from page 1)

Picture Section of the U. S. Department of Commerce. During the year 1934, a total of 194,433,984 feet with a declared value of $4,213,669 was exported, as compared with 164,537,245 feet, valued at $3,581,017, during the previous year.

The 1934 exports in detail were: Sound negative, 9,021,753 feet valued at $380,555; silent negative, 2,420,156 feet valued at $109,719; total negative, 11,441,909 feet valued at $490,274; sound positive, 179,659,020 feet valued at $3,644,416; silent positive, 3,333,055 feet valued at $78,979; total positive footage, 194,433,984 valued at $4,213,669.

As in past years, the United Kingdom remains the most important outlet both in footage and revenue. During 1934, this market has increased its consumption of American films by over 3,000,000 feet, to a total of 16,806,619 feet valued at $416,911, as against 13,620,160 feet with a value of $455,551, in 1933. Second in importance was Argentina, importing, during 1934, 15,558,935 feet with a value of $354,692 as against 12,706,152 feet having a value of $248,848 for the year 1933. Spain remained the third leading country, importing last year 12,018,778 feet with a value of $276,283 as compared with 12,116,637 feet with a declared value of $286,390 in 1933.

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HURRY-LAST CALL!

Special Reduced Railroad and Hotel Rates.
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NEW ORLEANS

Benny Boosts Mastbaum to Big $40,000

PHILADELPHIA, Feb. 18.—With Jack Benny as its first name attraction, the Roxy-Mastbaum took its biggest jump since the opening, scoring $40,000 on the week. Whether the house can carry on to other big grosses without names is problematical. Picture was "Woman in Red."

Probably the most profitable of the week's hits was "The Scarlet Pimpernel," which took $13,000 at the Aldine, best figure for the season at this house. Three weeks seem set. The low box-office scale still draws them at the Earle, with $15,500 for "Carnival" and a stage show.

Total first run business was $110,800. Average is $101,500.

Estimated takings for the week ending Feb. 14:

"THE SCARLET PIMPERNEL" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days. **Gross:** $13,000. (Average, $7,000)
"ENTER MADAME" (Para.)
(2nd run)
ARCADIA—(600), 25c-35c-40c, 5 days. **Gross:** $1,500. (Average, 6 days, $2,400)
"DAVID COPPERFIELD" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 6 days, 3rd week. **Gross:** $11,000. (Average, $12,000)
"CARNIVAL" (Col.)
EARLE—(2,000), 25c-35c-40c-55c, 6 days. Stage: "Live, Laugh and Love" revue. **Gross:** $15,500. (Average, $12,000)
"MY HEART IS CALLING"
(Gaumont-British)
(2nd run)
FOX—(3,000), 40c-55c-65c, 5 days. Stage: Phil Harris, Leah Ray, Fred Sanborn. **Gross:** $10,000. (Average, 6 days, $12,000)
"LITTLE MEN" (Mascot)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)
"CLIVE OF INDIA" (U.A.)
(2nd run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $3,400. (Average, $4,000)
"WOMAN IN RED" (Warners)
ROXY-MASTBAUM — (4,800), 40c-55c-65c, 6 days. Stage: Jack Benny and Mary Livingston and Roxy revue. **Gross:** $40,000. (Average, $33,000)
"RUMBA" (Para.)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $8,500. (Average, $12,000)
"SOCIETY DOCTOR" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,000. (Average, $6,000)

"Rumba" and Mitzi Strong in Buffalo

BUFFALO, Feb. 18.—"Rumba" with Mitzi Green on the stage, gave the Buffalo $15,100, or $800 above normal in a week of mild weather that turned to rain. Business generally was down from the previous week.

Total take was $42,200. Normal is $42,800.

Estimated takings for the week ending Feb. 15:

"RUMBA" (Para.)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Mitzi Green: Jerry and Her Baby Grands; Joe and Pete Michon; Harriet Hayes. **Gross:** $15,100. (Average for week, $14,300)
"UNDER PRESSURE" (Fox)
"HOME ON THE RANGE" (Para.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,200. (Average, $6,000)
"SEQUOIA" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,100. (Average, $8,000)
"DAVID COPPERFIELD" (M-G-M)
HIPPODROME—(2,100), 25c-40c, 7 days, 2nd week. **Gross:** $7,800. (Average, $8,000)
"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)
"I'VE BEEN AROUND" (Univ.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $7,000. (Average, $6,500)

Hollywood Personals

Hollywood, Feb. 18.—William Steiner, president of Commodore Pictures, gets option on Lon Chaney, Jr., for a possible three-year series of action pictures... George O'Brien and the Mrs. (Marguerite Churchill) on a two-week vacation in Death Valley.

William A. Brady due here shortly with a trunkful of stories and a broadcasting contract. . . Nacio Herb Brown and Arthur Freed re-signed by M-G-M. . . Sam Taylor nearing the finish of Hal Roach's "Vagabond Lady". . . Casting complete on M-G-M's "Order Please" with Nat Pendleton, Conrad Nagel, Steffi Duna and Harvey Stephens featured.

Benny Rubin master of ceremonies for the Warner party Feb. 21. . . Dorothy Parker and Alan Campbell collaborating on "The Case Against Mrs. Ames."

Sam Mintz back at Paramount. . . Herbert Mundin, Paul Kelly and Conchita Montenegro signed by Sol Wurtzel for "Secret Lives". . . Charles Boyer replaces Francis Lederer in "Break of Hearts" at Radio.

"Gilded Lily" Is High Denver Draw

DENVER, Feb. 18. — With perfect weather and pictures that clicked, grosses shot upward all along the line last week. "The Gilded Lily" led the parade by getting $6,000 at the Denham, thereby topping par by $2,000.

Total first run business was $25,250. Average is $20,500.

Estimated takings for the week ending Feb. 14:

"THE WHITE COCKATOO" (Warners)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500.)
"THE GILDED LILY" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $4,000.)
"CLIVE OF INDIA" (U. A.)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $6,000.)
"DEVIL DOGS OF THE AIR" (Warners)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $6,000.)
"THE FIRST WORLD WAR" (Fox)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $750.
"DAVID COPPERFIELD" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week. $2,000.)

Krellberg Case to Capital

LOS ANGELES, Feb. 18.—At the request of S. S. Krellberg that the charge against him of underpaying studio help be reviewed by Compliance Director Sol A. Rosenblatt, Major J. O. Donovan, local code official, today took the case out of the hands of the regional compliance authorities and is forwarding it to Washington. The matter had been turned over to the local compliance officials by the studio labor board, and preparations were being made to prosecute the case when Krellberg made his request.

"Boop" Copyright Upheld

WASHINGTON, Feb. 18.—The U. S. Supreme Court today ruled that "Betty Boop" dolls cannot be manufactured except under copyright provisions. The ruling was on an appeal brought by Ralph A. Freundlich, Inc., New York City, and sustained the contention of the Fleischer Studio, Inc., that the cartoon character had been infringed upon.

Francis Has Flu Again

HOLLYWOOD, Feb. 18.—Kay Francis today was confined to the Cedars of Lebanon Hospital with a second attack of the flu. She was about to depart on her European trip when stricken.

"Lily" at $9,500 Is Providence Top

PROVIDENCE, Feb. 18.—The Strand, with "The Gilded Lily," hung up another sensational gross for the week, catching $9,500, over the usual take by $3,000. Fay's, too, had a big week with "Secret of the Chateau" and "Midnight Follies" on the stage. The take was $8,400. Likewise spotting vaudeville and films, the RKO Albee was normal with "Rendezvous at Midnight" and "Radio Ramblers."

First run business was $41,550. Average is $40,500.

Estimated takings for the week ending Feb. 15:

"THE GILDED LILY" (Para.)
"THE BEST MAN WINS" (Col.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $9,500. (Average, $6,500)
"CLIVE OF INDIA" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,000. (Average, $12,000)
"SECRET OF THE CHATEAU" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Midnight Follies." **Gross:** $8,400. (Average, $7,000)
"CHARLIE CHAN IN PARIS" (Fox)
"THE WOMAN IN RED" (Warners)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)
"RENDEZVOUS AT MIDNIGHT" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Radio Ramblers." **Gross:** $7,200. (Average, $7,000)
"ROMANCE IN MANHATTAN" Radio)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $950. (Average, $1,000)

Shaw to Vacation Soon

NEW HAVEN, Feb. 18.—Harry Shaw, in charge of Poli operations for Loew's, sails March 8 on the *Lafayette* on a three-week West Indies cruise. Shaw has been having trouble with a bad cold.

Erle Wright, advertising manager for the circuit, sails Feb. 22 for a two weeks' cruise to Santiago, Kingston and LaCiebo. Louis Sagal and R. E. Russell will be in charge of operations during Shaw's absence.

Goldwyn Coming East

HOLLYWOOD, Feb. 18.—Samuel Goldwyn leaves for New York tomorrow night. He will arrive there in time to attend the New York opening of "The Wedding Night." He plans a European vacation before he comes back.

O. L. Cleveland Gaining

NEWCASTLE, Wyo., Feb. 18.—O. L. Cleveland, owner of the Castile here, is recovering from a long illness.

"Copperfield" Twin Cities' Holdover Wow

MINNEAPOLIS, Feb. 18. — "David Copperfield" did remarkable business in the Twin Cities, getting $5,000 in its third week at the Century here and $4,000 in the second week at the St. Paul Riviera. This is well above the first week average in both spots.

Total first run business in Minneapolis was $26,300. Average is $23,000. Total first run take in St. Paul was $18,000. Average is $16,500.

Estimated takings:

Minneapolis:
Week Ending Feb. 13:
"DAVID COPPERFIELD" (M-G-M)
CENTURY—(1,650), 25c-40c, 7 days, 3rd week. **Gross:** $5,000. (Average, $4,000)
"THE SECRET BRIDE" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

Week Ending Feb. 14:
"BABBITT" (F.N.)
ORPHEUM—(2,900), 25c-40c, 7 days. Olson and Johnson heading vaude. **Gross:** $6,500. (Average, $5,500)
"THE COUNTY CHAIRMAN" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"STRANGE WIVES" (Univ.)
PALACE—(900), 15c-25c, 7 days. **Gross:** $2,900. (Average, $2,000)
"THE BEST MAN WINS" (Col.)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"EVERGREEN" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,500. (Average, $3,000)

St. Paul:
Week Ending Feb. 14:
"KID MILLIONS" (U.A.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)
"DAVID COPPERFIELD" (M-G-M)
RIVIERA—(1,200), 25c-40c, 7 days, 2nd week. **Gross:** $4,000. (Average, $3,500)
"GRAND OLD GIRL" (Radio)
ORPHEUM—(2,000), 25c-40c, 7 days. Weaver Brothers heading vaude. **Gross:** $4,500. (Average, $4,000)
"THE FIRST WORLD WAR" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"PRIVATE LIFE OF DON JUAN" (U.A.)
WORLD—(300), 25c-75c, 7 days. **Gross:** $1,500. (Average, $2,000)

"Bride" and Show In Omaha, $13,200

OMAHA, Feb. 18.—The Paramount staged a smash reopening with "The Secret Bride" and a stage show called "Revue Continental." The $13,200 take was over the old average by $3,200.

In spite of the heavy draw at the Paramount the Orpheum, with "The Mighty Barnum" and "The Firebird," went $1,000 over par for a total of $9,000.

Total first run business was $25,200. Average is $21,500.

Estimated takings:

Week Ending Feb. 14:
"THE SECRET BRIDE" (Warners)
PARAMOUNT—(2,800), 25c-35c-55c, 7 days. Stage: "Revue Continental." **Gross:** $13,200. (Average, $10,000)

Week Ending Feb. 13:
"BABBITT" (F.N.)
"MURDER IN THE CLOUDS" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,500)

Week Ending Feb. 14:
"THE MIGHTY BARNUM" (U.A.)
"THE FIREBIRD" (Warners)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $9,000. (Average, $8,000)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 43 NEW YORK, WEDNESDAY, FEBRUARY 20, 1935 TEN CENTS

Allied Setup Is Advanced By the Court

Referee's Work on Para. Creditor Approved

The reorganization plan for Allied Owners, large Paramount Publix creditor, was given preliminary approval in a report submitted yesterday to the Federal court at Brooklyn by Special Master Oscar Lewis. The report filled 128 pages and had appended to it more than 1,000 pages of testimony. Only minor modifications in the plan were recommended by Lewis.

Major provisions of the plan call for a reduction in interest from six to four per cent on the $9,127,000 bond issue outstanding, and a reduction from six to three per cent interest

(*Continued on page 6*)

Two Weeks Allowed For Briefs on Katz

Special Master John E. Joyce gave Samuel Spring two weeks in which to file briefs in support of the $265,498 claim filed against Paramount Publix by Sam Katz for the unexpired portion of his contract, following a hearing on the claim yesterday. Spring is counsel for Katz.

Counsel for the Paramount trustees were given a week in which to answer Spring's brief when it is filed. The claim will then be taken under consideration by Joyce prior to the making of recommendations.

Approval Is Sought On Loew Settlement

Petitions asking approval of a settlement of the E. M. Loew anti-trust claims against Paramount Publix are being prepared for filing with Special

(*Continued on page 6*)

Sherman Testifies In M. & S.-RKO Case

Benjamin Sherman, former head of Manhattan Playhouses, was on the stand all day yesterday for question-

(*Continued on page 6*)

Now It's London

London, Feb. 19.—Trans-Lux may build an experimental short subject theatre here in a tieup with Norman Hulbert who operates British newsreel theatres.

Predict Low K. C. Scales Will Remain

Neighborhoods Following Lead of First Runs

KANSAS CITY, Feb. 19.—Low admissions at Kansas City first runs are here to stay, at least for the remainder of this season. Increases may be attempted with the start of 1935-36 releases next fall, but this is only speculative as yet.

The first run situation is having repercussions in the neighborhoods. One of the latest to cut is the Plaza, Fox Midwest's ace suburban house, which has first call on product after the first run. There, the price has been shaved to 25 cents, after staying at 30 cents since last fall. It is said other neighborhoods are contemplating cuts.

Prices were hiked at Fox suburban theatres and some of the independents when first runs established

(*Continued on page 6*)

Iowa Film Service Is Ordered Stopped

OMAHA, Feb. 19.—Distributors have been directed by the grievance board to cease film service to G. R. Norman, manager of the Empire at Storm Lake, Ia., within seven days because the latter has ignored a cease-and-desist order on bank nights.

Norman sent a letter to the board expressing regret he was unable to comply with its order and said his only profit came from bank nights.

Youngclaus Charges Second Run Control

OMAHA, Feb. 19.—William Youngclaus, stormy petrel among Nebraska exhibitors, stated here Monday he had filed a complaint with Compliance Director Sol A. Rosenblatt, charging distributors are maintaining a second run monopoly in Nebraska and Iowa.

While his complaint is being studied, Youngclaus said he was going ahead with his plans for a circuit in the two states. His first house will

(*Continued on page 4*)

ITO to Push Trust Action vs. Midwest

KANSAS CITY, Feb. 19.—The I.T.O. decided at a meeting today to proceed with its anti-trust action under the Federal laws against Fox Midwest and distributors to end alleged favoritism shown the circuit in the matter

(*Continued on page 4*)

FWC Officers Stay With Single Shift

LOS ANGELES, Feb. 19.—With the exception of Spyros Skouras, the new board of directors of Fox West Coast Theatres Corp. is virtually the same as Fox West Coast Theatres. Skouras is being relieved from a post on the board because of his being in New York most of the time and a local man will replace him.

Charles Skouras is president of the new company, Percy Kent and Charles Buckley, vice-presidents; Fred Metzler, treasurer; Albert W. Leeds, sec-

(*Continued on page 6*)

Coroner Ends Probe Into Maloy's Death

CHICAGO, Feb. 19.—The coroner's jury investigating the death of Thomas Maloy, local labor leader who was slain recently, today returned a verdict of murder by persons unknown. Mrs. Effie Maloy, widow of the dead leader, was among the witnesses called.

Maloy, who was business agent and dictator of the M. P. Operators' Union, was killed Feb. 4 by machine gun fire while riding in his automobile. At the time of his death he was accompanied by Emmet Quinn, who was also an officer of the union.

Lesser to Base Film On Industry Figures

HOLLYWOOD, Feb. 19.—Sol Lesser plans to produce what he describes as the first serious and dignified screen treatment of the film business, visualizing the accomplishment of leaders like Marcus Loew, Jesse L. Lasky, S. R. Kent, Carl Laemmle and others.

Studios, Lesser says, have offered to cooperate in making the picture authentic. Rupert Hughes, aided by Walter Anthony and Edward F. Cline, will write the treatment from data already collected.

Fox May Hold Meet On Coast in Spring

Fox is understood to be planning to hold its annual sales convention on the coast sometime late in April or early in May. The coast plan was on tap last year, but was changed to the east.

Decision will be reached on convention details when S. R. Kent returns from Florida in about three weeks.

Report Roxy Will Go To CBS on Programs

It was reported here yesterday that S. L. Rothafel would join the Columbia Broadcasting System as director

(*Continued on page 2*)

Bernerd Hints G. B. Expects Support Here

English Theatre Control Makes Talk Important

By BRUCE ALLAN

LONDON, Feb. 19.—Gaumont British, controlling as it does many of the finest and biggest theatres in England expects reciprocity from the American industry, it was hinted today in a statement made to the press by Jeffrey Bernerd, who returned from New York the other day.

Since American pictures get dates in Gaumont British theatres, G.B. expects the procedure to work in reverse, was the general tenor of his comment.

Independent exhibitors and several circuits out of New York have given G.B. a "marvelous" reception, he continued, and then he added:

"But British pictures did not get the support they should have from certain national organizations. The great friendship expressed by certain people

(*Continued on page 2*)

Missourians Demand Probe Into the NRA

KANSAS CITY, Feb. 19.—Missouri merchants, large and small, and manufacturing interests in the larger cities have flooded Missouri's two senators, Bennett Champ Clark and Harry Truman, with messages urging their

(*Continued on page 4*)

Deny Pickford Plans Series on Her Own

HOLLYWOOD, Feb. 19.—Reports Mary Pickford would enter into a partnership with Charlie Chaplin and Samuel Goldwyn to finance a series of pictures under her banner were em-

(*Continued on page 6*)

ITOA to Pick Group To Ask State Probe

Selection of a committee of five to present to the Senate and Governor Lehman a resolution adopted by the I.T.O.A. board of directors last week

(*Continued on page 6*)

No Paper Friday

***Motion Picture Daily* will not publish on Friday, Feb. 22, which is Washington's Birthday and a legal holiday.**

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Report Roxy Will Go To CBS on Programs

(*Continued from page* 1)

of programs upon the completion of his contract with Warners as operator of the Mastbaum in Philadelphia. Rothafel's contract is understood to be up Feb. 28.

In his new position with the broadcasting company, Rothafel would have supervision over all programs of that network not of a musical nature, but would act in an advisory capacity in the direction of all other presentations.

The reports were termed "applesauce" by Rothafel in a wire to MOTION PICTURE DAILY last night from Philadelphia.

A Correction

Telegraphed reports from Hollywood that S. S. Krellberg had been made defendant in a Federal court action for underpayment of studio labor help are erroneous.

MOTION PICTURE DAILY regrets the inaccuracy.

Mrs. Esther Kanter Dead

BALTIMORE, Feb. 19.—Mrs. Esther Kanter, wife of Robert Kanter, of Associated Theatres, died after a short illness at Sinai Hospital. Besides her husband she is survived by two children.

Hirsch Heads New Firm

Melvin Hirsch is president of Melbert Pictures, Inc., a new local independent exchange.

Insiders' Outlook

By RED KANN

WILLIAM RANDOLPH HEARST, who in months past and with the dubious merit of constancy more or less, has advocated Federal censorship, hewed close to the line, as film men would have it, the other night. Then his *New York Evening Journal* picked up the recent report on extras and what they earn and editorially in that newspaper of large circulation urged this:

Only a dozen men and women working as movie extras earned a "living wage" in 1934. Although 219,859 daily jobs were given to about 4,000 extras, only six men and six women earned as much as $2,000 during the year.

Girls who yearn to go to Hollywood should learn from these figures that they shouldn't start out unless they are in the position of men who go into the diplomatic service—that is, unless they have private incomes great enough to keep them going.

Girls—and boys too—take the tip! Forget dreams of movie grandeur unless your bread-and-butter problems are already solved. And if they are solved, you'd best eat your bread and butter where you are without digesting them to the tune of heartaches and disappointment.

That, we venture to suggest, is much closer to it. . . .

▼

Headline of the day: Mickey Mouse's pappy, Walt Disney, gave the rodent his first opportunity to blossom forth in color yesterday with results terrific, colossal and stupendous. All of this has to do with "The Band Concert," the initial Mickey in Technicolor. Skillfully blending music and cartoonantics, the total effect is excuse sufficient to pick up encomiums from their dust pile and garland them around the Mouse's neck. He's Hollywood's best performer. . . .

▼

SEC security data which makes it compulsory to file the dope on changes either way in stock holdings dubs one thing unmistakably clear: That Mike Meehan is the biggest single factor in KAO. That company, far and away the most important part of the RKO theatre structure, has 60,000 shares of preferred outstanding. Meehan's holdings now are 26,800. It's been common talk. This merely makes it smack of the official. . . .

▼

It goes without saying, of course, that no theatre in any of the major circuits will give dates to the contemplated stage tour of the Hauptmann jury. If Hollywood has been kept clear of the unsavory by dodging pictures based on the Lindbergh kidnapping, aside from one transgression in "Miss Fane's Baby Is Stolen," the theatre end of the business, it is assumed without argument, will keep its escutcheon unsullied as well. . . .

▼

Glorious indecision: Fox Midwest's loose policy which allows "Bank Nights" in some of its houses, while it fights the same idea, via code grievance boards, in others not under the Midwest banner. A sort of right hand, left hand idea, keeping the peregrinations of each secret from the other. . . .

▼

Harry Brandt is so excited over "The Whole Town's Talking," he offered Columbia a three-month guarantee with a joint day-and-date run at the Globe and the Central with a one buck top admission. So the picture goes to the Music Hall. A matter of contracts. . . .

▼

Ben Schulberg, whose name has grown dimmer and dimmer as production head of Paramount, now plans to stay independent next season. That is, he will release through a national distributor, but make his program on his own and where he likes. . . .

Peskay Heads Perfect

Edward Peskay is head of Perfect Theatres, Inc., which recently took over the Pickwick, Greenwich, Conn. He is also executive buyer for George Skouras' local circuit and in addition has an interest in a number of other theatres in the west.

Schine Pays Dividend

Schine Theatrical Co. has declared a dividend of 75 cents per share on the preferred stock payable March 1 to stockholders of record on Feb. 20.

Report Bennett Injured

LONDON, Feb. 19.—Reports from England are to the effect that Richard Bennett has been seriously injured by a fall from a horse on the estate of John Loder at Harpenden, Hertfordshire.

Glucksman Gets National

E. M. Glucksman has taken over the National at Houston St. and Second Ave., and will reopen the house March 1 with vaudeville and films. Opening attraction will be "The Gay Divorcee."

Bernerd Hints G. B. Expects Support Here

(*Continued from page* 1)

toward Gaumont has not been carried out."

Bernerd pointed out his company now realized the importance of American stars and cited Michael Balcon's current visit for the purpose of signing some as evidence of this realization.

The "certain people" referred to by Jeffrey Bernerd in London yesterday are several of the major circuits. When he was here several weeks ago, the G.B. executive is understood to have spared no words in expressing his attitude toward failure of these unnamed circuits to give his product the break he felt it deserved.

Michael Balcon, production chief for G.B., is aboard the *Olympic* which is due in New York tomorrow.

Move to Seek Help For Amateur Nights

Indicating he planned to have passed an ordinance authorizing amateur shows in picture houses, License Commissioner Paul Moss yesterday conferred with a group of independent exhibitors on their reaction. Moss explained that while he thought such a plan would relieve the unemployment situation a bit he first wanted to get exhibitor opinion before going ahead. The theatre men present heartily approved the move.

Dismiss Ornstein Suit

Federal Judge Henry W. Goddard yesterday dismissed a suit against Paramount filed by Dr. George Ornstein asking for an injunction and accounting of "Blonde Venus," which the complainant alleged was plagiarized from his play "Woman." In dismissing the suit, Judge Goddard held that the picture did not infringe on the play.

FitzPatrick Returns

James A. FitzPatrick yesterday returned from Guatemala and Mexico where he made Technicolor Traveltalks, the last two of eight to be released by M-G-M this season. Within the next month, he will leave for Africa to film his first independent feature production, "Black Ivory."

FitzPatrick will make a series of eight to 12 color travel shorts for M-G-M next season, the first to be "Japan."

Soviet Festival Today

Moscow, Feb. 19.—The World Cinema Festival in celebration of the 15th Anniversary of the Soviet industry opens here tomorrow. Representatives from practically every country will be present.

Zelda Sears, 62, Dead

HOLLYWOOD, Feb. 19.—Zelda Sears, 62, M-G-M scenarist, died this morning. She had been ill since October. Surviving are her husband, L. C. Wiswell, and a sister, Marie Pauldi.



HELP POLICE!

The 26th day

The sign now reads 5th WEEK! New all-time Capitol record. Hold everything—especially extra playing time!

Schine and Smalley Again Before Campi

Meyer Schine and William Smalley had another inning at Campi yesterday when an appeal committee consisting of Roy L. Haines of Warners, Dan Michalove of Fox and William Yoost, independent exhibitor, heard an overbuying complaint filed by the latter exhibitor. H. T. Silberberg and Willard McKay represented Schine, and Norman Samuelson represented the plaintiff.

A. Stone of the Eagle, Albany, presented a clearance appeal against Harry Hellman of the Royal, same city. Both exhibitors were present.

In the third case before the committee, the Yale, Chicago, complained of the clearance maintained by Jack Miller's Lido, same city. Louis Nizer represented Miller.

A. F. Tarbell of Allied of New York, Moe Grassgreen, Albany Fox exchange manager, and Neil Hellman attended the session.

Youngclaus Charges Second Run Control

(Continued from page 1)

be the Empress at Grand Island, Neb. Another will be the State at Central City, Neb. Joe Lucas, former chain store manager, has been put in charge of the latter. Announcement on other houses will be forthcoming soon, Youngclaus indicated.

Missourians Demand Probe Into the NRA

(Continued from page 1)

support of the McCarran-Nye resolution to investigate the NRA.

Senator Clark is among the outspoken critics of the NRA, having voted against the original NRA measure.

Mickey to Day and Date Rivoli—M. H.

All future Mickey Mouses, which will be done in Technicolor, will play the Music Hall and the Rivoli day and date, according to the terms of a deal recently completed between United Artists and the Music Hall.

"The Band Concert," the latest Mickey Mouse and the first to be done in Technicolor, opens at the Rivoli Friday and the Music Hall tomorrow.

Refuses to Oust Hicks

Los Angeles, Feb. 19.—The grievance board today dismissed the demand of the I. T. O. of Southern California that Harry Hicks be ousted from the board for allegedly violating the code by issuing script. It was said Hicks had agreed to stop the practice.

American Seating Gains

Net profit of the American Seating Co. after interest, depreciation, Federal taxes and other charges was $134,075 for 1934. This is equal to 66 cents a share on capital shares outstanding exclusive of 27,125 treasury shares, and compares with a net loss of $174,007 for 1933.

Century Case on Today

Hearings on Century Circuit's complaint against RKO in Long Island will be resumed today before the New York clearance and zoning board.

Purely Personal

Basil Rathbone intends to leave for Hollywood in six weeks. He has turned down an offer by M-G-M to appear in "Anna Karenina," with Greta Garbo and Fredric March. Rathbone is anxious to play the Sidney Carton role in "Tale of Two Cities," but will most likely be signed by a company other than M-G-M.

•

Captain Richard Norton, British and Dominions producer here on a visit, was interviewed yesterday over station WOR by Bide Dudley. The subject of the interview was British musicals, and "Brewster's Millions" in particular.

Quip of the Day

Imaginary conversations, imagined by Joe Stein:

Patron (to cashier)—"Would you recommend the picture playing here tonight?"

Cashier—"I would, but the manager seems to be recommending the picture playing at our competitor's theatre. There's no accounting for taste, I always say."

Fred Meyers, master of the Westchester Hounds, Mt. Vernon branch, for a minute thought word of his appointment, published here, had gone to another merely because the linotypes forget the final "S."

•

Frank Morgan arrives in town this morning on a vacation trip. He has just finished work in M-G-M's "The Good Fairy."

•

James Clarke arrives from Philadelphia tomorrow, his first trip here in several weeks.

•

Arthur Loew will fly to the coast again tomorrow. Foreign production angles need attention.

•

Meyer Schine and Bill Smalley, upstate circuit operators, leave for Miami today, but on different trains.

William M. L. Fiske, III, of First Division and Reginald Baker of Associated Talking Pictures of London will be targets of a cocktail party at the Waldorf Thursday. First Division will be the host in the hands-across-the-sea event.

•

Boris Morros, the old Southern (Kentucky) colonel, staged an informal reception and tea yesterday afternoon following a screening of "Ruggles of Red Gap" at Paramount.

•

Harry Hellman and his wife leave today for Sarasota, Fla. He operates the Royal, Albany. His son, Neil, was in town with him yesterday attending a code appeal hearing.

•

Edward Golden starts on a three-city trip today, Philadelphia being the first stop, Cleveland the second, and Chicago the last. He plans to return next Tuesday.

•

Al Friedlander arrives on the coast today. He's been visiting a lot of First Division exchanges, making the trips with the aid of air service.

•

Sam Cocalis is slated to return from Miami on Feb. 28. He managed to knock off a cold that has been bothering him for some time.

•

Albert Lewin, M-G-M associate producer, is giving Broadway plays the once-over. He will be here about 10 days.

•

Maurice Grad, Columbia sales promotion manager, will return Monday from a vacation in Florida.

•

Ned E. Depinet and A. H. McCausland are back from a trip to the RKO studios.

•

Jack Miller flies to New Orleans tonight, instead of going home to Chicago first.

•

Joseph M. Schenck is due in today from the coast by plane.

ITO to Push Trust Action Vs. Midwest

(Continued from page 1)

of clearance. A committee was appointed to enlist all local independents.

The I.T.O. was advised by its counsel there exists sufficient ground for action, which is expected to be launched in a few days. Exactly what steps will be taken has not been decided.

Jay Means, I.T.O. head, asked John Flinn to stop off on his way east for a conference on clearance and other matters, but the Campi secretary wired he would be unable to visit the city now, but planned to be here in about two weeks.

Lazar to Get New Post

Albany, Feb. 19.—Louis Lazar, who has been succeeded here by Moe Silver as district head of Warner theatre operations, will shortly assume a district managerial post for the circuit in another key center, it is reported.

Temple May Appear In New "Long Legs"

Shirley Temple will appear in a remake of "Daddy Long Legs," the title of which will be changed by Fox when the picture is released next season. The distributor is canvassing exhibitors on three new titles.

Fox originally planned four Temples this season, but will deliver only three. "Daddy Long Legs" was to have been the fourth, but has been taken off the schedule. It will be the star's first next season.

Close Australian Deal

Arrangements have been closed for the release of 25 Monogram pictures in Australia this year, starting next month. The deal was closed between Norton V. Ritchey, president of the Ritchey International Corp., and Max Ehrenreich, managing director of Film Distributors, Ltd., Sydney, Australia.

N. O. to See "Marietta"

Hollywood, Feb. 19.—M-G-M is planning to hold the world premiere of "Naughty Marietta" in New Orleans during the Mardi Gras.

Wall Street

Small Losses on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	40⅛	38¾	39	—1
Consolidated Film	6⅜	6¼	6⅛	— ⅜
Consolidated Film pfd (½v)	20½	19½	19½	— ½
Eastman (5)	123⅛	122	122¼	— ¾
Eastman pfd (6)	146⅞	146½	146½	— ½
Fox Film "A"	11¼	11	11⅛	+ ⅛
Loew's, Inc. (1a)	35⅞	34¾	34¾	— ¾
Loew's, Inc., pfd. (6½)	104¼	104¼	104¼	+ ¼
Paramount Publix	3¼	3¼	3⅛	— ⅛
Pathe Exchange	1⅛	1	1	— ⅛
Pathe "A"	15⅝	15⅝	15⅝	— ⅝
RKO	1⅞	1¾	1¾	— ¼
Warner Bros.	3⅞	3¾	3¾	— ⅛
Warner pfd.	20	20	20	.....

Technicolor Off ¾ on Curb

	High	Low	Close	Net Change
Technicolor	16⅞	15¾	16	— ¾
Trans-Lux (.10k)	3⅛	3	3	— ¼

Warner Bonds Up 1⅝

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	8	7½	7½	— ¼
General Theatre Equip. 6s '40 ctf	7¼	7¼	7¼	— ¼
Loew's 6s '41, ww deb rights	104½	103⅝	104¼	.....
Paramount F. L. 6s '47	69½	69½	69½	— ¼
Paramount Publix 5½s '50	69¾	69¼	69¾	.....
Pathe 7s '37 ww	102⅝	102⅜	102⅝	+ ⅛
Warner Bros. 6s '39 wd	40⅝	40⅝	40⅝	+1⅝

(a) Plush cash extras. (c) Plus stock extras. (k) Special distribution. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 19)

NRA Board to Hear Warner Newark Row

Washington, Feb. 19.—Final disposition of the controversy between the Broadwood Holding Co., operators of the Theelwood, Newark, Del., and Warners is expected within a short time by the Industrial Appeals Board of the NRA.

Tomorrow the board will receive representatives of both sides and listen to details of the argument, which came to it after the NRA had refused to review a decision of the clearance and zoning board on a complaint made for the Elwood against two Warner houses.

Rosenblatt Case Delayed

Leon Rosenblatt's overbuying case against Skouras in Westwood, N. J., was adjourned yesterday until next Tuesday. Former Judge Ralph Steers, substituting for George Thompson, impartial representative, was called out to another meeting by previous appointment and the hearing had to go over until next week.

Rosenblatt operates the Westwood, Westwood, in opposition to the Pascack, same town. He claims that up until 1932 before Skouras took the Pascack, he had a sufficient number of first runs, but now has only 49 Columbia pictures. Skouras has 313 major films tied up, Rosenblatt holds, using the buying power of Fox West Coast in closing local deals.

Discuss Operator Pact

Preliminary discussions on the local operators' wage schedule for metropolitan New York were held yesterday between Louis Krouse, vice-president of the I.A.T.S.E., and Harry Brandt, president of the I.T.O.A. A general meeting of the fact-finding committee may be called next week.



From these small beginnings

BORN 1920... in 1935 a vital necessity to every theatre in the land . . . the driving-force of every picture-selling campaign ✖ ✖ ✖ The cheapest and BEST exploitation ever devised ✖ ✖ ✖ Produced and serviced to your theatre by the original creators of high-power trailers . . . a young, healthy nationwide organization of more than 700 "trailer-made" specialists bursting with ideas . . . still with one goal in mind . . . constant re-birth of technique and idea . . . that variety . . . zip and zest that has kept National Screen Trailers dominant in any theatre advertising campaign . . . on that *complete* service basis that makes the 15th Anniversary of

NATIONAL SCREEN SERVICE

Predict Low K. C. Scales Will Remain

(*Continued from page* 1)

higher scales early last fall. Three of the five first runs, however, returned to lower scales after a trial of several weeks. Of the first runs, only the Publix Newman and the Fox Uptown have withstood the price-cutting wave.

The suburbans blame Loew's and RKO for disrupting a swing toward a healthier price situation. They assert the citywide problem would have ironed itself out if those circuits had maintained established scales. Ironically, though, those circuits blame each other and also the suburbans for the necessity of slashing in self defense.

While the first runs blame the neighborhoods' low prices, double billing and premiums for their own price revisions, the suburbans claim that if the first runs had not reverted to lower scales they would have been willing to restrict those practices and institute price boosts generally.

FWC Officers Stay With Single Shift

(*Continued from page* 1)

retary. The board of directors includes all of the above personnel.

Charles Buckley and Charles Skouras are in New York working on the 10-year joint operating contract Charles and Spyros expect to sign with National Theatres Corp. in about a week. Terms and conditions have been agreed upon and papers are now being drawn.

Sherman Testifies In M.&S.-RKO Case

(*Continued from page* 1)

ing by Bruce Bromley in connection with arbitration hearings of Meyer & Schneider's breach of lease charges against RKO as a result of film playing policies at the Hollywood and Apollo. Sherman admitted under questioning that Manhattan's film contracts with Paramount, Universal, Columbia and others had been breached when Manhattan went into bankruptcy in 1932.

The hearing was adjourned until tomorrow when, it is expected, Max D. Steuer, counsel for M. & S., will recall Charles Steiner, former official of the Apollo, to the stand.

ITOA to Pick Group To Ask State Probe

(*Continued from page* 1)

seeking to probe major circuit activities in this territory will be made today at a meeting of the unit at the Astor.

Bernard Barr, Rudolph Sanders, Dave Weinstock, John Benas and Harry Pear are understood slated for the assignment.

At a meeting of the organization's directors yesterday discussions revolved around the forcing of shorts and newsreels, which is claimed to be working hardships on independents.

Chapmans to Celebrate

OMAHA, Feb. 19.—H. J. Chapman, Columbia exchange manager, and Mrs. Chapman celebrate their 15th wedding anniversary Friday.

Looking 'Em Over

"Sweet Music"

(Warners)

"Sweet Music" relies for business on Rudy Vallee's drawing power. He dominates the picture and its music, which is always tuneful and frequently memorable, particularly the "Farewell, Annabelle" number, which is featured in the closing sequence. Its story is a light, inconsequential item, picked up from time to time between the performances of Vallee and his orchestra.

Ann Dvorak, night club performer, shows her dislike for Vallee when the latter is featured in the same floor show for a one-night stand while en route to New York for a musical show. Vallee has her engaged for the show, which fails to open. Chance gets her on a radio program which features Vallee but she fails to click, and despite his efforts to keep her on, she is dropped. After another short-lived radio venture, Miss Dvorak is brought together with Vallee once more at a benefit performance. They are a success, appearing in the number they had rehearsed for the musical which never opened, and their misunderstanding is cleared away for a happy ending.

Vallee's performance is natural and pleasing. Comedy is contributed by Allen Jenkins as a publicity agent for Vallee; Ned Sparks as Miss Dvorak's manager; Robert Armstrong as a gangster with crooning ambitions; Alice White as his sister, a chorus girl, and Joe Cawthorn and Al Shean, as radio program sponsors. Helen Morgan appears in one sequence. Miss Dvorak is satisfactory in her role. Frank and Milt Britton's band have several comic sequences to bid for laughs.

The production is nicely staged and photographed. The direction, by Alfred E. Green, varies. While seeming to run a trifle longer than necessary, "Sweet Music," on the whole, stacks up as a good comic musical which offers all Vallee fans a generous helping of the radio star.

Production Code Seal No. 536. Running time, 95 minutes. "G."

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Times Square Lady"

(M-G-M)

HOLLYWOOD, Feb. 19.—Without star cast names or unusual production values, this picture clicks nicely, holding the interest throughout. The story tells of Virginia Bruce, who inherits various properties from her father, who had ruled the sporting world with an iron hand. Managers of the various enterprises try to make them look like flops so she will sell out cheaply.

Robert Taylor, night club manager, is selected by a group to show the girl around. He takes her to the dog track, hockey games and other businesses she owns and lets her see that they are all losing. Finally, he convinces her that a woman cannot run the business. The girl then agrees to sell out, making the bill of sale in Taylor's favor.

Taylor arranges a re-sale to a syndicate at a tremendous profit, but gets in wrong with the other managers, who believe he is keeping the profit for himself. They take Taylor for a gang ride, but he escapes. Later developments show he has purchased a trust fund for Miss Bruce with the profits and the picture closes with the pair leaving on a honeymoon.

Pinkey Tomlin, as a hick entertainer, scores heavily in singing and comedy although the role has little story value. Henry Kolker, Nat Pendleton, Jack LaRue and Isabel Jewell are satisfactory in supporting roles. The screen play is by Albert Cohen and Robert Shannon. Lucien Hubbard produced and George Seitz directed. Average entertainment for neighborhoods.

No production code seal. Running time, 69 minutes. "G."

To Show Gaumont Film

"My Heart Is Calling" will be shown privately this afternoon at the Westminster Theatre by Gaumont British to radio artists, orchestra leaders, music publishers and others. This is the film in which Jan Kiepura sings and Marta Eggerth dances.

RKO in Deal with Muro

Robert H. Hawkinson of RKO's home office has closed a deal for the 1934-35 lineup, including shorts and Pathe News, with Luis H. Muro, distributor, of Caracas, Venezuela. Muro will handle the product in Venezuela, Curacoa and Aruba.

Allied's Setup Is Advanced by Court

(*Continued from page* 1)

on the $1,747,000 of Allied debentures. The reductions continue to Jan., 1938, after which interest on the bonds is increased to five per cent and on the debentures to four per cent. The plan also proposes cancellation of Allied's $498,400 debt to New York Investors, Inc., the parent company. Additional miscellaneous debts aggregating $1,400,000 are provided for in the plan.

The proposed settlement of Allied's $23,000,000 claim against Paramount for $5,000,000, new leases on the Brooklyn Paramount and the Paramount theatres at Birmingham, Glens Falls, N. Y., and Fremont, O., is not included in the plan, having been reserved for special action by the Allied trustees. Negotiations are now under way between them and the Paramount trustees for an agreement on the method of issuing new Paramount securities to Allied which will avoid a $500,000 transfer tax. The method of payment prescribed in the proposed settlement would be subject to the tax and is not acceptable to the Allied trustees, it was said.

In addition to the Paramount theatres named, Allied is also owner of Loew's Kings, Pitkin and Valencia. Stephen Callaghan, one of the three Allied trustees, has been assured of a place on the new Paramount board of directors.

Lewis' report on the reorganization plan goes to Federal Judge Robert Inch for confirmation, after which the plan will be sent out to creditors for their approval.

Approval Is Sought On Loew Settlement

(*Continued from page* 1)

Master John E. Joyce by counsel for the Paramount trustees.

The Loew New England theatres filed claims against Paramount for triple damages of $5,000,000. Joyce recently ruled that anti-trust damages could not be tripled when filed against a bankrupt, indicating that the claims could be reduced to about $1,650,000. The settlement figure is expected to be about $50,000.

Deny Pickford Plans Series on Her Own

(*Continued from page* 1)

phatically denied today by Goldwyn and Dennis O'Brien, her attorney. The latter said Miss Pickford plans to make a series under the United Artists' banner, but details have not been worked out.

O'Brien asserted the actress may make one or two with herself in the cast or perhaps a series with outside talent, with her as producer. Definite decision, he said, will be made upon his return east next week.

Flash Review

Secrets of Chinatown— . . . sort of melodramatic entertainment ground out in the swaddling days of the industry. . . .

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.



Going

. . . to the Scene of Action

Red Kann, editor of Motion Picture Daily, will be in New Orleans for the duration of the MPTOA Convention (February 25-28) to observe, report and interpret significant talk and action affecting interests of theatre owners and the industry-at-large.

Read it in

MOTION PICTURE DAILY

TERRIFIC MONEYMAKER!

MOTION PICTURE DAILY

SOCKO B.O. IN ALL SPOTS!

DAILY VARIETY

A BOX-OFFICE GOLD MINE!

THAT'S HOW THEY'RE ALL TALKING ABOUT

HOLLYWOOD REPORTER

EDWARD G. ROBINSON

IN

THE WHOLE TOWN'S TALKING

with JEAN ARTHUR

COLUMBIA'S NEW SMASH HIT!

COLUMBIA PICTURES

WORLD PREMIERE
RADIO CITY MUSIC HALL

A JOHN FORD PRODUCTION

Screen play by Jo Swerling and Robert Riskin
Based on a story by W. R. Burnett
Directed by John Ford

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 44 NEW YORK, THURSDAY, FEBRUARY 21, 1935 TEN CENTS

ROOSEVELT ASKS 2 MORE YEARS OF NRA

Para. Deposit Form Passed By the Court

Committee Now Is Able To Solicit Assents

Orders approving the deposit certificate forms of Paramount stock and bondholders' committees and of the Paramount Broadway bonds were signed yesterday by Federal Judge Alfred C. Coxe. Approval of the forms makes it possible for these committees to begin at once the solicitation of assents to the Paramount reorganization plan.

Stockholders and bondholders who have not deposited with the committees now have 30 days in which to do so if they approve the plan, and holders who have deposited are given

(*Continued on page 8*)

Schaefer Will Miss Sessions of MPTOA

HOLLYWOOD, Feb. 20. — George Schaefer will not be able to attend the M.P.T.O.A. convention in New Orleans, as he had planned. He has been delayed here by studio conferences and will go directly to New York when he leaves, the latter part of the week.

Schaefer expresses himself as elated with the studio setup.

Adolph Zukor will remain on the coast for another two or three weeks before returning to New York.

ITOA Names Men to Study Shorts Sales

Following a discussion of the forcing of shorts, members of the I.T.O.A. yesterday named Bernard Barr, Dave Weinstock, Leo Brecher and John Benas as a committee to investigate the local situation and report back to the organization for action.

Appointment of a committee to present charges against major circuits in this territory to the Senate and Governor Lehman was tabled yesterday for another session.

'Forsaking' Is First Of January Champs

"Forsaking All Others" heads the list of *Motion Picture Herald's* "box-office champions" for January. The other lucky ones are "The Little Minister," "Broadway Bill," "The County Chairman," "Bright Eyes" and "Lives of a Bengal Lancer."

Schulberg May Do Para. Series

B. P. Schulberg leaves by plane for Hollywood today to launch plans for an independently-made series of features for release through one of the major studios. He declined to discuss distribution.

However, renewal of his former deal with Paramount would occasion little surprise.

Sunday Bill Included in Kansas List

TOPEKA, Feb. 20. — Measures presented in the Kansas legislature which affect the industry include one by Senator Miller of Leavenworth repealing the 70-year-old prohibition against Sunday shows. It is being considered by the committee on Federal and state affairs.

While Kansas exhibitors want Sunday operation, they are not actively supporting this bill because the state is under a form of local option as to Sabbath showings, which is deemed

(*Continued on page 8*)

Cal. ITO Moves to End Short Forcing

LOS ANGELES, Feb. 20.—Alleged violation of the code by forcing exhibitors to buy more shorts than they need to get features is protested in letters sent by the I.T.O. of Southern California today to Campi, Com-

(*Continued on page 5*)

Morris Kohn Passes Away Unexpectedly

Morris Kohn, affectionately regarded by those who knew him as one of "the grand old men" of the industry, died suddenly yesterday at Nanuet, N. Y., where he maintained his country place. He would have been 72 in June.

The end came unexpectedly. Kohn's health was excellent, but about noon yesterday he complained of not feeling well and retired. Shortly thereafter his heart action ceased.

Well known to the old guard, Kohn was the father of Ralph A. Kohn, for years one of the high executives at Paramount. Other children are Norman E., an executive in the Paramount foreign department, and Beulah Goetz, wife of Jack Goetz, of Du-

(*Continued on page 8*)

Newsreels Agree on Sound Volume Level

All the principal newsreels—Fox Movietone, Hearst Metrotone, Paramount, Pathe and Universal—have reached an agreement on uniform recording of sound. Hereafter sound will be recorded at about the same volume used in studios for features.

In the past sound volume has varied widely on the reels, with a general tendency to make it too loud, it is said.

(*Continued on page 8*)

Stronger Measures Are Demanded to Protect 'Small Fellows'

By BERTRAM F. LINZ

WASHINGTON, Feb. 20.—Extension of the National Recovery Act for a period of two years was today urged upon Congress by President Roosevelt.

Possibly influenced by the fact that Congressional investigation of the Recovery Administration, soon to be initiated, may develop information disclosing the need for drastic revision of the law, the President in his message made but few recommendations, and those largely of a general nature.

Briefly he suggested that the policy and standards for administration of the act should be further defined in the light of past experience; voluntary submission of codes should be encouraged by authority given for forcible imposition where an industry

(*Continued on page 5*)

Radio to Deliver 46, Depinet Says

RKO Radio will deliver a minimum of 46 pictures this season, Ned E. Depinet, president of Radio Pictures Distributing Corp., said yesterday following his return from a three weeks' visit at the studios.

Of the expected number for the current season 21 had been delivered

(*Continued on page 8*)

SMPE Lines Up Plan For Spring Session

Tentative plans have been completed for the spring convention of the Society of M. P. Engineers to be held at the Roosevelt Hotel, Hollywood, May 20-24, during which nine technical sessions will be held.

A luncheon will open the convention the first day and the semi-annual banquet will be held the night of May 22. The studios and Los Angeles theatres will be open to those attending the sessions as delegates.

Will Push NRA Quiz; Nye Seeks Ammunition in K. C.

By AL FINESTONE

KANSAS CITY, Feb. 20.—Exhibitor criticism of code operations is being gathered by Senator Nye of North Dakota, one of the foremost critics of the recovery legislation, to be used as ammunition in the debate in the Senate over NRA continuance.

W. D. Fulton, Kansas City exhibitor, replying to a wire from Senator Nye requesting information on

(*Continued on page 5*)

By CLARENCE LINZ

WASHINGTON, Feb. 20.—A thorough investigation of the National Recovery Administration before the legislation extending the Recovery Act is approved was promised today by Senator Pat Harrison of Mississippi, chairman of the Senate Finance Committee.

The committee gave its approval to the resolution introduced last week by

(*Continued on page 5*)

No Paper Tomorrow

***Motion Picture Daily* will not publish tomorrow, which is Washington's Birthday and a legal holiday.**

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Editor-in-Chief and Publisher

MAURICE KANN
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Advertising Manager

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Wall Street

Stocks Irregular on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	39	38½	39	.....
Consolidated Film	6½	6	6	— ⅛
Consolidated Film pfd (½v)	20	19	19⅝	+ ⅛
Eastman (5)	123	121⅛	121⅛	—1⅛
Eastman pfd (6)	147	147	147	+ ½
Fox Film "A"	11	10¾	10¾	— ⅜
Loew's, Inc. (1a)	34⅞	33⅛	34½	— ¼
Param'nt Publix	3⅝	3½	3⅝	.....
Pathe Exchange	1⅛	1	1	.....
Pathe "A"	15	15	15	— ⅝
RKO	1⅞	1⅞	1⅞	+ ⅛
Warner Bros.	3⅝	3½	3½	— ¼
Warner Bros. pfd	20⅛	20	20	.....

No Change on Curb

	High	Low	Close	Net Change
Technicolor	16	15⅝	16	.....
Trans-Lux (.10k)	3	3	3	.....

RKO Bonds Up One

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7½	7	7	— ½
General Theatre Equip. 6s '40 ctf	7½	7½	7½	+ ¼
Keith B. F. 6s '46	69⅞	69⅞	69⅞	— ⅛
Loew's 6s '41 ww deb rights	104⅛	104⅛	104⅛	— ⅛
Paramount B'way 5½s '51	48¾	48¼	48¾	— ¾
Paramount F. L. 6s '47	70	69½	70	+ ½
Paramount Publix 5½s '50	70¼	69½	69½	— ¼
RKO 6s '41 pp	32	32	32	+1
Warner Bros. 6s '39 wd	55⅝	55	55	— ⅝

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 20)

Purely Personal

JACK MILLER was excited yesterday when his son, E. D., walked in on him at the Park Central with his bride, formerly BEVERLY COLLINS. JACK knew the event was impending, but confessed to surprise that it all happened too soon. So off for New Orleans and the convention tonight they go.

•

JOHN HAY WHITNEY hops into his plane Sunday in Los Angeles and expects to be here by Monday morning. The Santa Anita Handicap will be run Saturday and after his mother's Twenty Grand runs in that race the real reason for his many trips west lately will be a thing of the past.

•

EDWARD MCKAY of Universal leaves tonight by plane for Florida, where he will spend the week-end with his family. He'll leave Miami Sunday night and will be back on the job Monday morning.

Quip of the Day

"What do you mean when you say spasmodically?" queried Louis Nizer of Tom Murray at the Century-RKO clearance hearing yesterday in regard to advertising by Century in certain Long Island towns.

"I mean," Murray replied, "at intervals and spasmodically."

HENRY KING, who recently completed "One More Spring" for Fox, flew into town the other day on a short vacation. He'll attend the opening at the Music Hall.

•

W. E. MCKEE, assistant to HARRY ROSS at Ross Federal Checking, yesterday was elected to membership in the M. P. Club. That'll cost him exactly 100 bucks a year in dues.

•

WALTER CONNOLLY returned to the footlights last night as the lead in "The Bishop Misbehaves," which opened at the Cort.

•

SETON I. MILLER'S "The Farrell Case," which deals with Government undercover men, has been bought by Warners as JAMES CAGNEY'S next.

•

ELLIOTT GIBBONS' and LACLADE CHRISTY'S "Storm Over the Andes" has been acquired by Universal. CHESTER MORRIS will have the lead.

•

HENRI D'ABBADIE D'ARRAST, director, arrives here this morning on the *Champlain.* He is on his way to Hollywood.

•

SAM E. MORRIS of Warners left for Florida yesterday. He is on a brief vacation, returning in two weeks.

•

NAT COHN and ABE SCHNEIDER are back from Miami with two swell coats of tan.

•

SOL EDWARDS, assistant sales manager of Educational, left yesterday for a 10-day tour of Fox exchanges.

•

WILLIAM K. JENKINS of Lucas & Jenkins, southern circuit operators, is in town.

•

ALBERT WARNER will be hitting for Miami shores again shortly.

SAM HACKER, manager of Columbia's sales accounting department, joins the ranks of the benedicts tomorrow. The bride will be HELEN ACKERMAN. The ceremony will take place in Brooklyn, after which the couple will leave for Florida for a two weeks' honeymoon.

•

HENRY FONDA, who recently starred here in the play, "The Farmer Takes a Wife," will arrive on the coast Sunday to report to Fox for the film version of the play.

•

LIONEL STANDER has been signed by BEN HECHT and CHARLES MACARTHUR for a role in "Miracle in 49th Street."

•

MARITA GERVAY, Hungarian actress, and her mother arrive on the *Champlain* today enroute to the M-G-M studios.

•

VICTOR KILLIAN, who last appeared on Broadway in "Valley Forge," has been signed by Columbia. He left for the coast yesterday.

•

E. L. ALPERSON returns from the coast either today or tomorrow.

No Speechmaking to Annoy Ampa Diners

No speeches will be permitted at the Naked Truth dinner, the Ampa has decided. The affair will be held at the Astor on April 27, with stage, radio and screen entertainers on the program.

There will be a new seating arrangement with no dais. Melvin H. Heymann says there are 500 reservations already in, "so help him," and a total of about 1,000 is looked for.

Pryor Contract Ended

HOLLYWOOD, Feb. 20.—Roger Pryor's contract with Universal, which was for seven years, was terminated yesterday by the actor and the studio by mutual consent. Pryor came here from the New York stage and made seven pictures for the company and two on loans to other studios. He will free lance in the future.

"Roberta" Set for N. O.

NEW ORLEANS, Feb. 20.—"Roberta" will have its world premiere at the Orpheum here Feb. 28. The showing was arranged especially to allow delegates at the M. P. T. O. A. convention to see the picture.

Dix Signed for 2 More

HOLLYWOOD, Feb. 20.—Richard Dix, who has one more film to make for Radio, has been signed for another two, the first of which will be a Dudley Nichols original with an Arizona background.

Pass Playdate Bill

COLUMBUS, Feb. 20.—Senator Edward N. Waldvogel's bill making it unlawful for distributors to attempt to fix playdates in contracts has been passed by the Senate.

Stillman Holds Lynn

Jack Stillman, president of the Sov-Am Film Corp., has signed Henry Lynn, who recently directed "Bar Mitzvah," to a long term contract.

Goldwyn-Crothers In Deal on Picture

HOLLYWOOD, Feb. 20.—A partnership was entered into here today between Samuel Goldwyn and Rachel Crothers for the production of one picture starring Miriam Hopkins. Miss Crothers will do the story and screen play and assist in the casting and direction of the picture, which will be made at the United Artists studio. Production is scheduled to start in six months. Miss Crothers will receive no salary for her work, but will share in the picture's receipts.

Miss Hopkins is now slated for three pictures under the Goldwyn banner, the other two being "Barbary Coast" and Vina Delmar's "Hands Across the Table."

Decks Cleared Away For Ohio Convention

COLUMBUS, Feb. 20.—The second annual convention of the I. T. O. of Ohio is set for Feb. 26-27 at the Deshler-Wallick Hotel here. Among the speakers will be Martin L. Davey, governor of Ohio; Carlton S. Dargush, vice-chairman of the Ohio Tax Commission; Abram F. Myers, general counsel of Allied, and Sidney Samuelson, president of Allied.

Among the topics that will be discussed are taxes, the code, the Tri-Ergon litigation and percentage pictures.

Mattacheck Is New Oregon Allied Head

PORTLAND, Feb. 20.—M. A. Mattacheck, McMinnville, has been named to succeed Bob White, who has resigned as president of Allied of Oregon. William Cutts has been reelected secretary. The organization is almost dormant in spite of a flood of legislation affecting the industry that has been presented to the Legislature for action.

M. & S. Case Set Mar. 13

Hearings in the arbitration proceedings of M. & S. against RKO, involving the Hollywood and Apollo, will not be resumed until March 13. The last hearing was held on Tuesday and adjourned until today, but by mutual agreement between the parties yesterday it has been postponed until next month.

Cohen Goes West

Emanuel Cohen left New York for Hollywood yesterday with plans to return here in a couple of weeks. Prior to his departure, he said he would make no deal on the coast but would look over the current production situation.

Frank Conklin Is Host

Frank Conklin, recently appointed assistant general manager of the Hearst hotels, was host yesterday at a party for critics, film executives and writers. Conklin left later in the afternoon for the coast.

Lederman Has the Flu

HOLLYWOOD, Feb. 20.—D. Ross Lederman has been confined to his home with the flu and Warners have replaced him with Howard Bretherton for the direction of "Dinky."

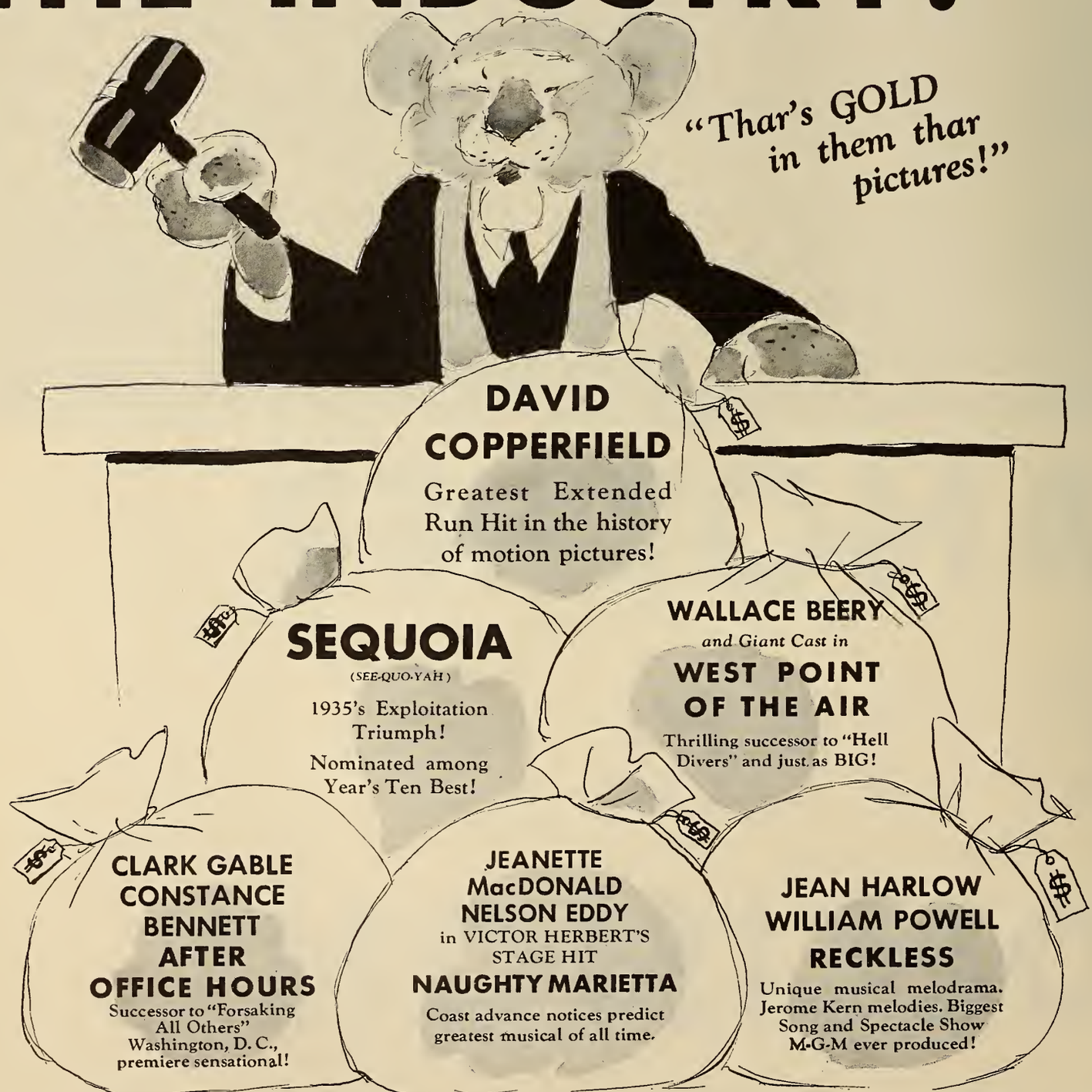


ANOTHER GOLD DECISION!

(on next page)

SUPREME COURT UPHOLDS THE GOVERNMENT!

M-G-M UPHOLDS THE INDUSTRY!



FLASH! Telegram from E. J. Sparks, Community Theatre, Miami: "'AFTER OFFICE HOURS' *broke all existing records Sunday! Monday set another Monday record and almost equalled Sunday!*" **FLASH!** "NAUGHTY MARIETTA" *Coast Preview sensational!*

2 Years More Of NRA Asked By Roosevelt

(Continued from page 1)

fails to agree; rights of employes to organize for the purpose of collective bargaining should be fully protected; the fundamental principles of the anti-trust laws should be more adequately applied; and effective means other than the imposition of jail sentences should be developed for enforcement.

"We must continue to recognize that incorrigible minorities within an industry, or in the whole field of trade industry, should not be allowed to write the rules of unfair play and compel all others to compete upon their low level," the President declared. "We must make certain that the privilege of cooperating to prevent unfair competition will not be transformed into a license to strangle fair competition under the apparent sanction of the law. Small enterprises especially should be given added protection against discrimination and oppression."

The message indicated the President's realization that reforms are needed in the administration of codes. These essential changes include the coordination of each code with all others, simplification of procedure, improvement in personnel, better definition of the responsibilities of all parties concerned and clarification of code provisions which are puzzling to those operating under them.

"But," the President asserted, "the fundamental purposes and principles of the act are sound. To abandon them is unthinkable."

Studio Extras' List Of 975 Is Proposed

HOLLYWOOD, Feb. 20.—Following a long siege of work on the sifting of extras to be registered officially for work at the studios, the extras' committee has recommended a list of 975 names with the privilege of boosting this figure 50 per cent if the requirements warrant. This applies for the first year, limiting the number of extras to a total of 1,462. During the second year this number will be increased, the number to be set later.

The list was approved by the committee at a meeting held after John C. Flinn left for Dallas and New York and has been sent east for Campi's approval. Flinn met with the committee while he was here and commended it for the work it has done.

Returning from a 10-day trip to the coast, John C. Flinn expressed satisfaction with the way things had progressed at Campi quarters in Los Angeles and Hollywood. He said he sat with the Los Angeles clearance and zoning board and discussed the schedule and had left minor changes for the approval of the board. These clauses, with a preamble, will be passed on today by Campi. If there is time, Kansas City, Milwaukee and New Haven schedules may be gone over. Flinn said Code Authority had not received the extra list until a late hour last night, indicating a delay in approval.

Will Push NRA Quiz; Nye Seeks Ammunition in K. C.

(Continued from page 1)

"abuses" under the code, stated that unless the code is drastically revised "it will eventually strangle the small theatre man."

The senator's questionnaire makes no mention of the code specifically. He is assembling similar data from other businesses. His wire to Fulton was as follows:

"During the past year many have presented to me their discouraging experiences under the NRA and its codes. In view of the imminence of legislation to extend the NRA, I should like to learn from you and your associates whether the abuses in your industry under the NRA and code authorities have been corrected.

"If the businesses and industries of which you have personal knowledge are being benefited by the codes and the administration of codes by code authorities, I should like to be so advised. If this is not true, I would appreciate specific information concerning the abuses which may exist."

Sees "Drastic Revising" Needed

In his reply, Fulton told the senator:

"The motion picture code will need drastic revising to be of any benefit to the thousands of independent theatres. In fact, it is my opinion that as actually administered it is more detrimental than helpful and unless changed will eventually strangle the small theatre man. It is possible that a code could be drawn up to be greatly helpful to our business, but until the monopolistic grip of the large producer-exhibitors is broken, I will take my chances under the Sherman anti-trust laws in our courts.

"We have no clearance and zoning schedule here, but the chain (Fox Midwest) which completely dominates the suburban situation wrote just what it pleased in film contracts and we take it or close up. The independent theatres talk big but are not in a position to do anything unless they go to court—and in about five years *may* win."

"The makeup of the Code Authority is entirely producer-controlled. The makeup of our local boards is entirely producer-controlled," it was charged by Fulton, who said that the Kansas City grievance board had "only one real independent representative, Jay Means." Means is head of the local I. T. O.

"I think any alterations of the set-up should provide an equal representation between independent theatre owners on one side and the producers-distributors-exhibitors on the other. Likewise, the anti-trust laws should be reinstated. They are our only salvation," Fulton concluded.

Maynard Case Adjourned

LOS ANGELES, Feb. 20.—The code committee hearing on C. C. Burr's complaint against Larry Darmour and Agent Morris Small involving the services of Ken Maynard was adjourned to Monday night today after a long session extending into the early hours of the morning.

(Continued from page 1)

Senators Nye and McCarran listing 21 charges of oppression of small business under the codes. The inquiry was to be conducted by the commerce committee, but Harrison succeeded in having the measure referred to his group.

The committee's decision to make the investigation was seen as an effort to head off what might be a more dangerous inquiry by the judiciary sub-committee headed by Senator William H. King of Utah, whose group would include Senator Wayne D. Borah of Idaho, enemy of the Recovery Administration, with Lowell Mason, counsel for the Darrow Board, as attorney.

King, however, has indicated that he will go ahead with his probe, regardless of the finance committee's action.

Cal. ITO Moves to End Short Forcing

(Continued from page 1)

pliance Director Sol A. Rosenblatt, Sidney Samuelson, head of Allied, and all local and New York distribution offices.

It is charged the exhibitor is utterly helpless against the practice complained of. Among the tactics allegedly used to force the exhibitor to pay for unused shorts are denial of further product and issuance of C.O.D. on so-called "delinquent" shorts and features sent to him.

The I. T. O. demands the situation be immediately remedied by making required adjustments retroactive with the 1934-35 season. "If this is not done immediately," says the organization, "we will be compelled to take necessary action in Federal court."

The I.T.O. is asking John C. Flinn to whom the exhibitor is to appeal, since Campi allegedly has taken no action in the matter.

Copies of all correspondence have been sent to the Department of Justice.

Heard on Sunday Bill

ALBANY, Feb. 20.—The Berg bill permitting Sunday theatricals was opposed at a public hearing today by President Frank Gillmore of Actors' Equity. Paul N. Turner of Equity said the bill would deprive New York City hospitals of $250,000 receipts from Sunday night benefits. Senator Berg said if the bill would hurt the hospitals he would drop it. Florence Reed, Madge Kennedy and Selena Royle also opposed the measure.

Dr. Henry Moskowitz of the League of New York Theatres favored the measure.

Delay Delaware Case

WASHINGTON, Feb. 20.—The Industrial Appeals Board of the NRA today postponed indefinitely the clearance complaint of the Broadwood Holding Co., operators of the Elwood, Newark, Del., against Warners. The postponement was made necessary by the inability of all interested parties to be on hand. A new date for the hearing is expected to be set within the next two weeks.

Objections to Point Where Count Is Lost

Charges that Louis Nizer was "tricky and unfair in his questioning of witnesses" and that Century circuit was "gypped" in the pooling arrangement between Century and RKO were made by Mitchell Klupt, attorney for Century, as the second round in the clearance dispute in Long Island gained ground yesterday before the local board. At one time during the session, Nizer asked the board to reprimand Klupt for his remarks. The arguments, mostly on technicalities, developed into a query by both sides as to who was running the board. Nizer accused Klupt and Klupt charged his adversary with assuming such powers.

During one of the heated controversies, Klupt said to Nizer: "Let's ask Ornstein how many objections you have made so far." Nizer responded: "Ornstein can't make you a good lawyer." Klupt shot back: "Neither can he make you a good one." The board laughed heartily at the remarks, but Leo Abrams, chairman, struck the asides from the record. MOTION PICTURE DAILY's tabulation for objections during the morning session was 14 for each counsel. Nizer was overruled on nine of them. The afternoon session was quite mild, the legal combatants settling down to a reserved procedure.

Hearing Lasts Four Hours

Yesterday's hearing lasted four hour, two in the morning and two in the afternoon. The first session took five hours and resulted in 176 pages of testimony.

F. Thomas Murray of Century occupied the stand the entire day with the exception of interruptions when Fred Schwartz and Julia M. Nelson were called upon to clarify advertising and mailing list statistics.

Most of the hearing was devoted to contracts made by Century with RKO for pooling certain Long Island houses, exhibition contracts with reference to clearance, advertising and mailing lists. Murray was discussing 1933-34 contracts Century made with major and independent companies when the meeting adjourned until 10:30 today.

Sitting on the board were Laurence Bolognino, former Judge Alfred E. Steers, Robert Wolff, Abrams, Edward Rugoff, Eugene Picker and Harry Shiffman. RKO brought most of its witnesses from the first hearing, while Century had about seven on hand. Pete Harrison, Roy H. Haines of Warners, Edward Schnitzer and Nat Cohn of Columbia were among the 25 spectators.

Don Douglas with R. & R.

DALLAS, Feb. 20.—Don Douglas, former secretary of the local code board, has joined the Robb and Rowley circuit. His place on the board has been taken by Bonnie Long, former secretary of the Dallas Film Board of Trade.

Approve "Folies Bergere"

HOLLYWOOD, Feb. 20.—"Folies Bergere" has been approved by the Production Code Administration and given the seal No. 600.

This week RUDY V



Rudy in the Warner Bros. Manner



Ann Dvorak in a Dancing Surprise



The Connecticut



Helen Morgan in Her Ace Torch-Song



Ned Sparks in Dead Earnest



Allen Jenkins a
Battle

the box-office suc

—WITH THE ENTHUSIASTIC ASSISTANCE OF ANN DVORAK, 9 S

WARN

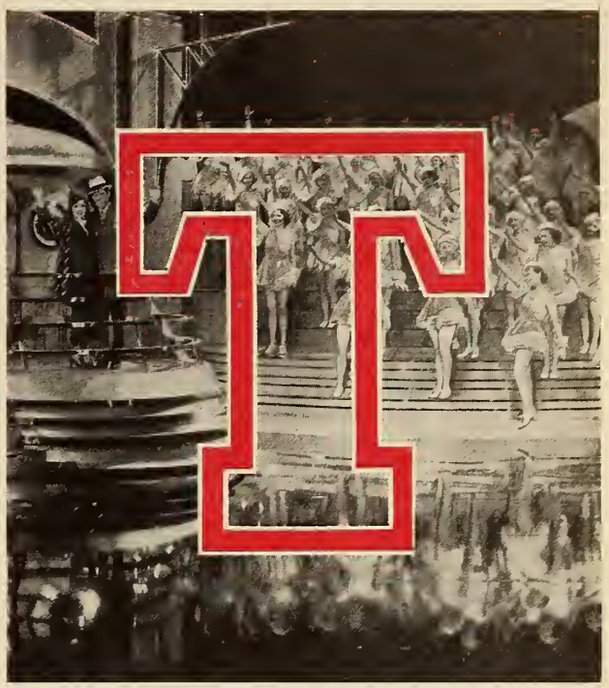
ALLEE will make



ees in Top Form



Frank & Milt Britton's Band in Turmoil



100 Girls in the "Fare Thee Well, Annabelle" Number Staged by Bobby Connolly



olice White in a
lf-Wits



Joe Cawthorn & Al Shean in Conversational Difficulties



All in a Story by "20 Million Sweethearts'" Authors

essor to "Devil Dogs"

RS. 2 BANDS, 6 SONGS, 100 GIRLS, DIRECTOR AL GREEN, AND

R BROS.

Sunday Bill Included in Kansas List

(Continued from page 1)

satisfactory. The state administration is said to be disposed to let things ride as is.

On the other hand, a bill has been introduced prohibiting the sale of merchandise in Kansas on Sunday. This, it is believed, hits at the many subterfuges taken to do business on Sunday, and may affect theatres.

Representative E. A. Briles, who operates a theatre at Stafford, Kan., is sponsoring a measure to amend the censorship laws whereby pictures may be sold in Kansas before being censored by the state board. This is a corrective measure and will make it possible for distributors to write contracts as they have been doing. The law now provides that films cannot be sold before censoring. The bill is pending in the Senate for passage with amendments.

Two bills are in the Senate to prohibit discrimination in the selling price of commodities to merchants in different parts of the state with intention of destroying competition. While its purpose is general, observers construe the bill as affecting film rentals, as between separate towns and as between circuits and individuals.

"Sweet Music" Opens

Rudy Vallee fans crowded the Strand last night for the opening of "Sweet Music," his initial film for Warners. The crooner was there in person. The premiere attracted Paul Whiteman, Alice Faye, Richard Himber, Fred Waring, Abe Lyman, Edmund Gwenn, Blossom Seeley, Ben Fields, Arthur Tracy, Jean Lang, the Stuart Sisters, Smith & Dale, Jane Froman, Johnny Green, and others prominent in the amusement world. Albert, Harry M. and Jack Warner, S. Charles Einfeld and Gradwell Sears represented Warners.

Three hundred amateur radio critics will attend a performance of "Sweet Music" this afternoon. They will broadcast their impressions of the picture over WNEW as they leave the lobby, where a microphone will be rigged up. Einfeld, Warners' advertising and publicity chief, arranged the stunt.

Mrs. Woestmann Buried

ST. LOUIS, Feb. 20.—Funeral services were held here for Mrs. Louis Woestmann, sister of Fred Wehrenberg, president of the M. P. T. O. She passed away suddenly last week at her home on a farm at DeSoto, Mo., following a heart attack.

Charles Koche Passes

NEW ORLEANS, Feb. 20.—Charles A. Koche, manager of the Municipal Auditorium since its opening several years ago, dropped dead here today from heart disease while at work.

Plans 7 Big Houses

LONDON, Feb. 20.—Fred Bernhard's Union Cinemas will build seven big theatres, some 3,000-seaters, including Bath, Belfast and Huddersfield.

Morris Kohn Passes Away Unexpectedly

(Continued from page 1)

Art Laboratories, Inc. Mrs. Adolph Zukor is a niece.

Kohn was born in Hungary and came to this country about 52 years ago. He settled in Chicago, later to become one of the pioneer homesteaders in the Dakotas. Returning to Chicago subsequently, he entered the fur business there in conjunction with Adolph Zukor and the amusement business in association with the president of Paramount and the late Marcus Loew.

Retirement from business came about 12 years ago. Prior to that, Kohn had been president of Realart, ownership of which was vested in Paramount. He was also a one-time president of Select Pictures and of Warner Pictures.

Curiously enough, his death occurred within two days of the fourth anniversary of his wife's passing on Feb. 22, 1931.

Final funeral arrangements were incomplete last night. Services will be held either tomorrow or Sunday afternoon, dependent upon word received from Ralph A. Kohn who is now in Hollywood. Definitely determined, however, is designation of the place which will be the Universal Funeral Chapel.

Charter Voe Pictures

ALBANY, Feb. 20. — Voe Pictures Corp. has been chartered. Irving Gertsman, Gertrude Aronstam and Lillian Weinstock are directors and subscribers.

Advertising Film Associates, Inc., has filed a certificate with the Secretary of State changing the classification and increasing its capital stock from 200 shares non par value to 190 shares preferred stock $100 par value and 30 shares of "A" stock non par value.

Would Rush to Moscow

HOLLYWOOD, Feb. 20. — If he can complete "Becky Sharp" on time, Rouben Mamoulian is going to try to make Moscow in six or seven days from here in order to attend the film festival there. He thinks he can do it by flying to New York, catching a fast liner, and then finishing the trip by air.

Changes Studio Site

LONDON, Feb. 20.—London Films has abandoned the Elstree site on which it planned a new studio and will build it at Denham-in-Bucks, probably using the old airdrome there.

E. S. Young Quits ITO

KANSAS CITY, Feb. 20.—Giving as his reason that he was "not in accord with I. T. O. policies or its method of operation," E. S. Young has resigned as the organization's vice-president as well as a member.

Columbia Keeps Kenton

HOLLYWOOD, Feb. 20.—Columbia has signed director Erle Kenton to a new long term contract.

Radio to Deliver 46, Depinet Says

(Continued from page 1)

up to February, leaving 26 to complete the schedule. No appreciable increase is anticipated for next season, Depinet said, explaining that the Radio studios are best adapted to production of from 45 to 50 features per season. Any increase over this average, he said, would have to come from outside producers releasing through Radio.

The company's annual sales convention will be held in late June or early July at a city not yet decided, but with the choice probably resting with either New York or Chicago. There will be but one large meeting, Depinet said, the idea of regionals having been vetoed.

Depinet stated that Robert F. Sisk, assistant to J. R. McDonough, head of RKO Radio Pictures, was being groomed for a production berth. It is believed that Sisk, former RKO advertising and publicity head, may have a production unit on next season's schedule.

Depinet expressed enthusiasm over the balance of releases for the current season, which include two musicals, in addition to "Roberta"; two Hepburns and a Richard Dix western. None of the "star" pictures or real box-office attractions listed at the beginning of the season for the current schedule will be eliminated, Depinet said.

Elliott Will Take Radio to Mongolia

In a carefully condensed statement of something less than 1,000 words Ben H. Atwell lets it be known that when Clyde Elliott leaves the coast for China next month to film "China Roars" for Columbia he will have a short wave radio set and airplanes.

"The expedition," he says, "will constitute the most ambitious effort in the history of the industry to use a distant land and its people for the background of a film production." Then he modestly adds: "Employment of the communication plant is unprecedented and in some respects transcends similar achievements of the Byrd expedition."

Apparently he hasn't heard that Fox has not only kept in touch with South Sea locations by short wave, but has played the sound track back nightly to keep the boys in touch with their rushes.

Turley Off to Houston

ST. LOUIS, Feb. 20.—Clarence M. Turley of the Best Amusement Co., who is executive vice-president of the National Ass'n. of Building Owners and Managers, will attend the association's convention at Houston Friday and Saturday.

Coast Club to Meet

HOLLYWOOD, Feb. 20. — The local Warner Club will hold its first formal dinner dance here next Thursday at the Biltmore. All reservations are reported sold to employes, stars and executives.

Majestic Starting Sixth

HOLLYWOOD, Feb. 20. — Majestic is about to start work on the sixth of its series, "Thunder in the Streets."

Para. Deposit Form Passed By the Court

(Continued from page 1)

the same length of time in which to withdraw their deposits if they do not approve. Thus, after March 21, the committees will be in a position to vote their holdings for adoption of the plan. It is anticipated that the deposits will be greatly increased during the next 30 days.

The stockholders' committee now has about 58 per cent of the outstanding Paramount stock on deposit. The bondholders' committees' holdings average about 68 per cent. Under the reorganization statutes, the plan must have the approval of a majority of the stockholders and two-thirds in amount of all classes of creditors, including security holders, before it can be made effective.

Counsel for the Paramount trustees yesterday filed objections to a breach of lease claim of $443,832 brought against Paramount by the Missouri, St. Louis, contending that the claim had been acquired for $1 by the present holders and that damages therefore should be fixed at that amount. It was also set forth that the theatre lease had been terminated with the landlord's re-entry, shortly after Paramount relinquished the property, and that the claim was subject, in any event, to a counter claim being brought against the landlord by Paramount for a $104,000 lease deposit which, it is alleged, was not applied against rent due on the theatre.

Referee John E. Joyce, before whom the hearing was held, gave both parties three weeks in which to file briefs.

E. M. Loew Award of $75,000 Agreed On

Settlement of the E. M. Loew anti-trust claim against Paramount will be for $75,000, it was learned yesterday. Papers asking court authorization to make the settlement are now being drawn and will be filed with Special Master John E. Joyce within the next few days.

The Loew claim against Paramount was filed for triple damages of $5,000,000, and was based on litigation begun by the Boston independent circuit prior to Paramount's bankruptcy. The litigation had proceeded as far as the taking of testimony before a special master in Boston who subsequently submitted a report recommending a judgment of approximately $300,000 in Loew's favor. Joyce recently ruled here that triple damages could not be collected in an anti-trust action against a bankrupt, indicating that the Loew claim might be subject to a reduction from $5,000,000 to about $1,650,000.

Newsreels Agree on Sound Volume Level

(Continued from page 1)

This has made it necessary for projectionists to use faders.

The new agreement will be effective with the issues appearing March 4, and warnings to projectionists will be pasted on the film cans.

HERE SHE COMES



Strike Up the Band!...Let 'em play Dixie!... Here comes that Show Boat, PARAMOUNT'S "MISSISSIPPI"... a floating palace of entertainment, loaded to the gunwales with the most glittering galaxy of stars ever assembled on one deck ... bringing you melodious music, side-shaking laughter, dancing, excitement, action and rare romance!

Paramount Pictures



PARAMOUNT'S "MISSISSIPPI"

THE GREATEST SHOW AFLOAT

SONGS!



Hear Massa Bing, the Singing Killer, Sing "Down By The River", "Soon" "It's Easy To Remember" and a new arrangement of "Swanee River"



Adolph Zukor presents

BING CROSBY
W. C. FIELDS
JOAN BENNETT

in



EXTRA!



Meet W. C. Fields as Commodore Jackson, Champion Calliope Player of the Seven Seas!

"MISSISSIPPI"

with QUEENIE SMITH · JOHN MILJAN · GAIL PATRICK

FRED KOHLER • CLAUDE GILLINGWATER

From the play by Booth Tarkington • A Paramount Picture • Directed by Edward Sutherland

ROMANCE!



Thrill to the Melodic Hero of Dixie who wins the most luscious maiden in the Mint Julip belt!

SENSATIONAL!

See the Ethiopian Quintuplets—Wonder of the World!



The Five Cabin Kids—Sun-tanned Singers of Novelty Melodies

DANCING DYNAMITE!

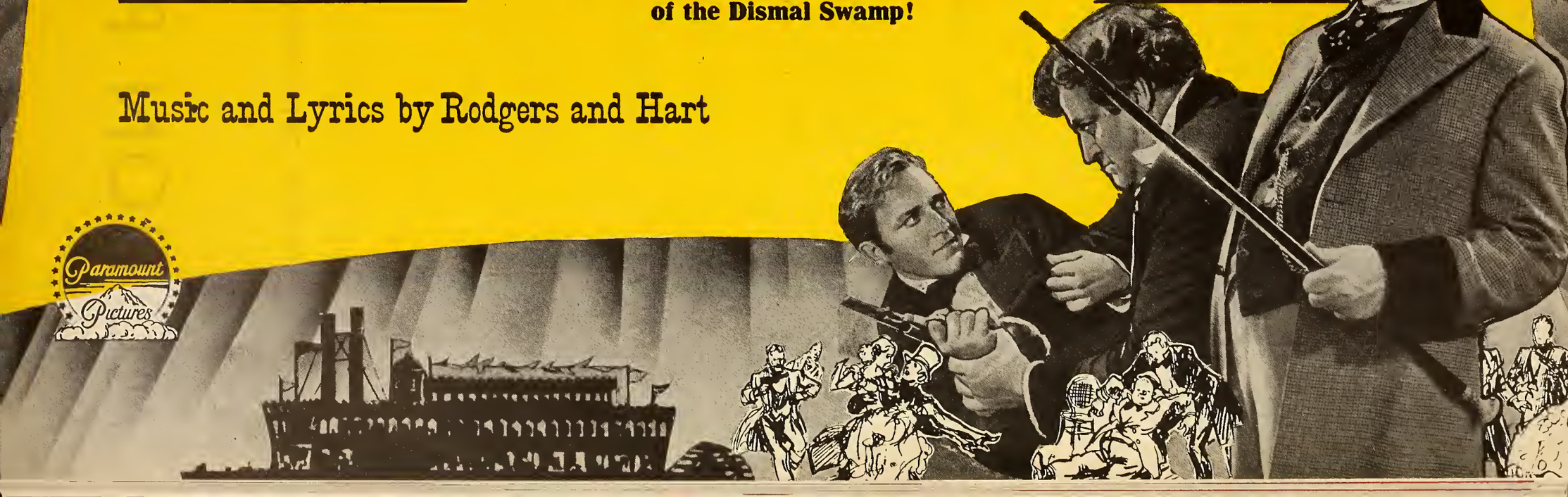


"Alabam"—Syncopating Singer, Dancing Explosive, Belle of the Bayous!

THE BATTLE OF THE CENTURY!

The Notorious Colonel Steele in the Battle of the Century with Dead Shot Cap'n Blackie, Unchained Alligator of the Dismal Swamp!

Music and Lyrics by Rodgers and Hart



Out today

THE SOVIET'S PICTURES AND
THE AMERICAN MARKET

OFFICIAL PROGRAM OF
M.P.T.O.A. CONVENTION

VICE PRESIDENT GARNER
PRESENTS QUIGLEY AWARD

PRODUCERS SPEND TWO
MILLIONS FOR STAGE PLAYS



There is no
substitute
for circulation.

And all the other news of the screen world—with all the service departments of the industry's service journal.

MOTION PICTURE HERALD

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry In All Branches

VOL. 37. NO. 45 NEW YORK, SATURDAY, FEBRUARY 23, 1935 TEN CENTS

Expect More Than 500 at MPTOA Meet

With Wives and Others, Total May Be 1,000

A registration of more than 500 exhibitor delegates is expected at the M.P.T.O.A. annual convention which gets under way Monday at New Orleans, officers of the organization stated here Thursday. The full registration is expected to approximate 1,000, including wives of members, representatives of distribution and equipment companies and other non-members of M.P.T.O.A. who will be on hand.

Exhibitors from New England and the nearby eastern territory began gathering here yesterday to join the large New York contingent which will travel to New Orleans on the convention special which leaves here

(Continued from page 4)

Sabbath Show Bill Is Up in Tennessee

NASHVILLE, Feb. 22.—A bill permitting Sunday shows by local option has been introduced in the House by Representatives Charles Brown of Memphis and Robert Brown of Hickman County.

The measure provides for unrestricted Sunday theatrical performances where four-fifths of a city commission votes approval. A bare majority vote would only permit the holding of Sunday shows intended for charity.

Open Sundays Vote Asked in Delaware

WILMINGTON, Feb. 22.—Provisions for a referendum to decide whether or not films can be shown on Sundays in cities and towns is included in a bill introduced in the House at Dover yesterday.

If a majority vote favors Sunday shows, they could then be put on after the adoption of permissive ordinances by local governing bodies.

Ohio Bill Asks 10% Ticket Tax Return

CLEVELAND, Feb. 22.—A bill has been introduced in the House to restore the 10 per cent admission tax in effect prior to Jan. 1. The 10 per cent tax was temporarily set aside in favor of a three per cent gross receipt tax at the time of the passage of the sales tax.

English Seek New Deal for Film Buying

Want New Credit Terms, Standard Contract

By BRUCE ALLAN

LONDON, Feb. 12.—Drastic revisions in present trading methods were demanded by a deputation from the Cinematograph Exhibitors' Ass'n., which met members of the Kinematograph Renters' Society.

Councillor J. Pollard, exhibitors' president, submitted proposals asking:

Inquiry into the credit restriction scheme, under which certain exhibitors are required to pay bills at short dates, on penalty of receiving no film supply.

Extension of "small exhibitor" reduced rental terms to theatres taking up to £175 per week.

Acceptance by distributors of a

(Continued on page 3)

Maxwell, Ostrer in New Circuit Move

LONDON, Feb. 22.—John Maxwell and Mark Ostrer yesterday opened their fight to continue control over General Cinemas Corp., Ltd., at a meeting of the largest preference and debenture holders. They submitted a provisional offer for reorganization of the company differing from the one

(Continued on page 4)

F. D.-British Deal About Ready: Baker

Final details of the five-year reciprocal distribution deal between First Division and Associated British Film Distributors will be worked out here between Harry H. Thomas, president of the former company, and Reginald Baker, general manager and financial head of the English firm, Baker

(Continued on page 2)

Balcon Here to Get Talent for Gaumont

To further the Gaumont British plan to cast American players in the the company's pictures made in England, Michael Balcon, production head, arrived Thursday on the *Olympic,* en route to Hollywood where he will spend six weeks signing up about 20 players. He has brought with him

(Continued on page 2)

More Radio Tieups

Boston, Feb. 22.—Radio tie-ups continue to spread throughout New England. Audition nights not only draw crowds, but they are run with little expense. As for prizes, a chance to hit the airlanes is enough of an attraction in most instances. E. M. Loew is one of the operators using the idea with success. If amateur nights have been able in recent weeks to draw away from theatres, they are now being used favorably with reverse English.

Impartial Men Are Suggested For Chairmen

Impartial representatives of local boards will be made chairmen if a recommendation of Campi is approved by its legal committee and Compliance Director Sol A. Rosenblatt. The suggestion is now before the legal group, which will report back to Code Authority next Thursday. Under the provision, no outside men have the power to vote.

On Wednesday night MOTION PICTURE DAILY queried Code Authority headquarters on the matter and it was denied that such a move was planned. It was stated, however, that

(Continued on page 4)

Hearing Tallies 9 Hours, 92 Protests

After a two-hour session Thursday morning, the local clearance and zoning board adjourned the hearing of Century circuit against RKO until March 5. Tom Murray of Century was on the stand the entire time with Mitchell Klupt, attorney for the circuit, examining him.

Klupt was alone in offering objections, making 15 in the short session,

(Continued on page 4)

Dividend of Loew's Up to 50c Quarter

Loew's, Inc., has doubled the annual dividend rate on the common stock, it was revealed Thursday. The board of directors met the day before and declared a 50-cent quarterly dividend, against 25 cents paid previously. This is payable March 30 to stockholders of record March 15.

The company has paid the 25-cent quarterly disbursements since March,

(Continued on page 4)

Fox Theatres, Schenck Share Fox Met Stock

Reorganization Involves $600,000 in Cash

Joseph M. Schenck and Fox Theatres Corp. each acquire 50 per cent of the new stock of reorganized Fox Metropolitan Playhouses, with Schenck becoming president of the latter company, under the plan of reorganization for Fox Met. to be outlined to Federal Judge Julian W. Mack on Tuesday, it is learned.

The reorganization plan will be presented by Fox Theatres, through Milton C. Weisman, receiver. Fox Theatres owns all of the common stock of Fox Met. and has pending against the latter a claim in excess of $5,000,000, based on its stock ownership. However, the 86 Fox Met. theatre leaseholds and fee properties are

(Continued on page 3)

Jersey Dog Racing Bill a Film Worry

TRENTON, Feb. 22.—Dog racing with betting legalized, which provided severe competition to New Jersey exhibitors last summer is threatened again in the Legislature despite the ruling by the Court of Chancery that all gambling is unconstitutional.

Assemblyman Berthold Vorsanger, Bergen Republican, has introduced a bill to circumvent the unconstitutional

(Continued on page 4)

State Censorship Is Sought in Missouri

JEFFERSON CITY, Mo., Feb. 22.—State film censorship is sought in a bill introduced in the legislature yesterday by Senator John P. Shea, St. Louis theatre manager. Shea said he was not a reformer, but scored objectionable pictures, which, he declared, exhibitors are forced to play because of block booking. His bill calls for a censor board of three and an inspection charge of $5 a reel on films and 50 cents on advertising.

Begin Restrictions On Quebec Showings

MONTREAL, Feb. 22.—Following two recent accidents in the Province of Quebec in connection with the presentation of films in structures other than recognized theatres, Eugene

(Continued on page 3)

MOTION PICTURE DAILY

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Purely Personal

WILLIAM KUPPER today leaves for Chicago for a two-day visit, following which he will go to Seattle, Portland, Los Angeles, San Francisco, Salt Lake City, Denver, Omaha, Des Moines, Kansas City, Oklahoma City, Dallas, St. Louis, Memphis, New Orleans, Atlanta and Charlotte in the order given.

•

CHARLES LAUGHTON, his work in 20th Century's "Les Miserables" finished, will get into town from the coast today just in time to catch the *Champlain* for England, where he is to make a picture for London Films.

Quip of the Day

Fred Meyers, noticing a Motion Picture Daily item stating that RKO bankers were buying Paramount bonds, called the story to Major I. E. Lambert's attention, which brought the following reply from Lambert:

"I didn't think the RKO bankers had anything left."

E. C. GRAINGER, who was in Pittsburgh yesterday, is due in Indianapolis today. On Monday he will be in Cincinnati and from there he will go to Cleveland and Buffalo.

•

EDDIE GOLDEN, general sales manager of Monogram, was in Philadelphia yesterday on business. He's going on to Chicago and Cleveland next week.

•

LILLIAN SILVER, secretary of the local grievance board, called it a double holiday yesterday. Her birthday happens to fall on the same day as GEORGE WASHINGTON'S.

MANNY SILVERSTONE, local representative of London Films, leaves for Washington over the week-end to attend the opening of "The Scarlet Pimpernel" there.

•

NELSON EDDY will arrive here Monday. He is on his way to attend the opening of "Naughty Marietta" at New Orleans on March 2.

•

EARLE W. HAMMONS, JACK SKIRBALL and HARVEY DAY leave today for the M. P. T. O. A. New Orleans powwows.

•

J. J. MCCARTHY left yesterday for the coast, to be gone about four weeks on a combined business and vacation trip.

•

PAT CASEY, studio labor contact for producers, is figuring on staying here another week before heading west.

•

ARTHUR LOEW left for Hollywood by train Thursday, the first time in a long while he has taken the rail route.

•

HOWARD DIETZ returns from the coast Tuesday. WILLIAM FERGUSON gets back from Miami Monday.

•

CHARLES D. HILLES, Paramount trustee, is due back from a two weeks' rest in Florida on Monday.

•

GEORGE SCHAEFER is due in from Hollywood tomorrow and back at his desk Monday.

•

M. H. AYLESWORTH leaves Hollywood for New York today.

•

HAROLD FRANKLIN left for the coast yesterday.

Balcon Here to Get Talent for Gaumont

(*Continued from page 1*)

about a dozen scripts, for which he will cast the leads in Hollywood.

"Gaumont British knows it has a big market in England," he said upon his arrival, "and we are striving to increase our market in this country.

"It has been our plan right along to cast American players, but now we are going after them in a big way," Balcon stated.

While here, Balcon will discuss 1935-36 production with Arthur Lee and other executives, he said. The company plans a maximum of 24, 16 of which will be brought over for distribution here. In addition to the Gaumont British films, the American subsidiary will handle pictures made by outside producers.

Balcon will leave for the coast Thursday to look over Hollywood production in addition to signing talent. He said he is willing to make available Gaumont British talent for American companies. Arthur Lee may accompany him. Mark Ostrer is expected to arrive here some time in April.

Before Balcon returns abroad he is expected to be set on the complete new lineup of pictures and talent.

HOLLYWOOD, Feb. 22.—George Arliss leaves March 2 for New York en route to England where he will make a second Gaumont British picture. Michael Balcon, production head, is due here late next week to confer with Arliss before he leaves.

M-G-M Buys 'Maskerade'

LONDON, Feb. 22.—It is reported here that "Maskerade," the German picture now in its 18th month here, has been bought by M-G-M for $100,000. It is planned to remake the film in Hollywood with Helen Hayes as the star.

Willy Forst, who directed the picture, has also been signed to make one picture for Universal and he sails for New York shortly.

M-G-M home office executives Thursday reported they knew nothing of the purchase of "Maskerade" in London, but advanced the opinion the deal may have been closed on the coast.

Monogram in Cuban Deal

Norton V. Ritchey, president of Ritchey International Corp., foreign distributors for Monogram, has formed Monogram Film Co. of Cuba to handle that territory for the next three years.

To Try More N. O. Vaude

NEW ORLEANS, Feb. 22. — More midnight vaudeville shows following the regular film programs Sunday night are to be tried at the St. Charles. The first, held last Sunday night, drew a big crowd. The talent was from Station WWL.

Baer Film Cancelled

HOLLYWOOD, Feb. 22.—Max Baer will not do a picture for Paramount, it was reported here yesterday. The heavyweight champion came here from Florida recently to confer with studio officials on the production, which was tentatively titled "Kids on the Cuff," but the whole deal is said to be off. Baer is under contract for two more pictures, one with Columbia and one with M-G-M, according to statements he gave out last summer after winning the title.

Film Draws Attack

WASHINGTON, Feb. 22.—Protection of the President against exploitation for commercial purposes was sought yesterday by the Federal Trade Commission in the issuance of a formal complaint against Economic Films, Inc., New York, and Frank R. Wilson, president of the company.

Misleading and deceptive use of the likenesses of President Roosevelt in a film entitled "Forward America" and the accompanying oral comment is charged by the commission.

Frank R. Wilson, president of Economic Films, stated: "The President's likeness appears only for a brief flash at the end of the picture. The chain store lobby in Washington caused the Federal Trade Commission to issue the complaint order."

F. D.-British Deal About Ready: Baker

(*Continued from page 1*)

stated Thursday upon his arrival on the *Olympic*. William M. L. Fiske, 3rd, First Division vice-president, was with Baker.

The contract between the two companies was signed some time ago, but two details and arrangements for handling "The March of Time" will be settled here to make it "all embracing," according to Baker. A. B. F. D. is the distributing company handling British Talking Pictures in England.

Baker explained his trip as an annual visit to renew contracts. He said his company did not plan to produce in America, but that Basil Dean would come over in the fall to study American production angles. A. B. F. D. will make from 20 to 24 features for the 1934-35 season, Baker said. He will be in this country about four weeks and will go to the coast in about a week.

Fiske confirmed the reciprocal contract, adding that First Division may participate with B. T. P. in production abroad. This plan is being considered, he said. He has been away since Oct. 19. He visited London and Paris on business and St. Moritz for pleasure. Fiske stated that First Division has appointed Paul Graetz as Continental European head with headquarters in Paris. About 10 salesmen are handling the company's product in Europe. No other foreign offices are planned now, Fiske said. Distribution of "The March of Time" in Europe is being held in abeyance for the time being. He leaves for Hollywood in a week to confer on production.

First Div. Entertains

First Division entertained trade and daily press representatives at a cocktail party at the Waldorf-Astoria Hotel Thursday for William M. L. Fiske, 3rd, of First Division and Reginald Baker of Associated Talking Pictures, London.

Services for Kohn

Funeral services were held at the Universal Funeral Chapel at 2 P. M. yesterday for Morris Kohn, pioneer film executive who died in Nanuet, N. Y., on Wednesday. Burial was at Mt. Hope Cemetery in Westchester.

Honorary pallbearers were Nicholas M. Schenck, David Bernstein, Adolph Zukor, Elek J. Ludvigh, Reuben Samuels, Frank Mayer, Eugene Zukor, Harry Goetz, Carl Kaufman, Mel Shauer, Al Kaufman, Harry Goetz and Leopold Friedman.

Douglas Z. Doty Buried

LOS ANGELES, Feb. 22.—Funeral services were held today for Douglas Z. Doty, screen writer, who died Wednesday following a heart attack. He collaborated on the screen play of "Laughter," which won the Academy award as the best picture of 1931. Doty was once editor of *Century* and *Cosmopolitan*.

U. A. Meet Set in May

Tentative plans for the United Artists sales convention call for the meeting to take place in Hollywood the latter part of May.

Representatives of U. A.'s affiliated London companies will attend.

English Seek New Deal for Film Buying

(Continued from page 1)

standard contract approved by exhibitors.

Proposals to limit overbuilding.

"Sympathetic consideration" of these suggestions were promised by John Maxwell, president of the K.R.S.

Recently threats were made that the C.E.A. would ask legislation to protect its members against oppressive trading methods, which are alleged against American firms chiefly.

* * *

A recommendation from the licensing committee of the London County Council was to have come before the full council yesterday asking it to permit the exhibition of films on Sundays from 5:30 P.M. instead of 6 P.M.

Immediately the half hour concession was announced, the Lord's Day Observance Society sent telegrams of protest to all members of the council. It was announced subsequently at the council meeting that the recommendation would not be submitted. An opportunity is to be given to the L.D.O.S. to state its case to the licensing committee.

Begin Restrictions On Quebec Showings

(Continued from page 1)

Beaulac, chairman of the Quebec censor board, has begun enforcement of regulations covering non-theatrical shows.

Non-fireproof films cannot be shown in buildings or halls without proper exits. No show can be given in a structure which has not been approved by the inspector of industrial establishments and public buildings who will determine the number of persons to be admitted.

No steps have been taken to prohibit admission of juveniles to film shows in places other than theatres and exhibitors are disappointed. Children under 16 years of age have been barred from theatres for the past six years.

Putnam First Cohen Appointee to Resign

George Palmer Putnam is one of the first of Emanuel Cohen's appointees to follow him out of the company. Putnam was eastern head of the editorial board. He had been with the company for three years.

Cohen and Putnam first became associated a number of years ago when the former was head of Pathe News and the latter was connected with the publishing house which bore his father's name. He headed an expedition for which Pathe had exclusive rights.

"Pimpernel" at $72,680

"The Scarlet Pimpernel" hit $72,680 for the second week at the Music Hall, which is good money on a holdover. "Behold My Wife" at the Roxy garnered $32,000, netting the house a handsome profit.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Mississippi"

(Paramount)

HOLLYWOOD, Feb. 22.—Bing Crosby's crooning, W. C. Fields' comedy and Joan Bennett's beauty unite in name and talent array to make this production of showboat and plantation life colorful and interesting.

Booth Tarkington's basic story—twice before produced, once as "The Fighting Coward" and again as "Magnolia"—receives a new sight-and-sound treatment via Edward Sutherland's direction from Claude Binyon's and Herbert Fields' adaptation and Francis Martin's and Jack Cunningham's screen play.

The story opens with Bing, engaged to Gail Patrick, refusing to engage in a pistol duel with John Miljan over an imaginary slight to her honor. Miss Bennett, Gail's sister, approving Bing's ideals, falls for him as he departs to join Fields' showboat troupe. Publicized by Fields as the "singing killer," Bing in self-defense fights Fred Kohler, who accidentally shoots, killing himself. With an unearned reputation preceding him, Bing returns to his home, tells off Miljan and sweeps off with Joan.

Crosby in the best box-office manner sings the Rodgers-Hart songs, "Down by the River," "Soon," and "It's Easy to Remember, Hard to Forget," and his own applause-winning version of "Suwanee River."

Fields' comicalities kept a preview audience in stitches. Miss Bennett's charm radiates. Queenie Smith, Claude Gillingwater, Miss Patrick, Miljan and Kohler are cast in support, with colored cabin kids providing natural entertainment.

Arthur Hornblow produced for a maximum of eye and ear effects. Sutherland's direction registers.

Electric-light names, the title and the colorful locales give a fine exploitation foundation for showmen.

Production Code Seal No. 540. Running time, 80 minutes. "G."

"West Point of the Air"

(M-G-M)

HOLLYWOOD, Feb. 22.—Crammed with flag-waving, father love and stunt flying, this one is good hokum with thrilling moments and exploitation angles and should be box-office.

Wallace Beery, cast as a flying instructor sergeant, is not as hard-boiled as he was when growing up with aviation pioneers, but instead is the tender father of Robert Young, flying cadet, West Point football hero and suitor of Maureen O'Sullivan, daughter of Lewis Stone, flying school commander.

Young's football prowess brings him to the attention of Rosalind Russell, who follows him to a Texas flying field, interrupting his romance with Miss O'Sullivan. Young and Miss Russell in a parked car interfere with a cadet landing in a plane. The plane crashes and Young is sent in the air to restore his nerve, but he damages his landing gear while aloft. Beery goes up, jumps onto Young's plane and lands it for him.

On the ground father and son have an argument and Beery strikes the youth. Beery is dishonorably discharged for hitting a superior officer, Young. Eventually Beery shames Young into continuing his flying, forcing him to take part in air maneuvers. Beery crashes and is saved by Young and restored to the service, while the youth and Miss O'Sullivan reunite.

The photography, especially the aviation scenes and shots of plane maneuvers, is exceptional. The direction of Richard Rosson is nicely timed and production by Monta Bell suitable.

The supporting cast, headed by Russell Hardie, Robert Taylor and Frank Conroy, is ably handled, with James Gleason brightening the offering with good comic relief.

No production code seal. Running time, 105 minutes. "G."

"It Happened in New York"

(Universal)

HOLLYWOOD, Feb. 22.—This is one sure-fire laugh entertainment which only by a hair misses being a truly fine picture. The performances and direction are of high caliber, but the story, in spots, keeps the film from being in the knockout category.

The story revolves around taxi-driver Lyle Talbot and switchboard operator Heather Angel, who are engaged to be married. Things start happening when Gertrude Michael, a dynamic Hollywood star, reaches New York. Seeking new romance and freedom from her fans, Miss Michael ditches her manager, Hugh O'Connell, and through several

(Continued on page 4)

Fox Theatres, Schenck Share Fox Met Stock

(Continued from page 1)

pledged as security for the $12,460,700 of the company's bonds outstanding.

Under the new reorganization plan, reorganized Fox Met. would issue approximately $6,000,000 of secured debentures to the present bondholders for 50 per cent of their equity and approximately 250,000 shares of new stock for the other 50 per cent. The plan proposes that half of the new stock be sold by the bondholders to Schenck for approximately $600,000 cash and the other half to Fox Theatres for $300,000 cash and the release of Fox Met. from the $5,000,000 Fox Theatres' claim, which for the purposes of the plan is allowed in the amount of $300,000.

Thus, if the plan receives court and creditor approval, Fox Met. bondholders would receive immediate cash amounting to approximately 20 cents on the $1 and would retain an aggregate $6,000,000 equity in the new company. In addition, the bondholders will receive warrants for a pro rata share in the approximately $2,000,000 cash in the possession of the Fox Met. trustee, after deduction of administration and reorganization expenses.

Would Continue as Operators

Skouras and Randforce would continue as operators of the circuit under their present arrangements at least until May 1, 1936, the plan proposes.

It is expected that Weisman, as receiver for Fox Theatres, would also become an officer, probably a vice-president, of the new Fox Met. because of the stock interest Fox Theatres would hold in the new company. It is also considered probable that Fox Theatres eventually would liquidate its new Fox Met. stock holdings and proceed with its own liquidation or reorganization thereafter.

Weisman said Thursday that final conferences on the Fox Met. reorganization plan would probably be held today or immediately following Schenck's scheduled arrival from the coast yesterday. He said he planned to go to Judge Mack on Tuesday to complete arrangements for filing the plan with the court. He said that he had been asked whether A. C. Blumenthal or Loew's had any interest in the plan and had replied that they had not.

"I realized that a plan, to be acceptable to the court and to Fox Met. creditors, would have to provide for an experienced industry man to head the new company," Weisman said. "I believe that Joe Schenck's qualifications, together with his freedom from exhibition connections, make him an ideal choice."

Schenck Flies East

HOLLYWOOD, Feb. 22.—Joseph M. Schenck, accompanied by Nathan Burkan and Dennis O'Brien, left here last night by plane for New York.

"Talking" at M. P. Club

"The Whole Town's Talking" will be screened at the M. P. Club tomorrow night.

Expect More Than 500 at MPTOA Meet

(Continued from page 1)

tonight as a second section of the Crescent Limited. Indications are that approximately 200 convention-bound persons will be aboard this train. Additional groups will join this contingent at Washington, Charlotte and Atlanta.

Special trains will also leave Chicago and St. Louis today, for New Orleans, with arrangements for conventioneers from the Memphis territory joining either group having been made. Numerous others are expected from nearby southern cities and a representative contingent from the far west will be on hand.

Reservations at the Roosevelt, the New Orleans convention hotel, were exhausted several days ago, according to advices reaching here. Overflow crowds will be quartered in nearby hotels.

An impressive list of industry leaders will be in attendance at the convention and many of them will address the business sessions. Among the latter are Sidney R. Kent, president of Fox; Compliance Director Sol A. Rosenblatt; Frank C. Walker; M. E. Comerford, and Ed Kuykendall, M.P.T.O.A. president.

The convention sessions will not open officially until Tuesday, Monday being reserved for registration, social events and a closed meeting of the M.P.T.O.A. board of directors, at which the annual election of the organization's officers will be held. Business sessions will continue through Thursday with the annual banquet terminating the official program Thursday night. Social affairs of an impromptu nature are being arranged for Friday for the benefit of the many conventioneers who will remain over for New Orleans' Mardi Gras festival, which gets under way Friday night and continues throughout the following week.

Airport Fair Is Off

NEW ORLEANS, Feb. 22.—The film fair at Shushan airport during the M.P.T.O.A. convention has been shelved permanently owing to the lack of interest both of local and national exchanges. Last year, the G.S.T.O.A. staged a film fair along Film Row which was the talk of all who attended. There was open house at all exchanges, free liquid refreshments, hot dogs and street dancing. According to those in the know, the fair at the airport would have cost approximately $3,600. Only $1,000 was raised.

Stars Attend Opening

NEW ORLEANS, Feb. 22.—Jeanette MacDonald, Nelson Eddy and W. S. Van Dyke, who directed Miss MacDonald and Eddy in "Naughty Marietta," are en route here for a personal appearance with the opening of the picture during the M.P.T.O.A. convention.

McLeod Won't Run

NEW ORLEANS, Feb. 22.—Harry S. McLeod, president of the G.S.T.O.A., declared he will not be a candidate for re-election when his unit meets here next week in conjunction with the national M.P.T.O.A. convention.

He also denied his association will affiliate with the Kuykendall group.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 3)

rib-tickling situations falls in with Talbot. O'Connell tries to keep Miss Michael happy by arranging for Talbot to escort her to the premiere of her picture because she thinks he's swell. Miss Angel tries to halt the affair and gets roped by O'Connell into attending the opening with a fake prince, Rafael Storm. The party gets hectic at the premiere and Talbot slaps the prince on the schnozzola with resulting turmoil. Miss Michael sails for Europe with a broken heart and Miss Angel and Talbot mend theirs.

Talbot, Miss Angel, Miss Michael and O'Connell give fine performances. Director Alan Crosland handles the situations deftly. The showmanship of producer Edmund Grainger is pronounced throughout the production. Seton I. Miller and Rian James penned the entertaining screen play from an original by Ward Morehouse and Jean Dalrymple. George Robinson's photography is better than average.

The picture, having mass entertainment appeal, should do good business in any locale.

Production Code Seal No. 608. Running time, 75 minutes. "G."

Maxwell, Ostrer in New Circuit Move

(Continued from page 1)

worked out recently after a study by the directors.

Charles Gulliver presided and a committee was named to study both plans and report to a meeting of all preference shareholders Wednesday.

Circuit buying is under way at present. G.B. has acquired a large holding in Union Cinema Co., Ltd. Arthur Jarratt, booking head for G.B., has joined the board and will do the booking. Thirty new houses are planned.

Associated has bought Dawe Bros., Ltd., and Beard's four London halls and Astoria's Brighton and Margate, and is bidding for two other big circuits.

Gaumont British has also bought an interest in Hyams' eight H. & G. theatres. Jarratt has also been placed on the board of this circuit and will do the booking. Reports are that this circuit and Gaumont and H. & G. will jointly build the 4,700-seat Kilburn at a cost of £350,000.

St. Louis Operator Files a Para. Suit

ST. LOUIS, Feb. 22.—The Abraham Lincoln Amusement Co., operator of a negro theatre here, has filed an anti-trust suit against Paramount claiming $20,250 damages on the ground that it was denied first run pictures after entering into a contract for them on Oct. 1. Triple damages are sought.

The contract was never fulfilled, the concern alleges, and it was forced to close as a result.

U. S. Probe in Ohio Is Reported Begun

CLEVELAND, Feb. 22.—It is understood here that a Federal investigation is being conducted into the effects of block booking and the operation of affiliated circuits.

Wall Street

Warners Pfd. Gains 1 on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	39⅛	38¼	38¼	— ¾
Consolidated Film pfd. (½v)	20	19¾	19¾	+ ⅛
Eastman (5)	121½	120¾	121½	+ ⅜
Eastman pfd (6)	147	147	147	.....
Fox Film "A"	10⅞	10⅜	10⅞	+ ⅛
Loew's, Inc.	36	33¾	35⅜	+ ⅞
Loew's, Inc., pfd (6½)	104⅛	104	104	— ¼
Paramount Publix	3¾	3½	3½	— ⅛
Pathe Exchange	1	1	1	.....
Pathe "A"	15¼	14⅞	15	.....
RKO	1¾	1⅝	1⅝	— ¼
Warner Bros.	3¾	3½	3½	.....
Warner Bros. pfd	21	21	21	+1

Technicolor Up 1 on Curb

	High	Low	Close	Net Change
Technicolor	17	15¾	17	+1
Trans-Lux (.10k)	3	3	3	.....

Warner Bonds Rise ¼

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7¼	7⅛	7⅛	+ ⅛
General Theatre Equip. 6s '40 ctf	7¼	7¼	7¼	— ¼
Loew's 6s '41 ww deb rights	104½	104¼	104½	+ ⅜
Paramount B'way 5½s '51	48	48	48	— ¾
Paramount F. L. 6s '47	69½	69½	69½	— ½
Paramount Publix 5½s '50	69⅞	69½	69½	.....
RKO 6s '41 pp	31	31	31	—1
Warner Bros. 6s '39 wd	55⅝	55	55¼	+ ¼

(a) Plus cash extras. (c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 21)

Jersey Dog Racing Bill a Film Worry

(Continued from page 1)

ruling by locating the dog tracks on municipal property as a revenue-raising measure. The bill would permit pari-mutuel betting and impose an unemployment relief tax of 3½ per cent on the total wagered. The admission tax would be 10 cents.

The bill was assigned to the miscellaneous business committee, closely controlled by the House Speaker, Rev. Dr. Lester H. Clee of Essex. Dr. Clee has been informed of the scandal in the state last year over the operation of four dog tracks, in which more than $9,000,000 was wagered within three months

Impartial Men Are Suggested For Chairmen

(Continued from page 1)

impartial men responding to questionnaires sent out had recommended that they be made chairmen with the other members of boards. By appointment of outsiders as chairmen it is felt that the fear of partiality from the chair will be removed.

Unanimously approved at Thursday's session was a recommendation that members of clearance boards be prevented from sitting on individual appeals in which their companies are involved. This, however, does not apply to hearings on schedules. Grievance boards have been conducted along these lines since their inception.

The Los Angeles schedule was adopted in toto with modifications. This is the schedule approved at a meeting of the local board last week. With the exception of Pasadena and Long Beach, the plan must go into effect not later than March 31.

A communication received from the re-registration committee for extras arrived too late for Campi action. It provides for a registration of 1,004 extras with the privilege of increasing this number 50 per cent during the year. Action will be taken Thursday.

Harold S. Bareford was chairman. Others attending included Deputy Administrator William P. Farnsworth, Charles L. O'Reilly, Nathan Yamins, Gordon C. Youngman, Felix A. Jenkins, Sidney Justin, Felix Feist, E. T. Gomersall and Arthur H. Lockwood. Jenkins left by airplane for Chicago after the session.

Hearing Tallies 9 Hours, 92 Protests

(Continued from page 1)

eight of which were overruled and seven sustained. According to MOTION PICTURE DAILY's tally, the case has nine hours behind it with 47 objections by Louis Nizer, representing RKO, and 45 by Klupt. The Century attorney had only 32 up to Wednesday night, but increased his score considerably Thursday morning.

Laurence Bolognino, a member of the board, had planned to leave for Florida over the week-end, but with the adjournment has canceled the trip and now hopes to sail for Europe in April for a vacation. Murray is spending the holiday week-end in Atlantic City recuperating from the strain of the two-day questioning.

Dividend of Loew's Up to 50c Quarter

(Continued from page 1)

1933, and has supplemented these dividends with an extra of 75 cents paid at the close of last year.

Prior to the first quarter of 1933 the company had been on a $3 annual dividend basis on the common stock from the second quarter of 1930.

Mastbaum Closes Mar. 2

PHILADELPHIA, Feb. 22.—Samuel L. (Roxy) Rothafel will announce definitely today that the Mastbaum would be closed March 2.

M. P. T. O. A. COHORTS ASSEMBLED

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37, NO. 46 NEW YORK, MONDAY, FEBRUARY 25, 1935 TEN CENTS

"WE WANT CODE CHANGES", IS CONVENTION KEYNOTE

Kuykendall's Regime Will Be Continued

He and Present Slate To Be Re-elected

NEW ORLEANS, Feb. 24.—Re-election for another year of Ed Kuykendall as M.P.T.O.A. president, as well as the entire slate of incumbent officers of the organization, is regarded as a certainty at the annual meeting of the M.P.T.O.A. board Monday.

A new secretary will be reelected to fill the vacancy caused by the resignation of Fred S. Meyer, who became an assistant to Carl Laemmle during the past year. Morris Lowenstein of Oklahoma City and Charles W. Picquet of Pinehurst, N. C., are regarded as likely candidates for the post.

In addition to Kuykendall, officers slated for re-election include Walter Vincent, New York, treasurer; M. E. Comerford, Scranton; M. A. Lightman, Memphis; A. Julian Brylawski, Washington; B. N. Berinstein, Los Angeles, and W. S. Butterfield, Detroit, as vice-presidents; Edward G. Levy, New Haven, general counsel,

(*Continued on page 2*)

Looks Like S. R. O. This Week in N. O.

NEW ORLEANS, Feb. 24.—The dual bill, composed of the M.P.T.O.A. convention and the Mardi Gras which trails it, is jamming the city.

H. R. Chase, general manager of the Association of Commerce, has issued an appeal to families with spare rooms to offer them to visitors to the Mardi Gras. "The hotels, large and small, will accommodate about 25,000 in a pinch," says Chase. "On inquiry we learned that all had been booked to the limit. We also learned that even the hospitals which rent extra rooms on such occasions have been booked to the limit. Only

(*Continued on page 2*)

Dangle Block Booking Angle To Force Cancellations Up

Meet the President



Ed Kuykendall, current incumbent, but also slated for re-election in New Orleans today as president of the M.P.T.O.A.

By RED KANN

ABOARD M.P.T.O.A. SPECIAL, ATLANTA, Feb. 24.—It looks like a party. A big party. A handful of hours after this special, running as a second section of the Crescent Limited into the New Orleans playground, left New York Saturday night clinched the argument, if there was any, which there was not.

Socially, it looks like a big handful of days. Business-like, the convention looks interesting with results entirely in futures.

Bulletins out of New Orleans indicate the stagecraft has gone into overtime. The code, good old code, will provide whatever fireworks develop. Once again, the ancient battle between those none too friendly enemies, the producer and the exhibitor, is about to be touched off, this time almost entirely through the code and what it does not provide.

Says the M.P.T.O.A. in effect even if not in this language:

"We know what the code has done. It's over a year since it became the law. What we are interested in now is in pointing up what the code has not done. We admit the document was

(*Continued on page 2*)

They'll Be at New Orleans And Here's What They Want

MOTION PICTURE DAILY *wired its nation-wide corps of correspondents to find out who'll attend the M.P.T.O.A. convention in New Orleans and what grievances they've packed into their bags for airing on the floor. What follows are the results of that check-up:*

Benton from Upstate

ALBANY, Feb. 24.—William Benton, operator of the Congress, Saratoga Springs, is expected to attend the M.P.T.O.A. convention. No others contemplate the trip so far as can be learned. The M.P.T.O.A. has no affiliated unit in this section.

Eight from Southeast

ATLANTA, Feb. 24.—R. B. Wilby of Valatenga Theatres, Lionel H. Keene of Loew's, Inc., W. K. Jenkins of the Lucas and Jenkins circuit, Sam Moscow, southern district manager for Columbia, and H. O. Duke

(*Continued on page 14*)

Cancellations Up, Designated Dates Out, Are Aims

By J. W. LEIGH

NEW ORLEANS, Feb. 24.—The M.P.T.O.A. will strike for significant changes in the code at its 15th annual convention which gets under way Monday at the Roosevelt.

It will strike out for an uppage in the cancellation clause from its present 10 per cent to 20 per cent, but emerge satisfied from convention hurly-burly at the end of the week with a split at 15 per cent if it can get that.

It will strike out for elimination of designated playdates on the ground that the practice indulged in today by all major distributors is not only an encroachment on the freedom of theatre operation, but a

Turn to page 28 for the day-by-day program of the convention.

means of keeping alive public exhibition of objectionable pictures through insistence on Sunday playdates when family patronage is strongest.

Objection will be registered to the present status of the copyright laws which impose a $250 fine upon violators, whether conscious or otherwise, and without benefit of hearing.

A formula will be sought to effect clearance on a broad scale throughout the country, but based on admissions only. Probable is the development of a plan to bring about this objective through proposals in code revision, although details tonight are being jealously guarded.

Much attention will be paid to ways and means of increasing grosses by squeezing to its maximum dryness that which exhibitors get in product rather than continue to waste time by ranting against producers for failure to deliver

(*Continued on page 14*)

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Dangle Block Booking Angle To Force Cancellations Up

(*Continued from page* 1)

written without precedent. We also admit it was finally drawn and approved minus a lot of things we wanted and couldn't get. Now we want them."

What are those things? For one, there is the situation on cancellations. Plenty to do about, and with, that problem, insists the M.P.T.O.A. The 10 per cent provision, hamstrung with catches and tied up prettily in knots of various kinds isn't nearly enough of a concession. The M.P.T.O.A. argued for 20 per cent during those murderous code formulation days in Washington and walked off with something which it maintains simply will not do.

It wants:

(1) Clarification of the atmosphere on the 10 per cent arrangement. Simplification also to the end that exhibitors get what the code says they are to get without question, hindrance or sidetracking.

(2) A hike to 20 per cent, or, like all deals in the film business, a compromise at 15. The M.P.T.O.A. will be content with the half-way mark.

How It Hooks Up

All of this ties in with block booking. And block booking ties in with the activities of sundry individuals in that selfsame Washington this jaunty crowd passed through, but not out, in the small hours of Sunday morning. The exhibitor organization's attitude is that block booking will shrink to a considerably less vital issue if cancellations expand into a more sizeable one. It will argue, this observer is reporting in advance, that the way to stifle much of this anti-block booking threat is to give exhibitors more latitude in pencilling out product they either do not want or that which they consider unsuitable for their audiences.

The M.P.T.O.A. is apt, very apt, to go strategic and inform distributors at large that, unless something is done about cancellations, the organization will either get actively behind some of the legislative stumping in Washington or aid the death-to-block-booking contingent by remaining passive. That, it is insisted, will be bad stuff either way.

Open support against sales in blocks through the usual pressure on Congressmen is likely to sharpen the issue into something more tangible, their argument goes. Passive resistance aiding the protagonists, they continue, easily might hasten the same results. Therefore, New Orleans may see a political deal brewing with cancellations the spoils.

Oppose Blocks, But—

M.P.T.O.A. men make it clear that they have no desire to sponsor block booking legislation actively or otherwise. Chiefly, their reason for preferring to continue anti is their fear that any elimination or curtailment of the practice will revive the now famous, but gone, "right to buy" theory and result in a higher cost per picture because of the terrific competition such an open market condition would bring about. Whether they mean it or not, whether they are cluttering the trail with the well-known brand of red herrings is a question, open kind, but this is their story. If anyone is stuck with it, don't wire this byline.

If past history may be accepted as a criterion, distributors will fight the move. The same situation will hold true where the M.P.T.O.A. and its 1935 slant on designated playdates are concerned. The organization is primed for a tussle on that score as a sort of handmaiden to its war whoop on eliminations. Exhibitor leaders aboard, as well as those already on the convention scene, assert the designated playdate system is raising havoc with their business.

They maintain the practice hits at their individual liberty as theatre operators; that the distributor has no right to insist upon preferred playing time; that enforced dates on big halves of the week, including Sundays, are keeping alive objectionable pictures in that the exhibitor is deprived of selection of attractions to grace his house on Saturday and Sunday when papa, mama and the kids attend.

Eyes Look on Ohio

On this issue, much interest has been evidenced in the Waldvogel bill. This is the measure inspired by the Independent Theatre Owners of Ohio and already voted favorably in the upper house of that commonwealth. Prominent church organizations throughout Ohio are swinging their influence to bear on its ultimate enactment.

Of considerable potential interest is that portion of the impending convention which will spend the day discussing theatre problems, poising merchandising riddles, airing methods of approximating maximum from available raw material.

The theory behind this is simple, yet arresting. It takes into account what is described as the futility of raising hell with producers for quality pictures they fail to deliver, while, at the same time, little or nothing is done about delivered product. This is why speakers will include successful theatremen of the Balaban and Wilby type who, having once recognized what they are given to sell to the public, proceed to sell it even while they may silently rave over the failings of Hollywood.

Hold Star Value Slant

It works something like this:

The last so-and-so may not have been so good. Too bad, but inescapable is the point that, since the exhibitor has already bought it, he ought to do something about selling the film instead of gnashing his teeth.

Higher uppers in the M.P.T.O.A. ranks have computed—generously, this outpost thinks—that of the total picture output per annum the peak load in big attractions rests at 25. They also figure that in numbers of outstanding box-office stars, the total ends unsatisfactorily at six or eight. They continue:

"What happens? The average exhibitor makes gods and goddesses of them. The excitement naturally reflects itself in Hollywood and studio salaries continue to soar steadily toward the heavens. Ditto on rentals.

"But exhibitors have to show the other product as well. If they did something about it, if they operated as the showmen they are supposed to be would, and should, it is easily conceivable that other stars might be made, thereby increasing the number of drawing cards at the till and making the general exhibition problem easier. The trouble is too many operators of theatres sit down and wait for their grosses to pile up with no assistance drawn from the fount of their own experience."

Hollywood will go into ecstasies over this.

The argumcnt sounds, and is, interesting. There are many exhibitors, so called, who have been doing alright for years through sheer indifference which sometimes is another name for luck.

If the conventioneers can get away from Antoine's, Sazeracs and Ramos gin fizzes long enough to listen and, what's more, do something about it, this phase of the about-to-start parley easily may emerge as the highlight of the session.

Contagion Spreads; 'U' Holding One, Too

NEW ORLEANS, Feb. 24.—James R. Grainger, general sales manager of Universal, is here from Atlanta and New York to look in on the exhibitor convention and to hold a sales parley of his own with several of the Universal district managers assembled for the purpose.

W. J. Heineman, western district; Henry Herbel, headquartering in Chicago; John Ezell, headquartering in Atlanta, and Harry Graham, headquartering in Kansas City, are here.

Grainger will return to New York in a few days and in about four weeks again go to the coast, this time to prepare "U's" line-up for 1935-36.

Looks Like S. R. O. This Week in N. O.

(*Continued from page* 1)

Saturday morning we received telegrams and telephone calls from travel agencies and persons in places as far away as Cincinnati asking for accommodations. Unless the people of New Orleans as a civic duty make available their rooms it will be impossible to accommodate the visitors."

Counting the number who will spend Mardi Gras Day in New Orleans, Chase believes the crowd will total at least 200,000.

Gillham to Sit In

NEW ORLEANS, Feb. 24.—Robert M. Gillham, director of advertising and publicity of Paramount, is here for the convention, following 10 days of fishing in Florida.

Success Note

New Orleans, Feb. 24.—The M.P.T.O.A. convention combines with Mardi Gras to give the hotels here their heaviest registration in years. The Roosevelt has been sold out for several weeks past, according to Pat O'Shaugnessy, manager, who said every room in the hotel has been booked solid for Carnival Week.

Tommy Burns of the Jung says all the rooms there are filled and will remain so until after carnival time. John O'Leary of the St. Charles and Tony Spatofora of the Monteleone likewise report capacity.

Kuykendall's Regime Will Be Continued

(*Continued from page* 1)

and Fred Wehrenberg, St. Louis, chairman of the board.

A new board of trustees and executive committee is also slated for election at the directors' meeting. Sam Dembow, Jr., resigned as a trustee when he left Paramount to become associated with National Screen Service during the past year, leaving a vacancy to be filled. Other trustees include Kuykendall; Joseph Bernhard of Warners; Comerford; Picquet; E. A. Schiller of Loew's; L. E. Thompson of RKO, and Vincent. Several replacements for this board are anticipated.

Meyer was a member of the executive committee and it is believed that his successor as secretary will also be elected to the committee Monday. Several other changes in the executive committee are also anticipated. Members now include Kuykendall, O. C. Lam, Sidney Lust, J. H. Michael, Jack Miller and Thompson.

Members of the board of directors are elected regionally by the affiliated units. No election of directors is scheduled at this time.

PARAMOUNT

PRESENTS A

PREVUE OF "MISSISSIPPI"

starring

BING CROSBY
W. C. FIELDS
JOAN BENNETT

with

Queenie Smith, John Miljan, Gail Patrick

Fred Kohler, Claude Gillingwater

A Paramount Picture • From the play by Booth Tarkington • Directed by Edward Sutherland



ACTION . . . MUSIC . . . LAUGHTER . . . D



THE GLAMOUR OF THE OLD SOUTH!—Bing Crosby playing the gallant to his lovely Dixie bride, Gail Patrick, amidst the romantic glamour of the Old South.



IN A JAM!—The old Man of the River, W. C. Fields, is jammed in between the doorway and Queenie Smith after an altercation in which the commodore comes out second best.



THE SINGING KILLER!—Bing Crosby sings love songs to lovely ladies, fights for honor and wins the prettiest gal in Dixie!



STYMIED HAM!—The steely glitter in Dead Shot Cap'n Blackie's (Fred Kohler) eyes interrupts the trajectory of some "ham-and" from the plate to the commodious mouth of the four-flushing river showman!

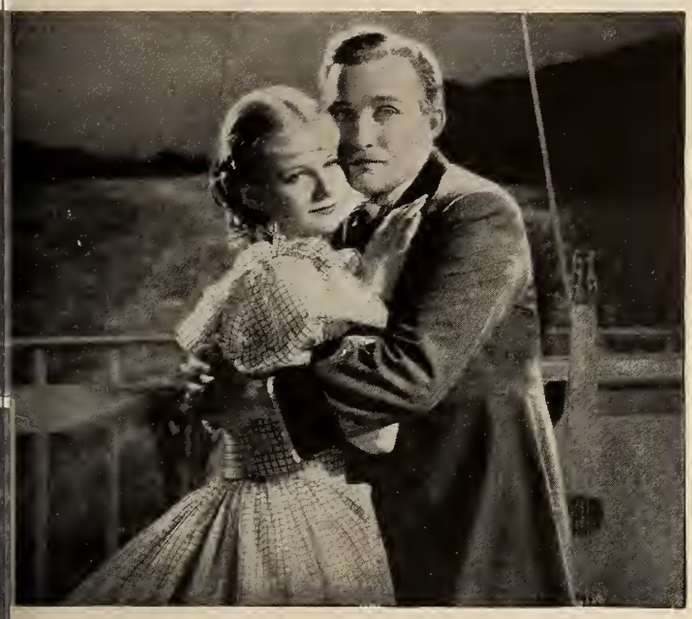


THE BATTLE OF THE CENTURY!—The Singing Killer in a struggle to the death with Dead Shot Cap'n Blackie, Unchained Alligator of the Dismal Swamp!



HERE THEY ARE . . . the Glittering Galaxy of Stars from the Greates Jackson HIMSELF . . . Alabam, Dancing Dynamite of the Bayous . . . Fi of Novelty Melodies . . . A ship of Song, Laughter, Rhythm and Romanc

ANCING . . . EXCITEMENT . . . ROMANCE!



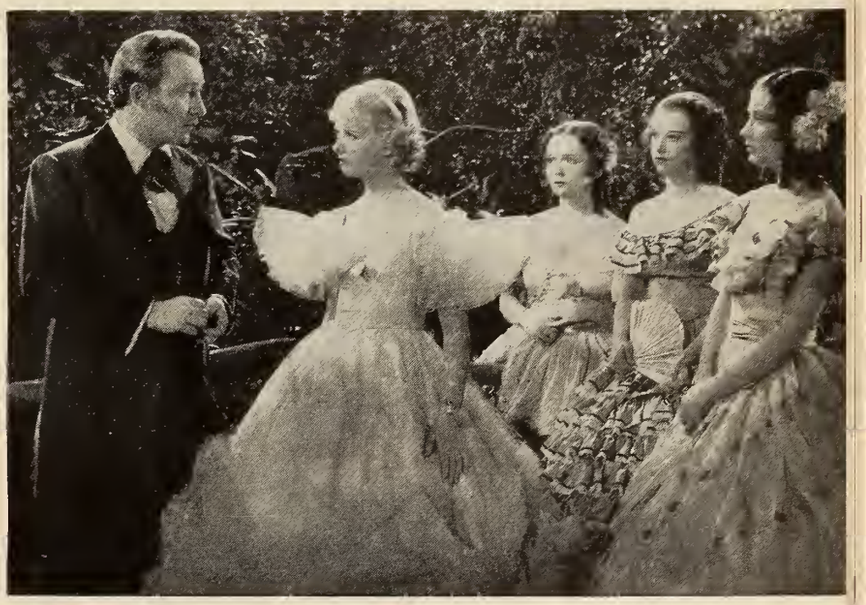
HAPPY ENDING!—With a happy song on their lips, Bing Crosby and Joan Bennett steam away with the Show Boat troupe down the broad highway of the Mississippi.



ANYWAY, IT'S LOUD!—The Champion Calliope Player of the Seven Seas hits a close one with the Notorious Colonel Steele, the Singing Killer.



RS ON THE LOOSE!—A tense moment when a friendly card nnat started with chips and glasses ends with pistols and knives!



NOT SO BAD!—Lovely Joan Bennett gets quite a shock when she learns that the notorious river desperado, The Singing Killer, is none other than her romantic troubador, Bing Crosby.



ow Afloat . . . Commodore
abin Kids, Dusky Singers



THE OLD ARMY GAME!—What with bedlam rampant on the Show Boat and killers on the loose, the Skipper can't be bothered playing around in a woman's arms!



A SONG OF LOVE!—Bing Crosby sings his way into the heart of Joan Bennett, the loveliest lass in the Mint Julep Belt.

NATION-WIDE MERCHANDISING CAMPAIGNS TO PLUG PARAMOUNT'S "MISSISSIPPI"

National Newspaper Ads

Key centers throughout the country will be supported by a national newspaper campaign that will sell "Mississippi" as the most important entertainment event in the history of the community!



Music

Rodgers and Hart Hit Songs...Nation-wide window tie-ups...radio plugs ...ballroom tie-ups...Decca and Brunswick record tie-ups...music exploitation that will blanket the country!



Exploitation

Giant National Exploitation Tie-Ups . . . Armour, Old Gold, Woolworth, Kresge, Woodbury . . . Full page ads in Saturday Evening Post and American Weekly . . . newspaper ads, display cards, heralds, window tie-ups, still give-aways . . . Exploitation of a nation-wide scope!



MY GRATITUDE TO PARAMOUNT FOR PUTTING AT MY DISPOSAL THE SUPERB TALENT AND GREAT ORGANIZATION WHICH PERMITTED ME TO PRODUCE MISSISSIPPI

Arthur Hornblow, Jr.

FROM BEHIND THE CAMERAS OF

PARAMOUNT'S

"MISSISSIPPI"

(ARTHUR HORNBLOW, JR.—ASSOCIATE PRODUCER)

AND

"THE GREAT ZIEGFELD"

(WILLIAM ANTHONY McGUIRE'S PRODUCTION FOR UNIVERSAL)

DIRECTOR

A. EDWARD SUTHERLAND

SENDS HAPPY BOX-OFFICE GREETINGS TO THE SHOWMEN OF AMERICA

!



"Greetings Showmen of America–

I sincerely hope *Mississippi* clicks for you. Thanks Paramount and fellow workers. 'Twas a pleasure."

Bing Crosby

To Showmen Everywhere



"Lucy" sends you all her very best wishes from the Showboat of Paramount's "Mississippi"

Joan Bennett

Cancellation Shift Is Up to Campi

Convention's Action Needs Gov't Stamp

NEW ORLEANS, Feb. 24.—Recommendations for doubling the present 10 per cent cancellation provision in the code, slated for the M.P.T.O.A. convention, will have to be made to Campi. If it approves, any amendment will have to go to Washington for Compliance Director Sol A. Rosenblatt's sanction.

Efforts by exhibitors for 15, 20 and 25 per cent elimination privileges in contracts date back to the early stages of the formation of the code when coordinating committees were named to pacify opposing elements. On Aug. 2, 1933, after members of the industry had worked on a tentative draft of the code for months, the first sign of concellations came to light. Exhibitors wanted a straight 15 per cent elimination. Distributors wanted to adhere to the uniform contract provision and sought to maintain that clause in the code. It provides for the first five per cent with full payment, the second five at half price and the third five without payment.

With exhibitors holding out for a flat 15 per cent and distributor group tenaciously insisting on the contract clause, the issue ultimately was left to Rosenblatt for decision. In the master exhibitor draft sent to Washington, the 5-5-5 arrangement, arrived at after 20 or more months of active and desultory conferring by committees representing M.P.T.O.A., Allied and distributors, was included, but in the list of 28 exceptions submitted with the draft by Charles L. O'Reilly, exhibitor coordinator, the elimination provision was included.

Has Ancient History

On Sept. 21, 1933, MOTION PICTURE DAILY stated that Allied was seeking a 20 per cent cancellation. S. R. Kent, distributor coordinator, in commenting on the subject, said at the time:

"If the exhibitor is given the right to cancel out pictures as he may elect how can the studios tell what pictures to make or not to make? Our negative costs, as a consequence, will maintain their present high level; we will be compelled to make all of the pictures we set out to make at the start of the season and stagger along on the chance some of them will be canceled, and by not being canceled, return what we have spent."

On Oct. 4, 1933, the first revised draft of the exhibitor code by Rosenblatt included the 15 per cent elimination without payment. Five days later this clause was changed by reducing the percentage by five. The reduction followed conferences between Rosenblatt, then administrator, and distributor heads.

The third revision of the exhibitor draft followed on Oct. 19 when the clause was changed to read that cancellations can only be made on groups of 10, or, in other words, one of every 10 pictures bought may be canceled without payment.

On Oct. 28, United Artists had not yet signed the code and, while it was stated at the time that its reason was because it opposed the anti-raiding clause in the production code draft, it was believed that the cancellation privilege also was an annoyance because of the company individual selling policy.

Two days later, distributors went on record as willing to abide by contracts already signed providing for 15 per cent cancellation. This again was under the original 5-5-5 arrangement, but on Dec. 4, MOTION PICTURE DAILY learned that the 10 per cent provision would be granted exhibitors who signed on the old cancellation basis. Allied directors, meeting secretly in New York on Jan. 24, 1934, discussed cancellations but would not comment on their stand. It is believed that they still maintained their 20 per cent demand made on Sept. 21, the year before.

Around Feb. 10, Campi members had an inning on the retroactive phases of cancellation. Rosenblatt held it was effective as of Dec. 7, when the code went into operation. Code Authority members thought differently and asked NRA legal department to decide the issue. On Feb. 16, John C. Flinn released the legal department order upholding the administrator. Not satisfied with the ruling by the NRA, M-G-M, Paramount, RKO, Fox and Warners on March 1 were reported ready to test the retroactive date in court. On March 10, the five companies changed their attitude and acquiesced. March 30 found Campi sending out letters to all local boards advising secretaries to list for hearings complaints on cancellations.

Apparently still dissatisfied with the number of requests for eliminations, distributors were holding out at the end of March when Rosenblatt, at a Campi session, insisted on a showdown. By a vote of eight to two, Warners and Paramount dissenting, the members accepted the cancellation privilege. To top this, the NRA on March 31 ruled that even non-assentors could benefit by the 10 per cent provision. On April 12, Code Authority instructed all branch managers to immediately abide by the elimination clause in the code.

At the M.P.T.O.A. convention last year, a move was made for hiking the elimination figure to 15 per cent. That was on April 14 in Los Angeles. When Campi was queried on April 17 on the M.P.T.O.A. resolution, no official request was on record other than that which was reported in trade papers. On May 10, the M.P.T.O. of Nebraska went on record for 15 per cent cancellations, but no further action was taken.

On May 28, Campi reported 215 non-assentors had taken advantage of the power to cancel without payment.

The first sign of difficulties with U. A. over the 10 per cent provision came to the attention of code members when, on May 29, William E. Troug, branch head for the company in Kansas City, notified Grace Gannon, local code secretary, that the company was not subject to the clause. Supporting this statement was Al Lichtman, who in Chicago on June 4 on a two-day company convention, stated "it was part of our understanding when we signed the code and also our agreement with Sol A. Rosenblatt we were not subject to the clause."

U. A. Was Storm Center

Fred Meyn of the Pershing, Kansas City, said he would file a test case against United Artists. This was the first of three against the company. The Egyptian, De Kalb, Ill., was the second. This theatre filed a complaint on June 11, a week after Meyn. The third instance developed without special significance when, on Aug. 9 last year, H. R. Evans of the Albion, Albion, Ind., was given a Campi verdict against U. A. Evans declared he had bought 26 pictures, or all offered by the company, and was turned down on a one-picture cancellation. Code authority held that the exhibitor was within his rights, having bought all the product offered. U. A. contended the contracts were on an individual basis and that Campi could not eliminate 10 per cent of one picture. During the month of August, U. A., through its attorneys, O'Brien, Driscoll & Raftery, threatened legal action. On Sept. 7, this plan was dropped, the company stating that it would abide by its provisions.

On Oct. 23 the question of substituting pictures for cancellations came up, distributors contending they had the right to take a picture from the lower bracket in any contract and charge an exhibitor the amount of the film canceled in the higher bracket. On Dec. 26, Ed Kuykendall, in a bulletin to M.P.T.O.A. members recommending an overhauling of the code, stated the code cancellation privilege was inadequate. He also said that the topic would be one for convention discussion in New Orleans.

No further complaints against U. A.'s refusal to grant eliminations have been registered with either local boards or Campi. Apparently disappointed in its efforts to get increased cancellations, Allied at its board of directors meeting in Washington recently did not dip into the subject, but slammed the code at large.

Cancellation Clause Facing Fire on Convention Floor

New Orleans, Feb. 24.—The cancellation clause against which the M.P.T.O.A. will lay down a heavy barrage appears in the code under Article V (Unfair Practices), Subdivision F, Part 6.

This is the text on which the exhibitor convention will seek amendment to increase the 10 *per cent bracket to* 20 *per cent:*

Part 6. If in any license agreement for the exhibition of feature motion pictures the Exhibitor has contracted to exhibit all of the motion pictures offered at one time by the Distributor to the Exhibitor and the license fees of all thereof average not more than $250.00, the Exhibitor shall have the privilege to exclude from such license agreement not to exceed ten percent (10%) of the total number of the motion pictures so licensed; provided the Exhibitor

(1) is not in default under such license agreement, and

(2) shall have complied with all of the provisions thereof, if any, for the exhibition of such motion pictures at specified intervals.

(b) Such privilege of exclusion may be exercised only upon the following terms and conditions:

(1) The Exhibitor shall give to the Distributor written notice of each motion picture to he excluded within fourteen (14) days after the general release date thereof in the exchange territory out of which the Exhibitor is served.

(2) The Exhibitor may exclude without payment therefor one (1) motion picture out of each group of ten (10) of the number of feature motion pictures specified in the license agreement provided he has paid for the other nine (9) of such group.

(3) If such privilege of exclusion is not exercised as provided in paragraph (h) (2) above, the Exhibitor may nevertheless exercise such privilege by paying the license fee of each motion picture excluded with the notice of its exclusion. In such case, such payment shall he credited against such tenth or succeeding tenth motion picture, as the case may he, which the Exhibitor would otherwise be privileged to exclude as provided in paragraph (h) (2) above.

If the only or last group licensed is less than ten (10) and more than five (5) motion pictures, the privilege to exclude shall apply provided the Exhibitor has paid for all motion pictures but one in such group.

(c) Upon the failure or refusal of the Exhibitor to comply with any term or condition of such license agreement, or to comply with any arbitration award in respect thereto, the privilege of exclusion forthwith shall be revoked and the Exhibitor shall be liable for and pay to the Distributor the license fees of all motion pictures theretofore excluded.

(d) If the license fee of any feature motion picture specified in the license agreement is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, such license fee (for the purpose of computing the average license fee of all the motion pictures licensed) shall be determined as follows:

(1) Average the license fees of all of the Distributor's feature motion pictures exhibited upon a percentage basis at the Exhibitor's theatre during the period of one year prior to the term of such license agreement.

(2) If none of the Distributor's feature motion pictures were exhibited upon a percentage hasis at such theatre during said period, average the license fees of all feature motion pictures exhibited upon a percentage hasis at such theatre during the said period.

(e) If the rental of any motion picture excluded is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, the sum to be paid by the Exhibitor as provided in paragraph (h) (3) hereof shall be determined as follows:

(1) Average the gross receipts of all the Distributor's feature motion pictures exhibited at the Exhibitor's theatre during the ninety (90) day period preceding the Exhibitor's notice of exclusion, and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(2) If no feature motion pictures of the Distributor were exhibited at the Exhibitor's theatre during said ninety (90) day period, average the daily gross receipts of the Exhibitor's theatre for the period of thirty (30) operating days preceding the Exhibitor's notice of exclusion and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(f) In computing the number of feature motion pictures which may be excluded hereunder, fractions of more than one half (½) shall be regarded as one (1).

(g) Upon the exclusion of each feature motion picture, the license therefor and all rights thereunder shall terminate and shall revert to the Distributor.

(h) The Optional Standard License Agreement referred to in Part 1 hereof shall be deemed amended by substituting in place of Article Fifteenth of such contract the provisions of this Part.



"A triumph!" SAYS MOTION PICTURE DAILY

SAMUEL GOLDWYN

presents

GARY COOPER
ANNA STEN

in

THE *Wedding Night*

with

RALPH BELLAMY • HELEN VINSON
SIEGFRIED RUMANN

Directed by KING VIDOR

Released thru

UNITED ARTISTS

Delegates Are Ready with Problems

Territorial Complaints Seek Hearing

(Continued from page 1)

are localites who will attend the convention.

H. V. Manning of Etowah, Tenn., Mack Jackson of Alexander City, Ala., and L. J. Duncan of West Point, Ga., are out-of-towners who have made reservations to leave for the convention from this point.

Goldstein from Baltimore

BALTIMORE, Feb. 24. — Norman Goldstein, president of the Globe Poster Co. here, is the only person connected with the industry who will attend the convention, so far as can be learned. This section is a stronghold for Allied.

Giles from New England

BOSTON, Feb. 24.—George A. Giles, president of the Allied Theatres of Massachusetts, Inc., which is an M.P.T.O.A. affiliate, will represent his organization at New Orleans. He is the only one definitely slated to go.

Sam Pinansky of Olympia Theatres, however, is in Florida for his health and may take in the proceedings. There is a possibility, too, that John J. Ford of the same circuit and a member of the Giles' association, may sit in.

Michael Only One from Buffalo

BUFFALO, Feb. 24.—Jules H. Michael, zone chairman of the M.P.T.O., is the only one from the Buffalo area known to be figuring definitely on attending the New Orleans convention. He said he had no special sectional grievance in mind to present, but would wait first to see what was brought out on the floor of the convention.

25 from the Carolinas

CHARLOTTE, Feb. 24.—The North and South Carolina M.P.T.O. will have approximately 25 members and their wives at the convention. The problems to be brought up by exhibitors of this district are closely aligned with those of the national association and no local grievances or suggestions are slated for airing.

Those who will attend are: George and Mrs. Parr, Lancaster, S. C.; M. F. and Mrs. Schnibben, Florence, S. C.; J. E. and Mrs. Massey, Waynesville, N. C.; J. M. and Mrs. Gregg, Charlotte; L. C. Sipe, Charlotte; H. R. Berry, Hartsville, S. C.; Walter Gregg, Charlotte; J. E. Simpson, Gastonia; Roy Smart, Charlotte; H. F. and Mrs. Kincey, Charlotte; Walter and Mrs. Griffith, Charlotte; Ruth Hardin, Charlotte, secretary of the association; J. H. Vickers, Charlotte; Charles W. Picquet, Pinehurst, president of the association, and Albert Sottile, Charleston, S. C.

Miller, Balaban Going

CHICAGO, Feb. 24.—Jack Miller of the Chicago Exhibitors' Ass'n already is on the New Orleans convention scene, having gone on from New York where, earlier last week, he appeared before Campi in an appeal case involving the Yale, Maywood, against his Lido.

John Balaban of B. & K. will be on hand, as will Walter Immerman, general manager of the circuit. Mrs. Louis Rudolph of the Emmett will attend. The two daughters of John Remijas, who made the jaunt to the last conclave in Los Angeles, are scheduled. "Tippy" Harrison is also in the group.

Cincinnati Disinterested

CINCINNATI, Feb. 24.—Little interest is evidenced in this section over the impending New Orleans convention. So far as has been checked, the territory will have no representation. Those neighborhood exhibitors who belong to any state unit are members of the I.T.O. of Ohio, which is an Allied unit.

Draw Blank in Cleveland

CLEVELAND, Feb. 24.—No Clevelanders will attend the New Orleans convention. Practically all of the local theatremen, aside from affiliated circuits, are members of the Cleveland M. P. Exhibitors' Ass'n which fails to see problems eye to eye with the M.P.T.O.A.

None from Columbus

COLUMBUS, Feb. 24.—A check of exhibitors and exhibitor organizations throughout this territory fails to disclose any exhibitors who will attend the convention in New Orleans.

The reason is obvious. This is an Allied territory and the I.T.O. of Ohio is an affiliate of that organization.

"We Want Code Changes" Is Keynote of Convention

(Continued from page 1)

something better. This is the keynote behind the solid day's program to be devoted to addresses by advertising managers of major producers, by experts in equipment and by experts in theatre merchandising.

The "drones" in exhibition ranks are slated for a lashing for their dependence upon an active few in their territory to throttle adverse legislation. "Pep" talks designed to awaken theatremen from their lethargy in this direction will be spotted throughout the sessions.

The cancellation issue will be a hot one. It looks like fireworks on this point. M.P.T.O.A. men insist the 10 per cent bracket is not sufficiently generous. They maintain they cannot ward off outside, adverse criticism unless the bars are further let down. They maintain there are too many strings attached to the method by which the current eliminations are granted and they charge some distributors with bad faith in that they either are dodging cancellations or making them difficult to get, code notwithstanding.

Therefore, the convention will hit hard for two things. One is clarification of the cancellation privilege as it now stands with the elimination of all strings attached. Two, a hike in the bracket.

If they get this concession, which, no matter how the convention works out will have to be submitted to Code Authority in New York, it is argued the block booking question will become less acute. The greater the number of pictures cancellable, the less the cry about being forced to buy in groups. This is the idea in a nutshell.

Ed Kuykendall, national president, told MOTION PICTURE DAILY on the eve of the confabs that this will be no "smothered" convention.

"We have deliberately drawn up our program to include speakers who by on means are in complete sympathy with our objectives," he said. "We expect them and they will give it to the delegates straight from the shoulder, or the hip if you like, and tell the assembled theatremen where they get off."

While Kuykendall makes this promise, convention routine determined upon will follow essentially along the lines set up last year in Los Angeles. There will be little or no "beefing" or airing of individual complaints from the floor. M.P.T.O.A. attitude appears to be that no one is particularly interested in being wearied by long harangues of exhibitors complaining over a situation peculiar and local to his operation; that this will slow down an already crowded schedule and that the most efficacious manner of hearing grievances is to divert them to the private deliberations of committees delegated for this purpose. In the comparative quiet of committee rooms, individuals will have their say.

If what they say is viewed as important enough to reach the floor, the chairman of the committee will introduce it.

Contrary to Los Angeles and the 14th annual convention where studio parties were the order of each day, the deliberations this year will divide themselves into both morning and afternoon sessions. The plan is to sound each day's final gavel at about 4:30 or 5 o'clock, allow committees an hour or so thereafter for their own business and thereby permit a brief interlude to intervene between convention proper and each evening's social calendar.

Space at the Roosevelt tonight was at a premium. Convention overflow is reaching to the Jung and other hotels as well. This is reported to be the first time on record, or at least the first time in years, that the top-notch hotels in town have accepted conventions during the week of Mardi Gras.

Code Clauses Slated for A Featured Role

Dallas After '36 Convention

DALLAS, Feb. 24.—Among local showmen who will attend the M.P.T.O.A. convention will be Harold Robb and Ed Rowley of R. & R. Circuit, Claude Ezell and Bill Underwood of Independent Film Co., Buddy Harris of Alexander Film, R. J. Potter of Jefferson Amusement, Wallace Walthall of National Screen Service, J. I. Roberts of National Theatre Supply and Bert King of RCA.

Walthall and a group will ask the convention in 1936 for Dallas, at which time Texas will be holding the Centennial Celebration with Dallas as the principal centennial city. L. C. Griffith of Griffith Amusement Co. of Oklahoma City joined Walthall in Dallas today to entrain for New Orleans. Bonnie Long, secretary of the local code board, will attend.

A large delegation of Oklahomans is reported driving to Dallas to join forces with the local group, New Orleans bound.

Huffman Grooming Fight

DENVER, Feb. 24.—There is a strong possibility that the Rocky Mountain Theater Owners' Ass'n will be represented at the convention. The president, Harry E. Huffman, Earl P. (Bishop) Briggs and Frank Culp are planning on attending. All are members of the local organization.

Huffman is at present engaged in a fight in Federal court to prevent several exchanges from carrying out orders of the grievance board to stop service to his theatres. Ordered to stop auto giveaways, he persisted, and the stop order was the result. If Huffman attends he is expected to try to have the code modified to allow giveaways in theatres. He is firm in his conviction that they are needed until business conditions improve.

Draws Des Moines Blank

DES MOINES, Feb. 24.—A check made by MOTION PICTURE DAILY shows the local exhibitor fraternity is passing up the M.P.T.O.A. convention completely.

Detroit Sans Delegation

DETROIT, Feb. 24.—Checkup of exhibitors here indicates that Michigan, which has no M.P.T.O.A. unit, will not be represented at the convention in New Orleans.

Harold C. Robinson, of Film Truck Service, will, however, attend the sessions of the National Film Carriers, Inc., which will be held during the exhibitor convention. Robinson, who is a vice-president of the carriers' body, will go to Florida from New Orleans for a vacation of several weeks.

Indiana Won't Be Present

INDIANAPOLIS, Feb. 24.This—This is an Allied territory in which the As-

(Continued on page 20)

North, South, East and West

The Officers and the Directors of M.P.T.O.A.



Ben Berinstein
Los Angeles



Joseph Bernhard
New York



A. Julian Brylawski
Washington D. C.



W. S. Butterfield
Detroit



M. E. Comerford
Scranton



E. M. Fay
Providence



George A. Giles
Boston



O. C. Lam
Rome, Ga.



Edward G. Levy
New Haven



M. A. Lightman
Memphis



Sidney B. Lust
Washington, D. C.



Jack Miller
Chicago



C. W. Picqnet
Pinehnrst, N. C.



Lewen Pizor
Philadelphia



E. A. Schiller
New York



L. E. Thompson
New York



Walter Vincent
New York



Roy L. Walker
Lampasas, Tex.



Morgan A. Walsh
San Francisco



Fred Wehrenberg
St. Louis



C. E. Williams
Omaha



R. X. Williams
Oxford, Miss.

WE TOLD YOU SO!...WEEK-END CROW

BY "NIGHT LIFE OF THE GODS," UNIVE

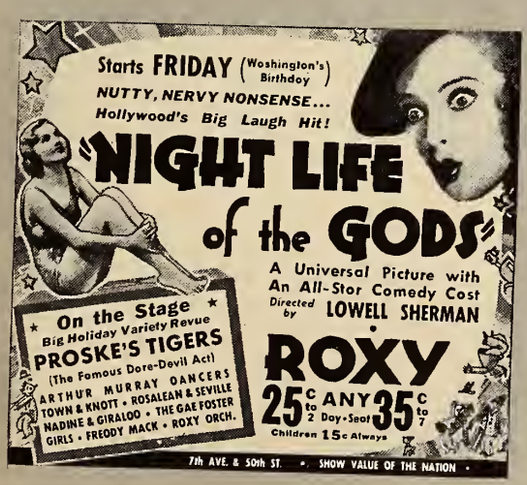
AND HERE IS THE ROXY AD CAMPAIGN THAT DREW PACKED HOUSES FROM MORN TO MIDNIGHT!



OS AT THE N. Y. ROXY WERE AMAZED

RSAL'S MASTERPIECE OF NONSENSE!








DAVID COPPERFIELD
Greatest Extended Run Hit in the history of motion pictures!
CLARK GABLE
CONSTANCE BENNETT
AFTER OFFICE HOURS
Washington. D. C.. premiere sensational!
Miami breaks all previous records
SEQUOIA
(SEE-QUO-YAH)
1935's Exploitation Triumph!
Nominated among Year's Ten Best!
JEANETTE MacDONALD
NELSON EDDY
in VICTOR HERBERT'S STAGE HIT
NAUGHTY MARIETTA
Coast advance notices predict
greatest musical of all time.
WALLACE BEERY
WEST POINT
OF THE AIR
JEAN HARLOW
WILLIAM POWELL
RECKLESS
Unique musical melodrama.
Jerome Kern melodies. Biggest
Song and Spectacle Show
M-G-M ever produced.



"I'll see you at the world premiere of 'NAUGHTY MARIETTA' Loew's State Theatre, New Orleans, starting March 2nd."

HELL BENT!

The eyes of the entire industry are on your pal Leo. Never in the annals of Metro-Goldwyn-Mayer *(and what annals!)* has Leo hit such a winning stride. Keep your dough on the leaping lion. This is only *February* of 1935!

Memphis for Death to "Walkathons"

Sees Them As Evil; Wants Some Relief

(*Continued from page 14*)

sociated Theatre Owners of Indiana hold sway. Therefore, there is no interest in this section in the New Orleans convention.

Kansas City Disinterested

KANSAS CITY, Feb. 24.—Neither national exhibitor organization has any affiliation in this territory and so it obviously follows local exhibitors have no particular interest in the New Orleans convention.

Elmer C. Rhoden, Fox Midwest division manager who was slated to address the parleys, will not attend. Pressure of business attendant upon emergence of his company from bankruptcy is the reason.

FALLS CITY, Neb., Feb. 24.—Oscar Johnson, local exhibitor, will attend the M.P.T.O.A. convention in New Orleans beginning tomorrow.

Berinstein Goes Solo

LOS ANGELES, Feb. 24.—Ben Berinstein, president of the Southern California association which is affiliated with the national M.P.T.O.A., will act as a one-man delegation to the New Orleans convention.

"Death to Walkathons"

MEMPHIS, Feb. 24.—Representatives of M.P.T.O. of Arkansas, Mississippi and Tennessee will go to the national M.P.T.O.A. convention with the proposal that all exhibitors unite in a move to bar walkathons from their communities.

M. A. Lightman, chairman of the tri-state board of directors, said tax problems will be uppermost in the minds of exhibitors from this territory who attend the convention, but that they will not have any definite recommendations other than the walkathon ban move, according to present indications.

Official representatives of this unit will be Lightman; W. L. Landers, of Batesville, Ark., president; and R. X. Williams, of Oxford, Miss., secretary.

Lightman is scheduled to speak on "Successful Ways of Putting Over the Family Night Idea," but plans to "cheat" a bit on his subject, expanding it to include the general theme of goodwill promotion within the community and state. He will contend that the proper handling of this problem by exhibitors will go a long way toward solving all their legislative difficulties.

As chairman of the legislative committee, Lightman went to the convention a day or so ahead.

Exhibitors in this territory are more and more coming to regard the walkathon as a form of competition to which they need not submit, according to the former national president. Sentiment has been developing for some time for a definite move to curb the spread and, in several instances, theatre owners have succeeded in keeping this type of amusement out of their cities.

"I think it is time all the facts regarding what goes on at a walkathon should be brought before the national body for action," Lightman said. "So far as I know, it is about the only thing upon which the tri-state group is determined to secure action."

Wisconsin Sending Observers

MILWAUKEE, Feb. 24.—With the dissolution of the M.P.T.O. of Wisconsin and Upper Michigan, Inc., now in process, this city which last year sent a strong delegation to the M.P.T.O.A. convention in California, will send no official delegation to New Orleans.

To date, those who have signified their intentions of giving a look-in without any particular axe to grind, include Mike Brumm of the Ritz and Al Bartelt of the Plaza, both of whom are members of the recently organized Independent Theatres Protective Ass'n of Wisconsin. It is possible that several others may find their way to the gathering.

Northwest Doesn't Figure

MINNEAPOLIS, Feb. 24.—The New Orleans convention appears to be of little interest in the Twin City area where those exhibitors who go in for exhibitor associations are, in the main, members of Allied.

Levy from New Haven

NEW HAVEN, Feb. 24.—Edward G. Levy, not as a member of the M.P.T.O. of Connecticut which, despite its name, is not affiliated with the national M.P.T.O.A., but as general counsel of the Kuykendall organization, will be in New Orleans.

Max Tabackman of Massachusetts Theatres, Inc., will also attend.

Crowd from New York

The New York delegation, made up almost entirely of distributor and accessory representatives, is traveling to the convention on a special which arrives in New Orleans this morning as a second section of the Crescent Limited.

The two local exhibitor organizations, the I.T.O.A. and the T.O.C.C., will not be represented unless Harry Brandt, president of the former, and Charles L. O'Reilly, president of the latter, make a last minute decision.

Neil Agnew and Boris Morros are aboard the special as Paramount's representatives. Charles E. McCarthy is another passenger as representative of Fox. He joins John D. Clark, Fox sales manager at the convention today, the latter heaving left New York earlier last week.

Carl Lesserman, assistant to Gradwell Sears; S. Charles Einfeld, director of advertising and publicity, and Fred Jacks, southern district manager, make up the Warner contingent on the train. Jules Levy, general sales manager of Radio, and J. H. McIntyre, southern district manager, are others.

The trainload also embraces E. W. Hammons, president of Educational, and Mrs. Hammons; Jack Skirball, sales manager of that company, and Harvey Day, special sales representative; Hal Horne, director of advertising and publicity of United Artists and Mrs. Horne; Herman Robbins, president, Sam Dembow, Jr. and Hal Young of National Screen Service; George W. Weeks, sales manager of Gaumont British; Harold Robb and Ed Rowley of the R. and R. circuit in the Southwest; Clint Weyer of National Film Carriers, Inc.; H. H. Pease of the York Ice Machinery Corp.; Edward G. Levy, general counsel M.P.T.O.A. with New Haven as his home town; Helen O'Toole, recording secretary of the exhibitor association; Sally Kelly; Jack Knight and Jack Diamond of Paramount; L. S. Tobias and Mrs. Tobias; John Holbrook, Edward Johnstone, Sidney Zucker, James P. Clarke and Fred Fischer.

Abe Sablosky and Charles Segall boarded the train at Philadelphia about midnight Saturday night.

Oklahoma Spreads Self

OKLAHOMA CITY, Feb. 24.—This territory will descend on New Orleans with a real-sized delegation. Headed by Morris Lowenstein, president of the Oklahoma M.P.T.O. and a director of the national M.P.T.O.A., the group will include:

Fred Pickrel, Ponca City; L. C. Griffith, Oklahoma City; "Speedy" and Mrs. Moulder, Sapulpa; Charles Zears, secretary of the local Film Board; Max F. Broch, Lawton; Mrs. C. P. Dooley, Purcell; Phil Isley, Tulsa, and W. P. Moran, Oklahoma City, both identified with Southwestern Theatres, Inc.; L. E. Brewer, Paul's Valley; O. E. Enloe, El Reno; Sol Davis, Monogram Pictures, Oklahome City; and Wallace Walthall, formerly of Oklahoma City and in Dallas.

Most of the delegates are on their way by auto and train. However, Enloe, who operates the Criterion at El Reno, is flying his own plane. The delegation is traveling via Dallas and Baton Rouge and carries to New Orleans no particular grievances for airing.

The majority of the conventioneers from this section will remain for the Mardi Gras.

Nebraska Seeks Changes

OMAHA, Feb. 24.—Charles E. Williams, president of the Nebraska-Western Iowa M.P.T.O. and a member of the national board of directors of the M.P.T.O.A. for more than 10 years, was in Chicago yesterday to join a group of northwest delegates and exhibitors enroute to the New Orleans convention.

Carl Johnson of Red Oak, Ia., and Oscar Johnson of Falls City, Neb., brother exhibitors, together with their wives, will motor to New Orleans for the convention.

Williams told MOTION PICTURE DAILY he would make the same recommendations to the national association as were discussed and informally agreed to at the M.P.T.O. meeting held here in January. The local unit had suggested that the code — if it is to continue — should undergo sufficient changes so as to

(*Continued on page 22*)

Omaha After More "Teeth" In the Code

Robert, Treasury Dep't Official, Will Talk on Taxation Problems

Washington, Feb. 24. — Assistant Secretary of the Treasury Lawrence Wood Robert, Jr., will address the M.P.T.O.A. convention in New Orleans on the various forms of taxation confronting the exhibitor in the operation of his business.



Robert was born at Monticello, Ga., 45 years ago and was educated at Georgia Tech, where he was an All-American quarterback, a baseball player of sufficient promise to lead "Ty" Cobb to seek to enlist him professionally, a fast man on the track and an all-round athlete.

Graduating, he became a consulting engineer and was, prior to his coming to the Treasury as a member of the "Little Cabinet," president of Robert & Co., textile engineers, and largely responsible for initiating the migration of textile plants from New England to the South.

Bearing the family name, Lawrence Wood, borne by his father and grandfather before him, he is naturally known to his friends as "Chip." His official title is Assistant Secretary of the Treasury in Charge of Engraving and Printing and Mint Service.

Robert plans to leave Washington Feb. 25 or 26, stopping over at his home in Atlanta to visit his father, Capt. Lawrence Wood Robert, before going to New Orleans. On the way back he will stop at the Pass Christian home of Ben Hecht, president of the American Bankers Ass'n.

GREETINGS TO THE THEATRE OWNERS OF AMERICA:

We extend to you our sincere thanks for your support during the past year, and wish you success for the ensuing season.

WE DEEM IT OUR DUTY TO WARN YOU

against people who impose upon Theatre Men and Merchants by claiming to be associated with or representing us. Numerous instances, some of which are pure "rackets" and violations of criminal laws, have come to our attention where unauthorized persons have made use of our name and characters in theatre tie-ups.

OUR ONLY AUTHORIZED REPRESENTATIVES ARE:

UNITED ARTISTS CORPORATION

DISTRIBUTORS



KAY KAMEN, Inc.

729 SEVENTH AVENUE, NEW YORK

Special Representative in Other
Than Motion Picture Activities

(SIGNED)



Walt Disney Productions, Ltd.
Mickey Mouse and Silly Symphony
Cartoons

Walt Disney Enterprises

Move to Aid Independents Looming

Philadelphia Carries Plan To Convention

(*Continued from page* 20)

"give it teeth" and that Code Authority speed up action on appeals.

"As far as we are concerned, we are generally satisfied with the code," Williams said. "We would like to see some changes made in it, though. I think if the code was simplified and made more understandable for the small exhibitor it would be a popular document."

Wants Independents Supported

PHILADELPHIA, Feb. 24.—The M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware will carry to the convention this week a definite plea for the independent producer and exchangeman, backed by a practical program.

The local body's slogan of "1,000 New Dates for the Independents During the Year" will be brought before the national body and an attempt made to get general M.P.T.O. support for the plan.

The idea may be launched by Lewen Pizor, president of the local group which is the parent of the plan. It is Pizor's contention that the buildup of the independent producer will offer a form of insurance for the independent exhibitor, providing him with sufficient product to maintain his programs. Pizor also argues that the definite support will enable independent producers to better their product.

Pizor, now in Florida, and George P. Aarons, secretary of the local group, will officially represent the M.P.T.O. of this territory. Other local exhibitors will be in attendance, including George Kline, Jay Emanuel, Charles Segall, Al Fisher and Mike Egnel.

Aarons, accompanied by Kline who runs the Strand, Boyertown, Pa., and is head of the Kline Poster Co., left by automobile Thursday. Emanuel, vacationing in Miami, goes directly to the Mardi Gras city.

In addition to the plan for aiding independent production, the local group will be strongly in back of the movement for a 20 per cent cancellation, or at least a better deal than the present 10 per cent agreement.

Draw Pittsburgh Blank

PITTSBURGH, Feb. 24.—This is an Allied territory and that's sufficient reason to count this territory out where representation at the New Orleans convention is concerned.

None from Oregon

PORTLAND, ORE., Feb. 24. — M. Blumauer of the Capitol is an ardent M.P.T.O.A. man, but extreme age makes it impossible to attend New Orleans.

Fay from Rhode Island

PROVIDENCE, Feb. 24.—E. M. Fay, first run operator here, will be a one-man delegation to the convention. He will represent the M. P. T. O. of Rhode Island and is already here.

St. Louis for Code Changes

ST. LOUIS, Feb. 24.—Believing that they will have to continue to operate under the NRA code for at least another year, the delegation of 16 from the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois is going to New Orleans with a number of proposed amendments to the code as it is now written.

The amendments to be proposed include:

An unconditional 20 per cent cancellation clause to cover each block of 10 pictures without regard to their national release date or availability to the exhibitor personally.

Home rule on the question of outlawing double feature programs.

Elimination of score charges, it being contended that the rental for sound pictures should cover the music tax.

Complete elimination of non-theatrical shows that compete with theatres.

Elimination of designated playdates.

The fixing of a definite date before which producers and distributors could not sell new product. This is to discourage the present tendency to sell the next year's pictures before the present season has been fully set in. It was contended that this method of advance selling is an unfair trade practice and should be stopped.

Fair and equitable method of clearance and zoning.

Define matinees as stopping at 6 P. M., when the maximum night prices must go into effect.

A provision that the decisions of local clearance and zoning and grievance board decisions must go into effect within 10 days.

The local delegation will be headed by Fred Wehrenberg of St. Louis, president of the organization, and Louis C. Hehl, secretary and treasurer; C. H. Weeks of Dexter, Mo., and Mrs. Weeks; Sam Komm, Collinsville, Ill., Mrs. Komm and two others; P. Mercier of Perryville, Mo., and daughter; S. Luken, Macklind, St. Louis, and son; Louis Ansell, of the Ritz and Midtown, St. Louis; Art Kalbfeld of Puline, St. Louis; Jimmy Zappalia, Columbia Theatre, St. Louis; Leo Hill, St. Louis Amusement Co., and Mrs. Hill; O. W. McCutcheon, Blytheville, Ark., and N. A. Sanowsky of St. Louis. A special car left over the Illinois Central at 1 P. M. today.

No. California Sending 20

SAN FRANCISCO, Feb. 24.—Approximately 20 from this region will attend the convention. Among those definitely in the delegation are H. V. Harvey, R. A. McNeil, Morgan A. Walsh, George and James Nasser, Joe Blumenfeld and John Di Stasio, the latter from Sacramento. Herman Cohen is also expected to be in the party.

The Independent Theatre Owners Association of Northern California is an affiliate. Morgan Walsh, president, has been appointed by Ed Kuykendall, the chairman of the committee on code trade practices, one of the most important committees which will function at the convention.

Northern California delegates will recommend to the convention, Walsh says, that the theatre code be amended to change the 10 per cent. elimination clause which has become a controversial subject within the industry and may become a social problem in that the theatre-going public appears to be leaning toward legislative bills opposing block booking and blind buying. Many legislatures have had anti-block-booking and anti-blind-buying bills introduced. Efforts will be made by the California delegation to make this clause more workable, equitable and fairer.

A special car carrying the Northern California delegation left here Thursday. Most of the delegates are expected to return home about March 7.

N. W. Won't Attend

SEATTLE, Feb. 24.—Allied Amusements of the Pacific Northwest, including exhibitors in Washington, Montana, Idaho and Alaska, will not be represented at the M.P.T.O.A. convention. A check just completed by Hugh W. Bruen, organization president, disclosed that none of this territory's exhibitors, affiliated or independent, plans to attend the meeting.

Committees and Chairmen Who Will Run Convention

NEW ORLEANS, Feb. 24.—The convention is pretty much in the hands of these committees:

General Chairman, Convention Arrangements: Harry S. McLeod, St. Charles, New Orleans.

Reception: Rodney Toups, Loew's State, New Orleans.

Registration and Housing: Victor Meyer, Orpheum, New Orleans.

Entertainment: Frank Heiderick, Lyceum, New Orleans.

Banquet: Joe Alsino, Famous Theatres, New Orleans; Meyer and Toups.

Golf Tournament: Arthur Higginbotham, Baton Rouge.

Display Booth: H. S. McLeod.

Program: Edward G. Levy, New Haven.

Auditing: Philip Sliman, Laurel, New Orleans.

Credentials: M. E. Comerford, Scranton, Pa.

Resolutions: Edward G. Levy.

Music Tax: Lewen Pizor, Philadelphia.

NRA Code: Trade Practices: Morgan A. Walsh, San Francisco, Labor: Jack Miller, Chicago.

Non-Theatrical Competition: George A. Giles, Cambridge, Mass.

Legislation and Taxation: M. A. Lightman, Memphis.

Public Relations: Fred Wehrenberg, St. Louis.

East and West For a Hike in Cancellations

Want Cancellations Upped

WASHINGTON, Feb. 24.—The M. P. T. O. of the District of Columbia will be well represented when the annual convention of the M. P. T. O. A. gets under way in New Orleans on Monday. The local delegates are:

A. Julian Brylawski, president of the local group and head of Warner Brothers real estate department here.

Dr. William P. Herbst, operator of the Circle.

Nathan Stiefel, operator of the Howard.

Louis Bernheimer, operator of the Jesse and Sylvan.

Sidney B. Lust, operator of three houses in Washington and two in Maryland.

The delegation will lay before the national group a list of matters on which the consensus of opinion here is that there is need for action.

Chief among the matters is that germane to an adequate cancellation privilege entirely divorced from any ifs, ands or buts. Block booking—and the legislation now pending in Congress to abolish it—is not a particular major problem at present, it is felt here; but this cancellation question is.

Under the present code set-up, the M. P. T. O. local feels, there are too many provisos attendant on the allowed 10 per cent cancellation. All these provisions, the exhibitors feel, should be abolished. An exhibitor, they hold, should have the right to cancel any picture merely upon a request to the exchange without having previously had to comply with certain provisions and without being obliged to offer reasons for the action.

Other matters on which the local group feel strongly, and which it will lay before the convention, are the music tax, score charges, Western Electric charges for parts and service, preferred playing time, privilege of booking immediately upon availability, the present inadequate supply of prints on a given picture on hand at a given exchange, and producer-controlled theatres. Music tax and score charges, the group feels, should be radically revised downward. Charges levied by WE for parts and service are far too exorbitant, they claim.

Playing time entirely depends on the picture and the house, and the local group would make it possible that the exchange would not be able to dictate playing time contrary to the interests of the house. Booking on availability and adequacy of the number of prints are closely tied together, and would prove of advantage to exchange as well as exhibitor and his subsequent runs.

It is the feeling of the Washington organization that theatres should be divorced from production and distribution and that no exhibiting unit should have any connection with the other two, and vice versa.

PLAN *now...*

FOR EXTENDED RUNS ON THESE FOX HITS!

GLANCE at the details and convince yourself that the exhibitor who doesn't date them in for extra playing time is cheating his bank account. And ...while you're at it... slap yourself on the back for being a FOX showman!

JANET GAYNOR — WARNER BAXTER
in
ONE MORE SPRING

With Walter King, Jane Darwell, Roger Imhof, Grant Mitchell, Rosemary Ames, John Qualen, Nick Foran *and* Stepin Fetchit. Produced by Winfield Sheehan. Directed by Henry King. From Robert Nathan's best-selling novel. Screen play and dialogue by Edwin Burke.



SHIRLEY TEMPLE
LIONEL BARRYMORE
in
The LITTLE COLONEL

A B. G. DeSylva Production. With Evelyn Venable, John Lodge *and* Bill Robinson. Directed by David Butler. Screen play and adaptation by William Conselman. Based on the story by Annie Fellows Johnston.



GEORGE WHITE'S 1935 SCANDALS

With ALICE FAYE, JAMES DUNN, NED SPARKS Lyda Roberti, Cliff Edwards, Arline Judge, Eleanor Powell, Benny Rubin, Emma Dunn, GEORGE WHITE. Entire production conceived, produced and directed by George White. Screen play by Jack Yellen and Patterson McNutt. Based on a story by Sam Hellman and Gladys Lehman.

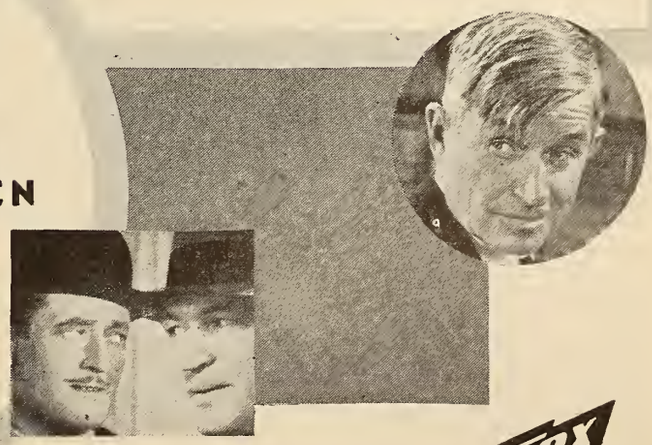


WILL ROGERS in LIFE BEGINS AT 40

With Rochelle Hudson, Richard Cromwell, George Barbier, Jane Darwell, Slim Summerville, Sterling Holloway. Produced by Sol M. Wurtzel. Directed by George Marshall. Suggested by the book by Walter B. Pitkin. Screen play by Lamar Trotti.

The GREAT HOTEL MURDER
with
EDMUND LOWE — VICTOR McLAGLEN

Rosemary Ames, Mary Carlisle, Henry O'Neill, C. Henry Gordon. Produced by John Stone. Directed by Eugene Forde. Screen play by Arthur Kober. Story by Vincent Starrett.



FOX


"Think of it Shirley!
You have another hit to your credit!"
"Another honey for the Shirley Temple fans. Little Miss Temple lives up to everything her fans think of her. She and Bill Robinson do a couple of duets that are wows and worth the price of admission. It can't miss!"
—Hollywood Reporter

SHIRLEY TEMPLE
LIONEL BARRYMORE

in

The LITTLE COLONEL

A* B. G. DeSylva Production *with

EVELYN VENABLE · JOHN LODGE

***and* BILL ROBINSON**

Directed by David Butler

Screen play and adaptation by William Conselman
Based on the story by Annie Fellows Johnston

FOX


JEROME KERN'S
QUEEN OF
MUSICAL ROMANCES
Roberta
starring the golden girl with the silver song
IRENE DUNNE
and America's Dancing Stars
FRED ASTAIRE
GINGER ROGERS
RANDOLPH SCOTT ... HELEN WESTLEY
VICTOR VARCONI ... CLAIRE DODD
From the play "Roberta" ...
Book and lyrics by Otto Harbach...
Directed by William A. Seiter
Pandro S. Berman Production
RKO-RADIO PICTURE



"RINGS THE GONG WITH HIGH POINT BOX-OFFICE... IT'S RKO-RADIO'S WOW!"

—Motion Picture Daily

"'ROBERTA' A SURE-FIRE SMASH... A KNOCK-OUT, A HONEY AND A WOW!"

—Hollywood Reporter

SMASH MUSICAL... STRONG CAST, STORY, MELODIES, STYLE FLASH ...THE WOW YOU WANT!"

—Film Daily

Program Varied in Content and Scope

Business All Day, But Fun In Evenings

NEW ORLEANS, Feb. 24.—*Here is the official program as it stood tonight, although subject to changes because of the inability of some scheduled speakers to attend.*

Suggestions of the arrangements committee as to what to do and how, in order to reduce confusion and to allow the individual participation of conventioneers to proceed smoothly are included:

Monday, Feb. 25

Registration of delegates, members, friends and guests at the registration desk on the mezzanine floor of the Roosevelt, near the entrance to the Gold Room. This will be convention headquarters and information bureau. Register promptly to participate in all convention affairs. Registration cards provided should be filled out completely, giving full name, address, room number and hotel, and theatre or firm. You will materially assist the committee in making your stay more enjoyable by registering promptly. Registration fee: $10.

Registration fee includes all convention affairs as follows:

(1) Official convention badge. Identifies and admits you to
—all business sessions of the convention, no admission without.
—All motion picture theatres in New Orleans during convention.
—The New Orleans Athletic Club during the convention.
—M.P.T.O.A. Golf Tournament at Metairie Country Club this afternoon. (Greens Fee, $1.)
—M.P.T.O.A. bridge party at Metairie Country Club this afternoon.
—The President's reception, Tip Top Room in the Roosevelt, Tuesday evening.

(2) Ticket for the Yellow Line Seeing New Orleans Tour No. 1. Monday or Tuesday only. Busses leave from 9:30 A.M. on. Ask Yellow Line starter at hotel entrance.

(3) Tickets to M.P.T.O.A. annual convention banquet, Tuesday evening.

(4) Ticket to Young Men's Business Club of New Orleans. Tip Top Room, The Roosevelt, Wednesday, noon.

(5) Ticket to "Ol' Man River" party and cruise on the Mississippi River steamer *Capitol,* Wednesday evening.

(6) Official program of the convention.

Afternoon

Three diversions arranged by the committee. Take your choice.

(1) A golf tournament at the Metairie Country Club. Your badge qualifies you for entering the tournament. The greens fee is $1. Lots of trophies and prizes. Arthur ("Slim") Higginbotham, chairman.

(2) A bridge party at the Metairie Country Club. More prizes and trophies. Your badge admits you.

(3) M.P.T.O.A. Day at the Fair Grounds races. Special M.P.T.-O.A. handicap races have been arranged. Your badge admits you to the Fair Grounds.

Evening

No planned affairs this evening. You are free to explore the city. For guides and information about cafes and interesting places ask any member of the reception committee (white badges).

The annual meeting of the board of directors will be held Monday evening at 6 P.M. in The Roosevelt. This is an executive session for the members of the board.

Tuesday, Feb. 26

Forenoon

Registration of delegates, members, friends and guests at the registration desk. If you have not registered, do it now.

Seeing New Orleans. Yellow Line busses leave the Roosevelt from 9:30 A.M. on.

Afternoon

Business session in the Gold Room, mezzanine floor, the Roosevelt at 2 P.M. sharp.

Convention called to order by H. S. McLeod, general chairman, convention arrangements committee.

Invocation

Address of welcome to New Orleans.—Theodore Simmons, vice-president, New Orleans Chamber of Commerce.

Response to welcome on behalf of M.P.T.O.A.—M. E. Comerford, Scranton.

Annual report of the president—E. L. Kuykendall.

Annual report of the secretary—Edward G. Levy, acting secretary.

Report of committee on convention arrangements—H. S. McLeod, general chairman.

Report of committee on labor relations—Jack Miller, Chicago.

Report of committee on public relations—Fred Wehrenberg, chairman.

Report of committee on entertainment values—Walter Vincent, chairman.

Announcement of special committees for the convention, where and when they will meet.

Adjourn 4:45 P.M. for committee meetings.

Evening

The president's reception—Tip Top Inn on the roof of the Roosevelt at 9 P.M. Informal dancing, refreshments. Your badge admits you.

Wednesday, Feb. 27

Forenoon

Business session in the Gold Room, mezzanine floor, the Roosevelt at 10:30 A.M. sharp.

"Special Facilities in the Theatres for the Hard of Hearing Patron"—Mrs. F. J. Block, Laurel, Miss., vice-president American Federation of Organizations for the Hard of Hearing, Inc.

"Technical Aspects of Theatre Operation"—Herbert Griffin, Society of Motion Picture Engineers.

"Modern Trends in Motion Picture Theatre Architecture."—Robert Boller, American Institute of Architects, Kansas City.

"New Values in Theatre Lighting."—W. C. Brown, chief illuminating engineer, General Electric Co., Nela Park, Cleveland.

"Mechanical Facilities of the Modern Theatre"—J. T. Knight, Jr., Paramount Theatres Service Corp., New York.

Adjourn at 11:30 A.M. Luncheon at 12:10 sharp at Young Men's Business Club in honor of M.P.T.O.A. delegates. At the Tip Top Inn, the Roosevelt.

Afternoon

Business session in Gold Room, 2 P.M. sharp.

"Advertising and Selling Motion Picture Entertainment to the Community."—a discussion of new ideas in merchandising new films, use of advertising accessories and how the distributors can help the exhibitor to sell his show to the public. The following advertising executives have been invited to talk: Herschel Stuart, Columbia; Gordon S. White, Educational; Chas. E. McCarthy, Fox; Si Seadler, M-G-M; Edward Finney, Monogram; S. Charles Einfield, Warners; Robert M. Gillham, Paramount; S. Barret McCormick, RKO; Paul Gulick, Universal; and Hal Horne, United Artists.

"How to Market the Literary Type of Picture."—E. C. Rhoden, general manager, Midwest Theatres, Kansas City.

"The Theatre's End of the Better Films Bargain" — Roy L. Smart, North Carolina Theatres, Inc., Charlotte.

"My Experiences with Family Night Programs"—M. A. Lightman, Malco Theatres, Memphis.

"How to Sell the Finer Pictures"—Lupton A. Wilkinson, Advertising Advisory Council, New York.

Adjourn at 4:30 P.M.

Evening

"Ol' Man River" party and cruise on the Mississippi River, steamer *Capitol,* from foot of Canal St., 7:30 P.M. Dining, dancing and refreshment facilities on board.

Repeating

National Screen Service has sent a camera crew to New Orleans to photograph exhibitors attending the M. P. T. O. A. convention. Prints of the shots will be sent to all theatre owners gratis, like last year when the company pulled the same stunt in Los Angeles.

Herman Robbins, president, Sam Dembow, Ben Rosenberg and Hal Young left Saturday for the convention city.

Thursday, Feb. 28

Forenoon

Business session in the Gold Room at 10:30 A.M. sharp.

"Film Delivery Problems and Service"—James P. Clarke, Philadelphia, President, National Ass'n. of Film Carriers.

"Our Problems in Local Legislation"—Roy L. Walker, Lampasas, Texas, President, Theatre Owners' Protective Ass'n. of Texas.

"Theatre Admission Taxes and Other Taxes Pertaining to Theatre Operation"—L. W. Robert, Jr., Washington, D. C., assistant secretary of the treasury.

Address by John C. Flinn, executive secretary, Code Authority.

Address by Sol A. Rosenblatt, compliance director, NRA.

Address by Sidney R. Kent, president Fox Film.

Adjourn at 12:30 P.M.

Afternoon

Business session in the Gold Room at 2:30 P.M. sharp.

Report of Committee on Credentials and Rules—M. E. Comerford, chairman.

Report of Committee on Music Tax—Lewen Pizor, chairman.

Report of Committee on Non-Theatrical Competition—George A. Giles, chairman.

Report of Committee on Legislation and Taxes—M. A. Lightman, chairman.

Report of Committee on Public Relations and Community Affairs—Fred Wehrenberg, chairman.

Report of Committee on NRA Code—Trade Practices—Morgan A. Walsh, chairman.

Report of Committee on NRA Code—Labor Provisions—Jack Miller, chairman.

Report of Committee on Resolutions—Edward G. Levy, chairman.

Unfinished business.

Convention adjourns *sine die.*

Evening

Annual convention banquet—Tip Top Inn, roof of The Roosevelt at 7 P.M. Informal.

The Mardi Gras

The features listed below, while not an official part of the convention are seasonable events of the New Orleans Mardi Gras season and are mentioned for general information only.

M.P.T.O.A. visitors are invited to stay over for the Carefree Carnival of the Mardi Gras, which reaches its climax on Mardi Gras Day, March 5, with the parade, masque, pageant and ball of the Krewe of Rex, King of the Carnival. Brilliant carnival affairs will be held daily, many of them public, others are private and available only by invitation. Saturday noon is the Parade of the Krewe of Nor (Children's Carnival Pageant).

Friday evening you are invited to attend the Junior League Mardi Gras Ball at the Civic Auditorium. Through the courtesy of the Junior League, those identified by the convention badge may purchase tickets and attend this affair, one of the largest and most brilliant of the Mardi Gras balls. Tickets are $2 per person, reserved tables $3 and $5 per person.

A HARD HITTING TEAM

THAT'S WHY THEY'RE ALWAYS OUT IN FRONT



NOW AT BAT...
AND IT'S ANOTHER HOMER..

Buster KEATON

in

"ONE RUN ELMER"

Directed by Charles Lamont

•

NEXT MAN UP...

ERNEST TRUEX

in

"OBJECT NOT MATRIMONY"

Produced by Al Christie

Joe Cook, Buster Keaton, Ernest Truex . . . . home run kings of comedy . . . . **Sylvia Froos,** the **Easy Aces, York** and **King, Tom Howard, Junior Coghlan, Billy Gilbert** . . . . regular Babe Ruths, every one of them, when it comes to socking out the laughs and entertainment in the shorts innings. And they're drawing the paying fans to the stands, too, whenever they play. No wonder that *Educational* team is walking away with the pennant again.

Presented by *E. W. HAMMONS*

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U.S.A. by Fox Film Corporation



OFFERING:

- Untailing Sound Satisfaction
- A Sound Box Office Attraction
- Complete Ownership
- And RCA Super Service

PHOTOPHONE DIVISION

RCA MANUFACTURING CO., Inc.

Camden, N. J.

A Radio Corporation of America Subsidiary



New Orleans Is Colorful Historic City

NEW ORLEANS, Feb. 24.—This is a city of contrasts.

Natives like to call it "The City That Care Forgot."

"Odd" McIntyre dubs it "the most romantic city in America."

Will Rogers said of the city: "I always told you that there was just three towns in the whole of America that was different and distinct; New Orleans, 'Frisco and San Antonio."

Arthur Brisbane, famous editorialist, has described New Orleans as one of the two most interesting cities in the nation, the other being whatever your own home town happens to be.

Conventioneers will find plenty to do and see here. Whether their interest is in the days and things of yesteryear or the joys, if any, of this current existence, they'll find it and them not far from convention headquarters at the Roosevelt. They'll find their answer in the fabulous old streets of the Old Quarter, in the industrial life of the Mississippi Valley's great port and in sightseeing, in motoring, golfing, fishing and hunting if these are the objectives.

The mighty brown reach of Old Man River almost encircles his Crescent City and his majestic bosom is animated with every known type of craft. Through 10 miles of docks the aromatic products of the world's far corners are exchanged for the varied products in 37 States. Let your mind go around the world while you spend a day seing the sights of the Mississippi Valley's main entrance.

Gateway to Empire

New Orleans, only 100 miles from the river's mouth, has been the gateway to America's inland empire and a crossroads of America for two centuries. When the Spaniards owned the city, Americans of the Middle West planned to seize New Orleans, but just about that time Spain ceded Louisiana to the French. President Jefferson then changed the course of history by his purchase of Louisiana from France for $15,000,000.

Today New Orleans lives up to its promises and is one of the world's great ports. Along the miles of wharves are docked ships from the seven seas; fast luxurious steamers make New Orleans the starting point for many delightful cruises to the beautiful isles of the Caribbean. Here in New Orleans are the glamour of a great seaport.

Rue Royale Worth Seeing

For those who like to stroll down quaint streets, reminiscent of days gone by, the famous Rue Royale, known the world over for its shops, antique stores and sites of historical interest, is a fitting starting point. Royal Street was the first to be paved in the city, the cost amounting to less than $1 for each block due to the fact that ships returning from the continent with full cargoes of the New World riches sold their ballast, stone blocks from Belgium, to the city fathers at that figure.

Before we stroll very far through the famous old Vieux Carre, let's stop a moment and get that name right. Vieux Carre, literally translated, means "Old Square" and refers to an area bounded by Canal to Esplanade and from the river to N. Rampart Sts. The correct French pronunciation is *Vee Yuh Care Ray.* Got it? Let's go.

Our first stop is 121 Royal, the home and office of the famous Dr. Anotmarchi, maker of the Napoleon death mask now at the Cabildo.

Next we come to 127 Royal. Here tradition has it the plans were laid for the first carnival ball. Then down to the 400 block at 417 to the site of the old Louisiana Bank, established in 1804 through the influence of Thomas Jefferson, later becoming the home of the Paul Morphy, world-famous chess champion. This site is now a restaurant and visitors are welcome to stop and admire the beautiful courtyard.

Courthouse a Monument

Directly across the street at 416 Royal is the civil courthouse of the Parish of Orleans, erected at a cost of $2,000,000. At the corner of Royal and St. Louis is the site of the old St. Louis Hotel, once a famous slave mart, where the blacks were auctioned on a high block under the rotunda.

Down the street at 520, we come to the Reed Art Gallery, with its exhibition and a charming historical interior open to the public for inspection, and then into the next block at 613 where is the Courtyard of the Two Sisters, famous in stories of New Orleans.

At 627, we find the well-known residence and courtyard of the golden-voiced Adelina Patti. Beautiful antique furniture, jewels and crockery in the many little stories along both sides of the street mark the way to the Haunted House at 1140 Royal. This house was owned by Madame Lalaure, a French aristocrat, who was forced to flee to Europe when some of her slaves were discovered in a "horror chamber." Their wails of torture are still supposed to be heard on dreary winter nights.

The building is now known as the "Warrington House," a haven for destitute men. Visitors are welcome to see the magnificent mural and the charming interior of this celebrated old Creole mansion and even the attic where the horror chamber was supposed to be located.

Religious Spots Historic

Let's leave Royal St. for a time and walk one square toward the river until we reach Chartres St. There at 1126 is an old Italian church, St. Mary's, erected in 1780. Tradition avers that the heart of every archbishop of this diocese is buried under the altar. A few doors down, at 1114, the historic old Urusline Convent looms into view, the oldest building in the Mississippi Valley, erected in 1734. Across the street at 1101 is the home of General P. G. T. Beauregard, the noted Confederate general. Winding our way towards Canal St. at 930-40 Chartres is the site of the old Cafe des Refugees. Here gathered pirates, smugglers and European criminals during the French and Spanish occupation of the city and here the famous cordial LePetit Gouave was first concocted.

Down the street a way we find at 921 the old Hotel de La Marine, a meeting place of pirates, and in the rear of the building Vendetta Alley, so named because of the many "Mafia" or "blackhand" murders committed there.

The blacksmith shop of Jean and Pierre Lafitte, the famous pirates who were pardoned by the U. S. government after their invaluable assistance in the Battle of New Orleans, looms ahead at 900 Chartres.

As we saunter along glimpsing patios, courtyards and beautiful balconies, we approach the famous Cabildo at 711 Chartres. The Cabildo is considered one of the most noted museums of the United States. Its history is even more interesting than many of the relics that repose under its protecting walls. Built in 1795 as a meeting place for the Spanish legislature of the province, the first Protestant religious services were held in a room on the second floor. Here the formal transfer of Louisiana to the United States was consummated in 1803. Later it was used as a city hall and court building.

Recalls Famous Names

Many immortals, including Lafayette, Henry Clay, Zachary Taylor, Edwin Booth, Sarah Bernhardt, Audubon, Mark Twain, William McKinley, Theodore Roosevelt, and O. Henry are associated with this memory-haunted old building, which has silently watched New Orleans grow from a colonial outpost to the port of the Valley. The building became a state museum in 1910 and admission is free. The Cabildo should not be passed up.

Leaving the Cabildo, we are directly facing Jackson Square, originally called the Place d' Arms, or the Public Square of the city. Jackson Square was laid out in 1720 by Bienville, founder of New Orleans, and has been the scene of historical moment and a civic center for over 200 years. Events which have taken place in this famous square include the arrival of the "Cassette" (Casket) girls in 1727; the reception of the Acadians from Nova Scotia in 1769; the official transfer of Louisiana from France to Spain in 1769; the welcome to Jackson after the victory of Chalmette. The square was laid out and planted with flowers by the Baroness Pontabla in 1856 and the statue of General Andrew Jackson in the center of the Square is the work of Clark Mills.

Pontalla Famous Structure

Flanking the square to the left and right are the famous Pontalba Building, the oldest apartments in the United States and one of the best known sights of the French Quarter. These apartments were built by the Baroness Pontalba in 1849. Here in one of the buildings on St. Peter St., Jenny Lind, the famous singer, brought to New Orleans by P. T. Barnum, was entertained by the baroness. Here also in the same building, it is believed, Thackeray enjoyed the excellent "bouillabaisse" spoken of in his memoirs.

A stroll down St. Peter St. to 616 brings one to the "Le Petit Theatre due Vieux Carre," one of the most efficient Little Theatres in America.

(*Continued on page 32*)

AMERICA'S FINEST GIFT PLANS AT PRICES YOU CAN AFFORD

LESTER S. TOBIAS, INC.

HOME OFFICE 19 WEST 44 STREET N.Y.C.

REPRESENTATIVES IN ALL PRINCIPAL CITIES

WRITE FOR FREE SAMPLES

WAREHOUSES IN NEW YORK CHICAGO AND SAN FRANCISCO



IN a new field, in the space of only a few weeks, THE MARCH OF TIME has made a new impression—fresh—deep—clear cut. More than a thousand motion picture theatres are now showing THE MARCH OF TIME on the screen. Millions of people have thrilled to this new kind of pictorial journalism... The public and critics alike have been quick to recognize in this "newsmagazine of the screen" a mark of distinction for theatres from coast to coast. Second release—March 8th.

Released by **FIRST DIVISION**—Harry H. Thomas, *Pres.,* Radio City, N. Y.

THE MARCH OF TIME

New Orleans Is Colorful Historic City

(*Continued from page* 30)

The founder, Mrs. J. Oscar Nixon, has been decorated by the French Government for her services in preserving the best type of French drama. The "Little Theatre" is a private association, but visitors are welcome during the day to view the beautiful foyer and the courtyard. A few doors down, at 620, is the "Le Petit Salon." The founder of this organization was the well-known and popular New Orleans authoress, Grace King.

Back into Chartres we find ourselves at 502, the famous "Napoleon House," built by a wealthy New Orleans merchant, a Mr. Girod, who planned to rescue Napoleon from St. Helena and bring him here. Napoleon, however, died, but the grand house built for the use of the "little corporal" still stands, a monument to the dream of its sponsor.

At 505 Chartres is the site of the old Strangers Hotel, where Dr. Anotomarchi presented Bonaparte's death mask to the city. Lafayette was also entertained at this hotel. A few steps further and we reach 438 Chartres, Masepro' Exchange, where, according to tradition, Jackson planned the defense of New Orleans.

Back again to St. Peter St. to find at 718, the old site of the Tabary Theatre, located here in 1791-1807, the first theatre in the city and the first place in America where grand opera was sung. Four blocks out St. Peter St. to North Rampart, we reach Beauregard Square, the former famous "Congo Square," gathering place of negro slaves. It was here that the weird "voodoo" ceremonials and wild orgies took place. Immediately back of it is the Municipal Auditorium, with a seating capacity of 12,000 and home of the carnival balls. All visitors to the convention will have a chance to see it at the Junior League Ball.

By this time, food would seem important. Let's stop at Arnaud's at 817 Bienville for crawfish bisque or a nice juicy steak, cooked by famous Creole chefs. Or, if you are a connoisseur of connoisseurs, let's try Antoine's at 713 St. Louis St. You must have heard of Antoine, famous for many dishes, particularly oysters a la Rockefeller; crepe suzettes, shrimp a la remondade; pompano en papillotte, or trout a la Marguerite, cafe Brile. Of course, you will be served with the proper wines and liqueurs to make it not a luncheon, but an hour of gastronomic bliss that will linger in your memories.

Ach, That German Cooking!

Perhaps, you don't like French cooking? Then, let's walk a few blocks back to St. Charles, where at 125 we find Kolb's, famous for its German cuisine and fine Rhine wines and particularly noted for gaensenefer and wiener schnitzel.

Or maybe you like Italian food? Then to Turci's at 223 Bourbon for a spaghetti dinner with real "dago" red. If your taste runs to the not so lowly onion soup, Tujaques at 823 Decatur is the next stop.

A stroll through the Quarter after nightfall has a flavor and a charm distinctly and differently its own. Ceremony dictates, howeyer, a couple of Ramos gin fizzes at the unbelievably long Roosevelt bar before embarking on this adventure. There are sloe gin fizzes and sloe gin fizzes, but a Ramos is exactly that and simply refuses to brook competition.

And the Absinthe House

The nocturnal tour through this city of many moods might well start at the famous, old Absinthe House at 400 Bourbon St. Here, as at many New Orleans landmarks, there is ceremony. In this instance, the ritual calls for a sip or more of an absinthe frappe. To come and go at Absinthe House without so doing is considerably less than sacrilege and more than an affront to Pete Cazebonne, the patriarchal barkeep. You might browse through ancient registers here, but keep a weather eye peeled for the signatures of many names made famous over the span of the last 150 years. Napoleon's sword, or one of them, is there as is the famous marble drip fountain which has stood in silent watch over New Orleans' *bon vivants*.

In mellower mood, by this time, Le Cafe de Opera, or better known as the Nut Club, located at 805 St. Louis St., seems a logical contender for attention. Its music is brash and loud, but its liquor, whether at bar or table, is excellent. Excitement runs high in this spot. More of the same thing is the Vanity Club, 300 Bourbon St. This is one of the smaller cafes in the quarter, but perpetually lively and worthy of a visit if for no reason than to be able to say one's been there.

The Plantation at Conti and Delphine has a lure of its own, especially to those with pugilistic memories. For this is the spot run by Pete Herman, one-time champion boxer, who by being too game, lost his sight and then went broke. Spanish atmosphere, for those seeking it, is available at La Lune, 800 Bourbon St. in an effective patio setting backgrounded by stringed Mexican or Spanish music.

There is all this about New Orleans and much, much more. The visitor might well visit the spreading 500-year old monarchs of an ancient forest in Audubon Park, where once was the plantation on which Etienne de Bore first learned to granulate cane juice; visit the Zoo, the Popp Gardens; see the green man-made hills that hold a great river in check; see the duelling oaks; and motor in the nation's sixth largest park with its 1,300 acres of restful shade; visit ancient forts with moats and turrets of embattled brick; the 14 ancient forts in the surrounding countryside carry the memories of Orleanians and their visitors back through 218 years of hectic days when Indians prowled nearby swamps, when buccaneers roved, Civil War days when Admiral Farragut broke through the Mississippi chains.

He might tour Evangeline's land, just a few hours west. On the Old Spanish Trail, he would come to the Teche country, to the "forest primeval" where Longfellow with his gifted pen brought Evangeline and the exiled Acadians.

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New Orleans In Gay Array For Visitors

NEW ORLEANS, Feb. 24.—If they decide on a busman's holiday, delegates and visitors to the convention will find a varied assortment of celluloid entertainment at their beck and call. Here is what the local first runs will be showing:

Liberty—"Great Expectations."
Loew's State — "After Office Hours."
Orpheum—"Roberta."
Saenger—"The Little Colonel."
St. Charles—"Carnival."

Victor Meyers, manager of the Orpheum, will run a midnight show during the convention and plans to be on hand to welcome those who want to take it in. Other theatres are expected to do likewise.

Hotel grills and night clubs around town are lining up special programs. Destined to be popular is The Blue Room at the Hotel Roosevelt, in which hostelry convention headquarters are to be maintained. The Eagle Music Hall is continuing "Uncle Tom's Cabin" and vaudeville.

All of this has nothing at all to do with midnight and early morning forays which conventioneers may determine to rig up on their own.

Town Primed for Crowd

Many surprises are scheduled for the visitors, including golf tournaments at the Metairie golf course, a bridge tournament for women, a tour of the Vieux Carre with experienced guides, where, in the old quarter, a hundred historic squares, the living romances of two colorful centuries have been preserved in settings unchanged and unique. Beneath balconies embroidered with the iron handiwork of African slaves, under the waving leaves of banana trees in cool patios, as in the Napoleon House and the Absinthe House, visitors may commune with the spirits of Lafayette, Bienville, Lafitte, Jackson, Pere Antoine, heroes of the early days. With creole chefs they may revel in the culinary marvels created here for them by proud generations of Creole chefs. In secluded patios they may discover genuine gumbo and find out why Thackeray raved of New Orleans' boullabaisse; why gumbo is Irvin S. Cobb's favorite; and top a gala day with an absinthe frappe or a gin fizz among a people who know.

Then the Racetrack

While numerous night clubs have provided additional entertainers, showers and all that go with an athletic club can be had in the immense structure of the New Orleans Athletic Club just a few doors from Canal Street in the heart of the city. On Monday afternoon while warming up for the strenuous days of the convention proper, the entertainment committee has provided a corking good golf contest on the grounds of the Metairie Country Club, one of the finest greens in the south; the ladies will also be taken care of by a bridge party in the spacious club house.

Those who don't go in for golf have the privilege of visiting the race track watching the bang-tails go by and the bookmakers making funny noises when they pay off. At night the delegates are to be turned loose and wander where they will. They'll wander. Special guides may be hired to show 'em the sights. No curfew bells will ring out.

The committee on arrangements has made arrangements with the Yellow Cabs for side trips and the like to places of interest such as the antique shops, old world places of beauty, cafes and bars without limit.

On Tuesday night after the worries of business sessions and committee meetings, President Kuykendall will hold a reception in the Tip Top Inn in the Hotel Roosevelt.

Wednesday night, the steamer *Capital* has been engaged for a real old-time southern party with a cruise up and down the Mississippi with vaudeville stunts and dancing the order of the evening. Deck hands will be attired as the roustabouts of the days gone by, the steamer will be decorated with cotton bales as settees and side tables, while genuine (?) yellow girls and boys will carry refreshment trays.

For those that like to gamble—and what showman doesn't—the Louisiana Jockey Club at the fair grounds will make losing money a pleasure. The grounds and clubhouse are most beautiful and the pari-mutuel system prevails.

The Gulf States Theatre Owners will also meet during the M.P.T.O.A. convention.



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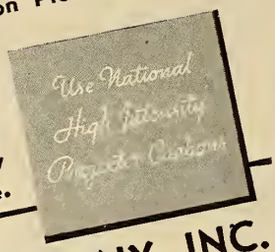
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British Union Seeks Law on Wages, Hours

By BRUCE ALLAN

LONDON, Feb. 14.—Failure of the Joint Conciliation Board of the industry to arrive at a satisfactory settlement of outstanding disputes about wages and hours in London and Manchester is the reason alleged for an appeal from the Trade Union Congress and the National Ass'n of Theatrical Employes to the Home Secretary, asking legislative settlement of employment problems.

The union's suggestion is that the Cinematograph Act shall be amended to impose minimum wage scales and statutory working conditions on all theatres. That the theatre staff shall bear a strict proportion to average patronage is another suggestion.

* * *

Since publication of the report of the official Television Committee, big rises have been reported in the shares of the Baird Television Co. and in those of Gaumont British, which has a predominating interest in the Baird company.

Baird Deferred is now at 10/- against 3/3d on Jan. 29; the preferred is 6/9d against 3/3 and the Preferred "A" 60/ against 35/3. Gaumont British ordinaries, priced at 10/ on Jan. 29 are now 12/3.

The Baird system is one of two selected by the committee for the daily three-hour television transmissions recommended in the report. The other is owned by Electrical Musical Industries, shares of which have also increased in value, from 32/4½ to 34/4½.

* * *

Charles Laughton has been cast as the Emperor Claudius in a London Film feature to be written from "I Claudius" and "Claudius the God," two novels by Robert Graves.

"Whither Mankind," "Queen Elizabeth," "The Conquest of the Air" and "Claudius" are scheduled as the first on the 1935 program. "Sanders of the River" is due for trade shows in early March.

* * *

Universal has signed Henry Mollison, the West End actor who, after a success in the play "Richard of Bordeaux," was signed for "Mr. Cinders" by B.I.P., who later cast him in "McClusky, the Sea Rover" and "Drake." He sails on completing the latter part at the end of February.

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"Good Fairy" $7,800 Draw On the Coast

LOS ANGELES, Feb. 24.—"The Good Fairy" romped away with the best gross of the week by more than doubling normal on a $7,800 take at Pantages.

Only three other spots succeeded in doing good business. They were the 4-Star, where "The Iron Duke" reached $5,000; the Hillstreet, where "Devil Dogs of the Air" went slightly over par at $8,400, and the United Artists, where a dual, "The Winning Ticket" and "Lottery Lover" grabbed $4,200.

Total first run business was $81,100. Average is $91,200.

Estimated takings for the week ending Feb. 20:

"DAVID COPPERFIELD" (M-G-M)
CHINESE—(2,500), 30c-65c, 7 days, 2nd week. **Gross:** $11,500. (Average, $12,500)
"THE BLUE LIGHT" (Mayfair Asso.)
FILMARTE—(800), 40c-55c, 6 days. **Gross:** $1,900. (Average, $2,750)
"THE IRON DUKE" (Gaumont British)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $5,000. (Average, $3,250)
"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $12,500. (Average, $14,000)
"WINGS IN THE DARK" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. Revue, Moore & Revel, Rube Wolf and his orchestra. **Gross:** $17,000. (Average, $18,000)
"DEVIL DOGS OF THE AIR" (Warners)
HILLSTREET—(2,700), 25c-65c, 7 days, 2nd week. **Gross:** $8,400. (Average, $8,000)
"THE WINNING TICKET" (M-G-M)
"LOTTERY LOVER" (Fox)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's 3rd "Crazy Show." **Gross:** $4,200. (Average, $3,500)
"DEVIL DOGS OF THE AIR" (Warners)
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days, 2nd week. **Gross:** $6,800. (Average, $14,000)
"WOMAN IN RED" (Warners)
"LIGHTNING STRIKES TWICE" (Radio)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. **Gross:** $6,000. (Average, $12,000)
"THE GOOD FAIRY" (Univ.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $3,200)

Carriers Preparing For Own N. O. Meet

NEW ORLEANS, Feb. 24.—Legislative problems affecting the trucking industry will be discussed tomorrow and Tuesday by the executive committee of the National Film Carriers, Inc. James Clarke, president of the organization, is chairman of the committee which consists of George F. Callahan of Exhibitors Service, Pittsburgh; H. C. Robinson, Film Truck Service, Detroit; John Vickers, Carolina Delivery Service, Charlotte; G. M. Blackman, Smith Film Service, Syracuse. Several other members in addition to the executive committee are here for the M.P.T.O.A. session.

Clint Weyer, secretary, recently stated that there were pending in 44 states a total of 850 bills which, if passed, would work undue hardship on the film trucking men.

Clarke recently attended the policy committee meeting of the American Trucking Ass'n., when the various bills were discussed.

Fitzgerald Ends Nights

MILWAUKEE, Feb. 24.—Wisconsin Amusement Enterprises, Inc., will discontinue bank nights in all its houses, according to H. J. Fitzgerald.

Re-Team Francis-Brent

HOLLYWOOD, Feb. 24.—Warners have again teamed Kay Francis and George Brent due to their success in "The Goose and the Gander."

They will be starred in "Lady with a Badge," an original by Ferdinand Reyher and Commander Frank Wead dealing with a Travelers' Aid Society worker.

Iola Theatres Pooled

IOLA, Kan., Feb. 24.—A pooling arrangement has been effected here between Glen W. Dickinson Theatres and Ira Kelly. The Dickinson has been closed and Kelly will operate the Iola and Kelly. Another theatre in this town is operated by E. Van Hyning.

Canada War Film Ready

TORONTO, Feb. 24.—The world premiere of Canada's war feature, "Lest We Forget," will take place in Ottawa on March 7 under the patronage of the Governor-General and Countess of Bessborough, Prime Minister R. B. Bennett, members of the Canadian Cabinet and other dignitaries including Dominion officers of the Canadian Legion.

The film, largely comprising shots of the Canadian Expeditionary Force from the official archives, has been prepared by the Canadian Government M. P. Bureau and will be released to theatres after the first formal showing.

Liberty in Canada Deal

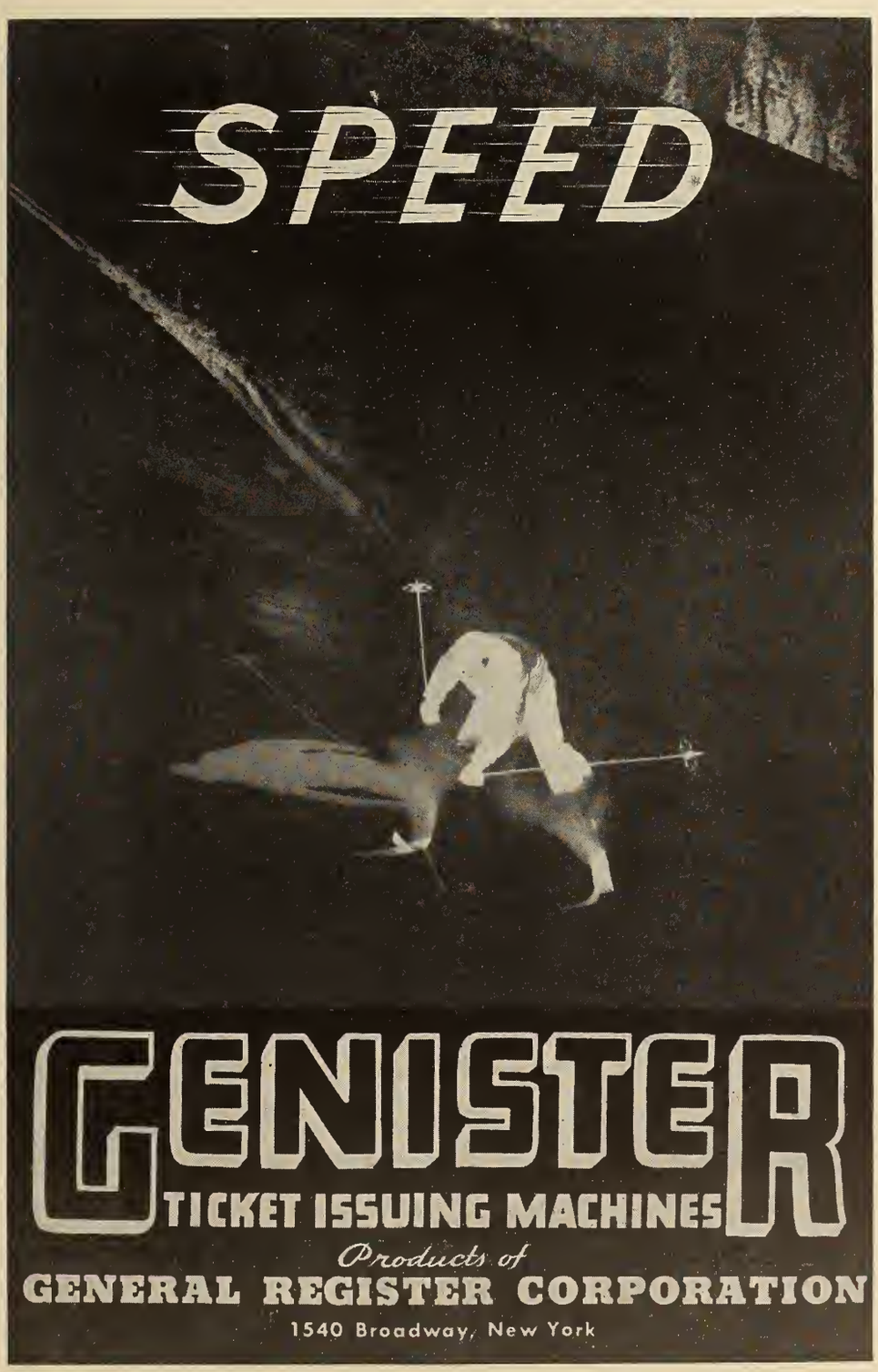
TORONTO, Feb. 24.—Product of Liberty goes to Excellent Films.

Ban Springfield Change

BOSTON, Feb. 24.—The grievance board has dismissed a petition of Nathan and Sam Goldstein, operators of theatres in the western part of the state, to give the Arcade Theatre in Springfield 14 days' clearance over the Phillips, 30 days over the Strand, five months over the Liberty, six months to a year over the Garden, four months over the Jefferson, and five months over the Fox Nelson. These are all houses operated by the Winchester Amusement Co.

Fox Signs June Knight

HOLLYWOOD, Feb. 24.—June Knight has been definitely set by Fox for the lead in "Red Heads on Parade." She will have her hair dyed red for the role opposite John Boles.



For complete information regarding ERPI's new Service Plan, visit Booths 62-63 on the Convention Floor

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with JEAN ARTHUR



LILIAN HARVEY — TULLIO CARMINATI
in **LET'S LIVE TONIGHT**



GRACE MOORE *in*
ON WINGS OF SONG
TENTATIVE TITLE

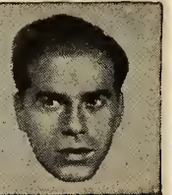


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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37, NO. 46 NEW YORK, MONDAY, FEBRUARY 25, 1935 TEN CENTS

"WE WANT CODE CHANGES", IS CONVENTION KEYNOTE

Wilentz Will Take Warner Case to NRA

Having successfully prosecuted Bruno Hauptmann for the murder of the Lindbergh baby, David T. Wilentz, attorney general of New Jersey, will next concentrate his legal activities on the clearance dispute which an Allied of New Jersey member has pending against Warners.

Wilentz will return from a Miami vacation on March 15 and will appear before the Industrial Appeals Board of the NRA in Washington on behalf of Louis Levin, operator of the Elwood, Newark, who seeks to eliminate the 14-day clearance by Warners' Regent, Newark, and Capitol, Belleville, N. J. The original hearing date, Feb. 20, was set back because of Wilentz's absence.

Representing Allied and Levin when the matter was first heard by the New Jersey advisory committee, of which Joe Lee was chairman, on June 10, Wilentz confessed his lack of familiarity with film cases, stating this complaint was his first. In his opening statement, the attorney general minced no words, saying: "I have mainly been representing fellows hit by trucks and not those hit by Warners." The meeting, covered by

(Continued on page 30)

Wm. Fox Reported In Dicker for "U"

HOLLYWOOD, Feb. 24. — William Fox's name enters the Universal situation as a bidder for its purchase and with B. P. Schulberg in charge of production. Reports along above

(Continued on page 2)

Report Another Fox Met Bid in Offing

A second bid for Fox Metropolitan Playhouses in competition with the Joseph M. Schenck-Fox Theatres

(Continued on page 32)

Dangle Block Booking Angle To Force Cancellations Up

Meet the President



Ed Kuykendall, current incumbent, but also slated for re-election in New Orleans today as president of the M.P.T.O.A.

By RED KANN

ABOARD M.P.T.O.A. SPECIAL, ATLANTA, Feb. 24.—It looks like a party. A big party. A handful of hours after this special, running as a second section of the Crescent Limited into the New Orleans playground, left New York Saturday night clinched the argument, if there was any, which there was not.

Socially, it looks like a big handful of days. Business-like, the convention looks interesting with results entirely in futures.

Bulletins out of New Orleans indicate the stagecraft has gone into overtime. The code, good old code, will provide whatever fireworks develop. Once again, the ancient battle between those none too friendly enemies, the producer and the exhibitor, is about to be touched off, this time almost entirely through the code and what it does not provide.

Says the M.P.T.O.A. in effect even if not in this language:

"We know what the code has done. It's over a year since it became the law. What we are interested in now is in pointing up what the code has not done. We admit the document was

(Continued on page 2)

They'll Be at New Orleans And Here's What They Seek

MOTION PICTURE DAILY *wired its nation-wide corps of correspondents to find out who'll attend the M.P.T.O.A. convention in New Orleans and what grievances they've packed into their bags for airing on the floor. What follows are the results of that check-up:*

Benton from Upstate

ALBANY, Feb. 24.—William Benton, operator of the Congress, Saratoga Springs, is expected to attend the M.P.T.O.A. convention. No others contemplate the trip so far as can be learned. The M.P.T.O.A. has no affiliated unit in this section.

Eight from Southeast

ATLANTA, Feb. 24.—R. B. Wilby of Valatenga Theatres, Lionel H. Keene of Loew's, Inc., W. K. Jenkins of the Lucas and Jenkins circuit, Sam Moscow, southern district manager for Columbia, and H. O. Duke

(Continued on page 14)

Cancellations Up, Designated Dates Out, Are Aims

By J. W. LEIGH

NEW ORLEANS, Feb. 24.—The M.P.T.O.A. will strike for significant changes in the code at its 15th annual convention which gets under way Monday at the Roosevelt.

It will strike out for an uppage in the cancellation clause from its present 10 per cent to 20 per cent, but emerge satisfied from convention hurly-burly at the end of the week with a split at 15 per cent if it can get that.

It will strike out for elimination of designated playdates on the ground that the practice indulged in today by all major distributors is not only an encroachment on the freedom of theatre operation, but a means of keeping alive public exhibition of objectionable pictures through insistence on Sunday playdates when family patronage is strongest.

Turn to page 28 for the day-by-day program of the convention.

Objection will be registered to the present status of the copyright laws which impose a $250 fine upon violators, whether conscious or otherwise, and without benefit of hearing.

A formula will be sought to effect clearance on a broad scale throughout the country, but based on admissions only. Probable is the development of a plan to bring about this objective through proposals in code revision, although details tonight are being jealously guarded.

Much attention will be paid to ways and means of increasing grosses by squeezing to its maximum dryness that which exhibitors get in product rather than continue to waste time by ranting against producers for failure to deliver

(Continued on page 14)

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Wm. Fox Reported In Dicker for "U"

(*Continued from page* 1)

lines which circulated here following his return from New York were admitted by Schulberg to MOTION PICTURE DAILY. He said he had discussed such a deal with Fox, but nothing concrete had happened.

A second group, believed to be Philadelphia money, is also reported negotiating for Universal, a condition of a deal from its point of view being Schulberg's availability as studio head.

Contagion Spreads; 'U' Holding One, Too

NEW ORLEANS, Feb. 24.—James R. Grainger, general sales manager of Universal, is here from Atlanta and New York to look in on the exhibitor convention and to hold a sales parley of his own with several of the Universal district managers assembled for the purpose.

W. J. Heineman, western district; Henry Herbel, headquartering in Chicago; John Ezell, headquartering in Atlanta, and Harry Graham, headquartering in Kansas City, are here.

Grainger will return to New York in a few days and in about four weeks again go to the coast, this time to prepare "U's" line-up for 1935-36.

Gillham to Sit In

NEW ORLEANS, Feb. 24.—Robert M. Gillham, director of advertising and publicity of Paramount, is here for the convention, following 10 days of fishing in Florida.

Dangle Block Booking Angle To Force Cancellations Up

(*Continued from page* 1)

written without precedent. We also admit it was finally drawn and approved minus a lot of things we wanted and couldn't get. Now we want them."

What are those things? For one, there is the situation on cancellations. Plenty to do about, and with, that problem, insists the M.P.T.O.A. The 10 per cent provision, hamstrung with catches and tied up prettily in knots of various kinds isn't nearly enough of a concession. The M.P.T.O.A. argued for 20 per cent during those murderous code formulation days in Washington and walked off with something which it maintains simply will not do.

It wants:

(1) Clarification of the atmosphere on the 10 per cent arrangement. Simplification also to the end that exhibitors get what the code says they are to get without question, hindrance or sidetracking.

(2) A hike to 20 per cent, or, like all deals in the film business, a compromise at 15. The M.P.T.O.A. will be content with the half-way mark.

How It Hooks Up

All of this ties in with block booking. And block booking ties in with the activities of sundry individuals in that selfsame Washington this jaunty crowd passed through, but not out, in the small hours of Sunday morning. The exhibitor organization's attitude is that block booking will shrink to a considerably less vital issue if cancellations expand into a more sizeable one. It will argue, this observer is reporting in advance, that the way to stifle much of this anti-block booking threat is to give exhibitors more latitude in pencilling out product they either do not want or that which they consider unsuitable for their audiences.

The M.P.T.O.A. is apt, very apt, to go strategic and inform distributors at large that, unless something is done about cancellations, the organization will either get actively behind some of the legislative stumping in Washington or aid the death-to-block-booking contingent by remaining passive. That, it is insisted, will be bad stuff either way.

Open support against sales in blocks through the usual pressure on Congressmen is likely to sharpen the issue into something more tangible, their argument goes. Passive resistance aiding the protagonists, they continue, easily might hasten the same results. Therefore, New Orleans may see a political deal brewing with cancellations the spoils.

Oppose Blocks, But—

M.P.T.O.A. men make it clear that they have no desire to sponsor block booking legislation actively or otherwise. Chiefly, their reason for preferring to continue anti is their fear that any elimination or curtailment of the practice will revive the now famous, but gone, "right to buy" theory and result in a higher cost per picture because of the terrific competition such an open market condition would bring about. Whether they mean it or not, whether they are cluttering the trail with the well-known brand of red herrings is a question, open kind, but this is their story. If anyone is stuck with it, don't wire this byline.

If past history may be accepted as a criterion, distributors will fight the move. The same situation will hold true where the M.P.T.O.A. and its 1935 slant on designated playdates are concerned. The organization is primed for a tussle on that score as a sort of handmaiden to its war whoop on eliminations. Exhibitor leaders aboard, as well as those already on the convention scene, assert the designated playdate system is raising havoc with their business.

They maintain the practice hits at their individual liberty as theatre operators; that the distributor has no right to insist upon preferred playing time; that enforced dates on big halves of the week, including Sundays, are keeping alive objectionable pictures in that the exhibitor is deprived of selection of attractions to grace his house on Saturday and Sunday when papa, mama and the kids attend.

Eyes Look on Ohio

On this issue, much interest has been evidenced in the Waldvogel bill. This is the measure inspired by the Independent Theatre Owners of Ohio and already voted favorably in the upper house of that commonwealth. Prominent church organizations throughout Ohio are swinging their influence to bear on its ultimate enactment.

Of considerable potential interest is that portion of the impending convention which will spend the day discussing theatre problems, poising merchandising riddles, airing methods of approximating maximum from available raw material.

The theory behind this is simple, yet arresting. It takes into account what is described as the futility of raising hell with producers for quality pictures they fail to deliver, while, at the same time, little or nothing is done about delivered product. This is why speakers will include successful theatremen of the Balaban and Wilby type who, having once recognized what they are given to sell to the public, proceed to sell it even while they may silently rave over the failings of Hollywood.

Hold Star Value Slant

It works something like this:

The last so-and-so may not have been so good. Too bad, but inescapable is the point that, since the exhibitor has already bought it, he ought to do something about selling the film instead of gnashing his teeth.

Higher uppers in the M.P.T.O.A. ranks have computed—generously, this outpost thinks—that of the total picture output per annum the peak load in big attractions rests at 25. They also figure that in numbers of outstanding box-office stars, the total ends unsatisfactorily at six or eight. They continue:

"What happens? The average exhibitor makes gods and goddesses of them. The excitement naturally reflects itself in Hollywood and studio salaries continue to soar steadily toward the heavens. Ditto on rentals.

"But exhibitors have to show the other product as well. If they did something about it, if they operated as the showmen they are supposed to be would, and should, it is easily conceivable that other stars might be made, thereby increasing the number of drawing cards at the till and making the general exhibition problem easier. The trouble is too many operators of theatres sit down and wait for their grosses to pile up with no assistance drawn from the fount of their own experience."

Hollywood will go into ecstasies over this.

The argument sounds, and is, interesting. There are many exhibitors, so called, who have been doing alright for years through sheer indifference which sometimes is another name for luck.

If the conventioneers can get away from Antoine's, Sazeracs and Ramos gin fizzes long enough to listen and, what's more, do something about it, this phase of the about-to-start parley easily may emerge as the highlight of the session.

Kuykendall's Regime Will Be Continued

NEW ORLEANS, Feb. 24.—Re-election for another year of Ed Kuykendall as M.P.T.O.A. president, as well as the entire slate of incumbent officers of the organization, is regarded as a certainty at the annual meeting of the M.P.T.O.A. board Monday.

A new secretary will be reelected to fill the vacancy caused by the resignation of Fred S. Meyer, who became an assistant to Carl Laemmle during the past year. Morris Lowenstein of Oklahoma City and Charles W. Picquet of Pinehurst, N. C., are regarded as likely candidates for the post.

In addition to Kuykendall, officers slated for re-election include Walter Vincent, New York, treasurer; M. E. Comerford, Scranton; M. A. Lightman, Memphis; A. Julian Brylawski, Washington; B. N. Berinstein, Los Angeles, and W. S. Butterfield, Detroit, as vice-presidents; Edward G. Levy, New Haven, general counsel, and Fred Wehrenberg, St. Louis, chairman of the board.

A new board of trustees and executive committee is also slated for election at the directors' meeting. Sam Dembow, Jr., resigned as a trustee when he left Paramount to become associated with National Screen Service during the past year, leaving a vacancy to be filled. Other trustees include Kuykendall; Joseph Bernhard of Warners; Comerford; Picquet; E. A. Schiller of Loew's; L. E. Thompson of RKO, and Vincent. Several replacements for this board are anticipated.

Meyer was a member of the executive committee and it is believed that his successor as secretary will also be elected to the committee Monday. Several other changes in the executive committee are also anticipated. Members now include Kuykendall, O. C. Lam, Sidney Lust, J. H. Michael, Jack Miller and Thompson.

Members of the board of directors are elected regionally by the affiliated units. No election of directors is scheduled at this time.

PARAMOUNT

PRESENTS A

PREVUE OF "MISSISSIPPI"

starring

BING CROSBY
W. C. FIELDS
JOAN BENNETT

with

Queenie Smith, John Miljan, Gail Patrick
Fred Kohler, Claude Gillingwater

A Paramount Picture • From the play by Booth Tarkington • Directed by Edward Sutherland



ACTION . . . MUSIC . . . LAUGHTER . . .



THE GLAMOUR OF THE OLD SOUTH!—Bing Crosby playing the gallant to his lovely Dixie bride, Gail Patrick, amidst the romantic glamour of the Old South.



IN A JAM!—The old Man of the River, W. C. Fields, is jammed in between the doorway and Queenie Smith after an altercation in which the commodore comes out second best.



THE SINGING KILLER!—Bing Crosby sings love songs to lovely ladies, fights for honor and wins the prettiest gal in Dixie!



STYMIED HAM!—The steely glitter in Dead Shot Cap'n Blackie's (Fred Kohler) eyes interrupts the trajectory of some "ham-and" from the plate to the commodious mouth of the four-flushing river showman!



THE BATTLE OF THE CENTURY!—The Singing Killer in a struggle to the death with Dead Shot Cap'n Blackie, Unchained Alligator of the Dismal Swamp!



HERE THEY ARE . . . the Glittering Galaxy of Stars from the Great Jackson HIMSELF . . . Alabam, Dancing Dynamite of the Bayous . . . F of Novelty Melodies . . . A ship of Song, Laughter, Rhythm and Roman

ANCING . . . EXCITEMENT . . . ROMANCE!



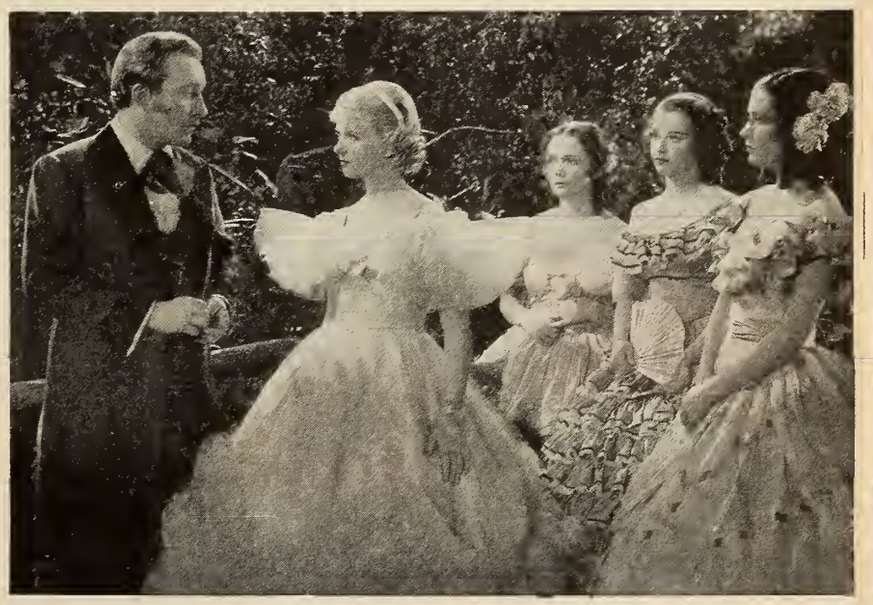
HAPPY ENDING!—With a happy song on their lips, Bing Crosby and Joan Bennett steam away with the Show Boat troupe down the broad highway of the Mississippi.



ANYWAY, IT'S LOUD!—The Champion Calliope Player of the Seven Seas hits a close one with the Notorious Colonel Steele, the Singing Killer.



RS ON THE LOOSE!—A tense moment when a friendly card at started with chips and glasses ends with pistols and knives!



NOT SO BAD!—Lovely Joan Bennett gets quite a shock when she learns that the notorious river desperado, The Singing Killer, is none other than her romantic troubador, Bing Crosby.



ow Afloat . . . Commodore
bin Kids, Dusky Singers



THE OLD ARMY GAME!—What with bedlam rampant on the Show Boat and killers on the loose, the Skipper can't be bothered playing around in a woman's arms!



A SONG OF LOVE!—Bing Crosby sings his way into the heart of Joan Bennett, the loveliest lass in the Mint Julep Belt.

NATION-WIDE MERCHANDISING CAMPAIGNS TO PLUG PARAMOUNT'S "MISSISSIPPI"

National Newspaper Ads

Key centers throughout the country will be supported by a national newspaper campaign that will sell "Mississippi" as the most important entertainment event in the history of the community!



Music

Rodgers and Hart Hit Songs... Nation-wide window tie-ups... radio plugs ...ballroom tie-ups... Decca and Brunswick record tie-ups... music exploitation that will blanket the country!



Exploitation

Giant National Exploitation Tie-Ups . . . Armour, Old Gold, Woolworth, Kresge, Woodbury . . . Full page ads in Saturday Evening Post and American Weekly . . . newspaper ads, display cards, heralds, window tie-ups, still give-aways . . . Exploitation of a nation-wide scope!



MY GRATITUDE TO PARAMOUNT FOR PUTTING AT MY DISPOSAL THE SUPERB TALENT AND GREAT ORGANIZATION WHICH PERMITTED ME TO PRODUCE MISSISSIPPI

Arthur Hornblow, Jr.

FROM BEHIND THE CAMERAS OF

PARAMOUNT'S

"MISSISSIPPI"

(ARTHUR HORNBLOW, JR.—ASSOCIATE PRODUCER)

DIRECTOR

A. EDWARD SUTHERLAND

SENDS HAPPY BOX-OFFICE GREETINGS TO THE SHOWMEN OF AMERICA

!



"Greetings Showmen of America–

I sincerely hope *Mississippi* clicks for you. Thanks Paramount and fellow workers. 'Twas a pleasure."

Bing Crosby



To Showmen Everywhere

"Lucy" sends you all her very best wishes from the Showboat of Paramount's "Mississippi"

Joan Bennett

Cancellation Shift Is Up to Campi

Convention's Action Needs Gov't Stamp

NEW ORLEANS, Feb. 24.—Recommendations for doubling the present 10 per cent cancellation provision in the code, slated for the M.P.T.O.A. convention, will have to be made to Campi. If it approves, any amendment will have to go to Washington for Compliance Director Sol A. Rosenblatt's sanction.

Efforts by exhibitors for 15, 20 and 25 per cent elimination privileges in contracts date back to the early stages of the formation of the code when coordinating committees were named to pacify opposing elements. On Aug. 2, 1933, after members of the industry had worked on a tentative draft of the code for months, the first sign of concellations came to light. Exhibitors wanted a straight 15 per cent elimination. Distributors wanted to adhere to the uniform contract provision and sought to maintain that clause in the code. It provides for the first five per cent with full payment, the second five at half price and the third five without payment.

With exhibitors holding out for a flat 15 per cent and distributor group tenaciously insisting on the contract clause, the issue ultimately was left to Rosenblatt for decision. In the master exhibitor draft sent to Washington, the 5-5-5 arrangement, arrived at after 20 or more months of active and desultory conferring by committees representing M.P.T.O.A., Allied and distributors, was included, but in the list of 28 exceptions submitted with the draft by Charles L. O'Reilly, exhibitor coordinator, the elimination provision was included.

Has Ancient History

On Sept. 21, 1933, MOTION PICTURE DAILY stated that Allied was seeking a 20 per cent cancellation. S. R. Kent, distributor coordinator, in commenting on the subject, said at the time:

"If the exhibitor is given the right to cancel out pictures as he may elect how can the studios tell what pictures to make or not to make? Our negative costs, as a consequence, will maintain their present high level; we will be compelled to make all of the pictures we set out to make at the start of the season and stagger along on the chance some of them will be canceled, and by not being canceled, return what we have spent."

On Oct. 4, 1933, the first revised draft of the exhibitor code by Rosenblatt included the 15 per cent elimination without payment. Five days later this clause was changed by reducing the percentage by five. The reduction followed conferences between Rosenblatt, then administrator, and distributor heads.

The third revision of the exhibitor draft followed on Oct. 19 when the clause was changed to read that cancellations can only be made on groups of 10, or, in other words, one of every 10 pictures bought may be canceled without payment.

On Oct. 28, United Artists had not yet signed the code and, while it was stated at the time that its reason was because it opposed the anti-raiding clause in the production code draft, it was believed that the cancellation privilege also was an annoyance because of the company individual selling policy.

Two days later, distributors went on record as willing to abide by contracts already signed providing for 15 per cent cancellation. This again was under the original 5-5-5 arrangement, but on Dec. 4, MOTION PICTURE DAILY learned that the 10 per cent provision would be granted exhibitors who signed on the old cancellation basis. Allied directors, meeting secretly in New York on Jan. 24, 1934, discussed cancellations but would not comment on their stand. It is believed that they still maintained their 20 per cent demand made on Sept. 21, the year before.

Around Feb. 10, Campi members had an inning on the retroactive phases of cancellation. Rosenblatt held it was effective as of Dec. 7, when the code went into operation. Code Authority members thought differently and asked NRA legal department to decide the issue. On Feb. 16, John C. Flinn released the legal department order upholding the administrator. Not satisfied with the ruling by the NRA, M-G-M, Paramount, RKO, Fox and Warners on March 1 were reported ready to test the retroactive date in court. On March 10, the five companies changed their attitude and acquiesced. March 30 found Campi sending out letters to all local boards advising secretaries to list for hearings complaints on cancellations.

Apparently still dissatisfied with the number of requests for eliminations, distributors were holding out at the end of March when Rosenblatt, at a Campi session, insisted on a showdown. By a vote of eight to two, Warners and Paramount dissenting, the members accepted the cancellation privilege. To top this, the NRA on March 31 ruled that even non-assentors could benefit by the 10 per cent provision. On April 12, Code Authority instructed all branch managers to immediately abide by the elimination clause in the code.

At the M.P.T.O.A. convention last year, a move was made for hiking the elimination figure to 15 per cent. That was on April 14 in Los Angeles. When Campi was queried on April 17 on the M.P.T.O.A. resolution, no official request was on record other than that which was reported in trade papers. On May 10, the M.P.T.O. of Nebraska went on record for 15 per cent cancellations, but no further action was taken.

On May 28, Campi reported 215 non-assentors had taken advantage of the power to cancel without payment.

The first sign of difficulties with U. A. over the 10 per cent provision came to the attention of code members when, on May 29, William E. Troug, branch head for the company in Kansas City, notified Grace Gannon, local code secretary, that the company was not subject to the clause. Supporting this statement was Al Lichtman, who in Chicago on June 4 on a two-day company convention, stated "it was part of our understanding when we signed the code and also our agreement with Sol A. Rosenblatt we were not subject to the clause."

U. A. Was Storm Center

Fred Meyn of the Pershing, Kansas City, said he would file a test case against United Artists. This was the first of three against the company. The Egyptian, De Kalb, Ill., was the second. This theatre filed a complaint on June 11, a week after Meyn. The third instance developed without special significance when, on Aug. 9 last year, H. R. Evans of the Albion, Albion, Ind., was given a Campi verdict against U. A. Evans declared he had bought 26 pictures, or all offered by the company, and was turned down on a one-picture cancellation. Code authority held that the exhibitor was within his rights, having bought all the product offered. U. A. contended the contracts were on an individual basis and that Campi could not eliminate 10 per cent of one picture. During the month of August, U. A., through its attorneys, O'Brien, Driscoll & Raftery, threatened legal action. On Sept. 7, this plan was dropped, the company stating that it would abide by its provisions.

On Oct. 23 the question of substituting pictures for cancellations came up, distributors contending they had the right to take a picture from the lower bracket in any contract and charge an exhibitor the amount of the film canceled in the higher bracket. On Dec. 26, Ed Kuykendall, in a bulletin to M.P.T.O.A. members recommending an overhauling of the code, stated the code cancellation privilege was inadequate. He also said that the topic would be one for convention discussion in New Orleans.

No further complaints against U. A.'s refusal to grant eliminations have been registered with either local boards or Campi. Apparently disappointed in its efforts to get increased cancellations, Allied at its board of directors meeting in Washington recently did not dip into the subject, but slammed the code at large.

Cancellation Clause Facing Fire on Convention Floor

New Orleans, Feb. 24.—The cancellation clause against which the M.P.T.O.A. will lay down a heavy barrage appears in the code under Article V (Unfair Practices), Subdivision F, Part 6.

This is the text on which the exhibitor convention will seek amendment to increase the 10 per cent bracket to 20 per cent:

Part 6. If in any license agreement for the exhibition of feature motion pictures the Exhibitor has contracted to exhibit all of the motion pictures offered at one time by the Distributor to the Exhibitor and the license fees of all thereof average not more than $250.00, the Exhibitor shall have the privilege to exclude from such license agreement not to exceed ten percent (10%) of the total number of the motion pictures so licensed; provided the Exhibitor

(1) is not in default under such license agreement, and

(2) shall have complied with all of the provisions thereof, if any, for the exhibition of such motion pictures at specified intervals.

(b) Such privilege of exclusion may be exercised only upon the following terms and conditions:

(1) The Exhibitor shall give to the Distributor written notice of each motion picture to be excluded within fourteen (14) days after the general release date thereof in the exchange territory out of which the Exhibitor is served.

(2) The Exhibitor may exclude without payment therefor one (1) motion picture out of each group of ten (10) of the number of feature motion pictures specified in the license agreement provided he has paid for the other nine (9) of such group.

(3) If such privilege of exclusion is not exercised as provided in paragraph (b) (2) above, the Exhibitor may nevertheless exercise such privilege by paying the license fee of each motion picture excluded with the notice of its exclusion. In such case, such payment shall be credited against such tenth or succeeding tenth motion picture, as the case may be, which the Exhibitor would otherwise be privileged to exclude as provided in paragraph (b) (2) above.

If the only or last group licensed is less than ten (10) and more than five (5) motion pictures, the privilege to exclude shall apply provided the Exhibitor has paid for all motion pictures but one in such group.

(c) Upon the failure or refusal of the Exhibitor to comply with any term or condition of such license agreement, or to comply with any arbitration award in respect thereto, the privilege of exclusion forthwith shall be revoked and the Exhibitor shall be liable for and pay to the Distributor the license fees of all motion pictures theretofore excluded.

(d) If the license fee of any feature motion picture specified in the license agreement is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, such license fee (for the purpose of computing the average license fee of all the motion pictures licensed) shall be determined as follows:

(1) Average the license fees of all of the Distributor's feature motion pictures exhibited upon a percentage basis at the Exhibitor's theatre during the period of one year prior to the term of such license agreement.

(2) If none of the Distributor's feature motion pictures were exhibited upon a percentage basis at such theatre during said period, average the license fees of all feature motion pictures exhibited upon a percentage basis at such theatre during the said period.

(e) If the rental of any motion picture excluded is to be computed in whole or in part upon a percentage of the receipts of the Exhibitor's theatre, the sum to be paid by the Exhibitor as provided in paragraph (b) (3) hereof shall be determined as follows:

(1) Average the gross receipts of all the Distributor's feature motion pictures exhibited at the Exhibitor's theatre during the ninety (90) day period preceding the Exhibitor's notice of exclusion, and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(2) If no feature motion pictures of the Distributor were exhibited at the Exhibitor's theatre during said ninety (90) day period, average the daily gross receipts of the Exhibitor's theatre for the period of thirty (30) operating days preceding the Exhibitor's notice of exclusion and apply to such average the percentage terms specified in the license agreement for the picture excluded.

(f) In computing the number of feature motion pictures which may be excluded hereunder, fractions of more than one half (½) shall be regarded as one (1).

(g) Upon the exclusion of each feature motion picture, the license therefor and all rights thereunder shall terminate and shall revert to the Distributor.

(h) The Optional Standard License Agreement referred to in Part 1 hereof shall be deemed amended by substituting in place of Article Fifteenth of such contract the provisions of this Part.



"A triumph!" SAYS MOTION PICTURE DAILY

SAMUEL GOLDWYN

presents

GARY COOPER
ANNA STEN

in

THE *Wedding Night*

with

RALPH BELLAMY • HELEN VINSON
SIEGFRIED RUMANN

Directed by KING VIDOR

Released thru

UNITED ARTISTS

Delegates Are Ready with Problems

Territorial Complaints Seek Hearing

(Continued from page 1)

are localites who will attend the convention.

H. V. Manning of Etowah, Tenn., Mack Jackson of Alexander City, Ala., and L. J. Duncan of West Point, Ga., are out-of-towners who have made reservations to leave for the convention from this point.

Goldstein from Baltimore

BALTIMORE, Feb. 24. — Norman Goldstein, president of the Globe Poster Co. here, is the only person connected with the industry who will attend the convention, so far as can be learned. This section is a stronghold for Allied.

Giles from New England

BOSTON, Feb. 24.—George A. Giles, president of the Allied Theatres of Massachusetts, Inc., which is an M.P.T.O.A. affiliate, will represent his organization at New Orleans. He is the only one definitely slated to go.

Sam Pinansky of Olympia Theatres, however, is in Florida for his health and may take in the proceedings. There is a possibility, too, that John J. Ford of the same circuit and a member of the Giles' association, may sit in.

Michael Only One from Buffalo

BUFFALO, Feb. 24.—Jules H. Michael, zone chairman of the M.P.T.O., is the only one from the Buffalo area known to be figuring definitely on attending the New Orleans convention. He said he had no special sectional grievance in mind to present, but would wait first to see what was brought out on the floor of the convention.

25 from the Carolinas

CHARLOTTE, Feb. 24.—The North and South Carolina M.P.T.O. will have approximately 25 members and their wives at the convention. The problems to be brought up by exhibitors of this district are closely aligned with those of the national association and no local grievances or suggestions are slated for airing.

Those who will attend are: George and Mrs. Parr, Lancaster, S. C.; M. F. and Mrs. Schnibben, Florence, S. C.; J. E. and Mrs. Massey, Waynesville, N. C.; J. M. and Mrs. Gregg, Charlotte; L. C. Sipe, Charlotte; H. R. Berry, Hartsville, S. C.; Walter Gregg, Charlotte; J. E. Simpson, Gastonia; Roy Smart, Charlotte; H. F. and Mrs. Kincey, Charlotte; Walter and Mrs. Griffith, Charlotte; Ruth Hardin, Charlotte, secretary of the association; J. H. Vickers, Charlotte; Charles W. Picquet, Pinehurst, president of the association, and Albert Sottile, Charleston, S. C.

Miller, Balaban Going

CHICAGO, Feb. 24.—Jack Miller of the Chicago Exhibitors' Ass'n already is on the New Orleans convention scene, having gone on from New York where, earlier last week, he appeared before Campi in an appeal case involving the Yale, Maywood, against his Lido.

John Balaban of B. & K. will be on hand, as will Walter Immerman, general manager of the circuit. Mrs. Louis Rudolph of the Emmett will attend. The two daughters of John Remijas, who made the jaunt to the last conclave in Los Angeles, are scheduled. "Tippy" Harrison is also in the group.

Cincinnati Disinterested

CINCINNATI, Feb. 24.—Little interest is evidenced in this section over the impending New Orleans convention. So far as has been checked, the territory will have no representation. Those neighborhood exhibitors who belong to any state unit are members of the I.T.O. of Ohio, which is an Allied unit.

Draw Blank in Cleveland

CLEVELAND, Feb. 24.—No Clevelanders will attend the New Orleans convention. Practically all of the local theatremen, aside from affiliated circuits, are members of the Cleveland M. P. Exhibitors' Ass'n which fails to see problems eye to eye with the M.P.T.O.A.

None from Columbus

COLUMBUS, Feb. 24.—A check of exhibitors and exhibitor organizations throughout this territory fails to disclose any exhibitors who will attend the convention in New Orleans.

The reason is obvious. This is an Allied territory and the I.T.O. of Ohio is an affiliate of that organization.

"We Want Code Changes" Is Keynote of Convention

(Continued from page 1)

something better. This is the keynote behind the solid day's program to be devoted to addresses by advertising managers of major producers, by experts in equipment and by experts in theatre merchandising.

The "drones" in exhibition ranks are slated for a lashing for their dependence upon an active few in their territory to throttle adverse legislation. "Pep" talks designed to awaken theatremen from their lethargy in this direction will be spotted throughout the sessions.

The cancellation issue will be a hot one. It looks like fireworks on this point. M.P.T.O.A. men insist the 10 per cent bracket is not sufficiently generous. They maintain they cannot ward off outside, adverse criticism unless the bars are further let down. They maintain there are too many strings attached to the method by which the current eliminations are granted and they charge some distributors with bad faith in that they either are dodging cancellations or making them difficult to get, code notwithstanding.

Therefore, the convention will hit hard for two things. One is clarification of the cancellation privilege as it now stands with the elimination of all strings attached. Two, a hike in the bracket.

If they get this concession, which, no matter how the convention works out will have to be submitted to Code Authority in New York, it is argued the block booking question will become less acute. The greater the number of pictures cancellable, the less the cry about being forced to buy in groups. This is the idea in a nutshell.

Ed Kuykendall, national president, told MOTION PICTURE DAILY on the eve of the confabs that this will be no "smothered" convention.

"We have deliberately drawn up our program to include speakers who by on means are in complete sympathy with our objectives," he said. "We expect them and they will give it to the delegates straight from the shoulder, or the hip if you like, and tell the assembled theatremen where they get off."

While Kuykendall makes this promise, convention routine determined upon will follow essentially along the lines set up last year in Los Angeles. There will be little or no "beefing" or airing of individual complaints from the floor. M.P.T.O.A. attitude appears to be that no one is particularly interested in being wearied by long harangues of exhibitors complaining over a situation peculiar and local to his operation; that this will slow down an already crowded schedule and that the most efficacious manner of hearing grievances is to divert them to the private deliberations of committees delegated for this purpose. In the comparative quiet of committee rooms, individuals will have their say.

If what they say is viewed as important enough to reach the floor, the chairman of the committee will introduce it.

Contrary to Los Angeles and the 14th annual convention where studio parties were the order of each day, the deliberations this year will divide themselves into both morning and afternoon sessions. The plan is to sound each day's final gavel at about 4:30 or 5 o'clock, allow committees an hour or so thereafter for their own business and thereby permit a brief interlude to intervene between convention proper and each evening's social calendar.

Space at the Roosevelt tonight was at a premium. Convention overflow is reaching to the Jung and other hotels as well. This is reported to be the first time on record, or at least the first time in years, that the top-notch hotels in town have accepted conventions during the week of Mardi Gras.

Code Clauses Slated for A Featured Role

Dallas After '36 Convention

DALLAS, Feb. 24.—Among local showmen who will attend the M.P.T.O.A. convention will be Harold Robb and Ed Rowley of R. & R. Circuit, Claude Ezell and Bill Underwood of Independent Film Co., Buddy Harris of Alexander Film, R. J. Potter of Jefferson Amusement, Wallace Walthall of National Screen Service, J. I. Roberts of National Theatre Supply and Bert King of RCA.

Walthall and a group will ask the convention in 1936 for Dallas, at which time Texas will be holding the Centennial Celebration with Dallas as the principal centennial city. L. C. Griffith of Griffith Amusement Co. of Oklahoma City joined Walthall in Dallas today to entrain for New Orleans. Bonnie Long, secretary of the local code board, will attend.

A large delegation of Oklahomans is reported driving to Dallas to join forces with the local group, New Orleans bound.

Huffman Grooming Fight

DENVER, Feb. 24.—There is a strong possibility that the Rocky Mountain Theater Owners' Ass'n will be represented at the convention. The president, Harry E. Huffman, Earl P. (Bishop) Briggs and Frank Culp are planning on attending. All are members of the local organization.

Huffman is at present engaged in a fight in Federal court to prevent several exchanges from carrying out orders of the grievance board to stop service to his theatres. Ordered to stop auto giveaways, he persisted, and the stop order was the result. If Huffman attends he is expected to try to have the code modified to allow giveaways in theatres. He is firm in his conviction that they are needed until business conditions improve.

Draws Des Moines Blank

DES MOINES, Feb. 24.—A check made by MOTION PICTURE DAILY shows the local exhibitor fraternity is passing up the M.P.T.O.A. convention completely.

Detroit Sans Delegation

DETROIT, Feb. 24.—Checkup of exhibitors here indicates that Michigan, which has no M.P.T.O.A. unit, will not be represented at the convention in New Orleans.

Harold C. Robinson, of Film Truck Service, will, however, attend the sessions of the National Film Carriers, Inc., which will be held during the exhibitor convention. Robinson, who is a vice-president of the carriers' body, will go to Florida from New Orleans for a vacation of several weeks.

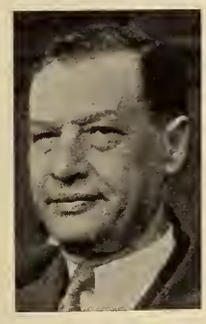
Indiana Won't Be Present

INDIANAPOLIS, Feb. 24.This—This is an Allied territory in which the As-

(Continued on page 20)

North, South, East and West

The Officers and the Directors of M.P.T.O.A.



Ben Berinstein
Los Angeles



Joseph Bernhard
New York



A. Julian Brylawski
Washington D. C.



W. S. Butterfield
Detroit



M. E. Comerford
Scranton



E. M. Fay
Providence



George A. Giles
Boston



O. C. Lam
Rome, Ga.



Edward G. Levy
New Haven



M. A. Lightman
Memphis



Sidney B. Lust
Washington, D. C.



Jack Miller
Chicago



C. W. Picquet
Pinehurst, N. C.



Lewen Pizor
Philadelphia



E. A. Schiller
New York



L. E. Thompson
New York



Walter Vincent
New York



Roy L. Walker
Lampasas, Tex.



Morgan A. Walsh
San Francisco



Fred Wehrenberg
St. Louis



C. E. Williams
Omaha



R. X. Williams
Oxford, Miss.

WE TOLD YOU SO!...WEEK-END CROW

BY "NIGHT LIFE OF THE GODS," UNIV

AND HERE IS THE ROXY AD CAMPAIGN THAT DREW PACKED HOUSES FROM MORN TO MIDNIGHT!



OS AT THE N. Y. ROXY WERE AMAZED

RSAL'S MASTERPIECE OF NONSENSE!



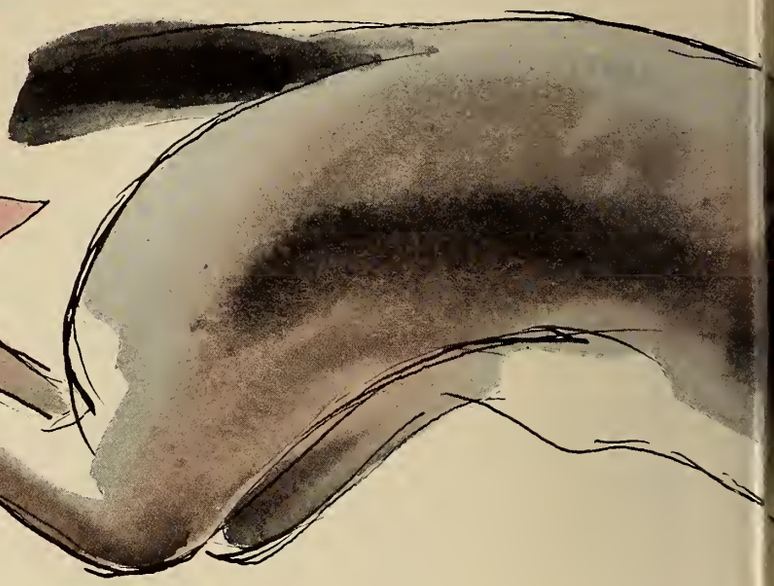
DAVID COPPERFIELD

Greatest Extended Run Hit in the history of motion pictures!



CLARK GABLE
CONSTANCE BENNETT
AFTER OFFICE HOURS

Washington. D. C.. premiere sensational!
Miami breaks all previous records



SEQUOIA

(SEE-QUO-YAH)

1935's Exploitation Triumph!
Nominated among Year's Ten Best!

JEANETTE MacDONALD
NELSON EDDY

in VICTOR HERBERT'S STAGE HIT

NAUGHTY MARIETTA

Coast advance notices predict
greatest musical of all time.

WALLACE BEERY

and Frank Craven in

WEST POINT OF THE AIR

Thrilling success in "Hell Divers" and now at Radio!

JEAN HARLOW
WILLIAM POWELL
RECKLESS

Unique musical melodrama.
Jerome Kern melodies. Biggest
Song and Spectacle Show
M-G-M ever produced.



HELL BENT!

The eyes of the entire industry are on your pal Leo. Never in the annals of Metro-Goldwyn-Mayer *(and what annals!)* has Leo hit such a winning stride. Keep your dough on the leaping lion. This is only *February* of 1935!

Memphis for Death to "Walkathons"

Sees Them As Evil; Wants Some Relief

(*Continued from page* 14)

sociated Theatre Owners of Indiana hold sway. Therefore, there is no interest in this section in the New Orleans convention.

Kansas City Disinterested

KANSAS CITY, Feb. 24.—Neither national exhibitor organization has any affiliation in this territory and so it obviously follows local exhibitors have no particular interest in the New Orleans convention.

Elmer C. Rhoden, Fox Midwest division manager who was slated to address the parleys, will not attend. Pressure of business attendant upon emergence of his company from bankruptcy is the reason.

FALLS CITY, Neb., Feb. 24.—Oscar Johnson, local exhibitor, will attend the M.P.T.O.A. convention in New Orleans beginning tomorrow.

Berinstein Goes Solo

LOS ANGELES, Feb. 24.—Ben Berinstein, president of the Southern California association which is affiliated with the national M.P.T.O.A., will act as a one-man delegation to the New Orleans convention.

"Death to Walkathons"

MEMPHIS, Feb. 24.—Representatives of M.P.T.O. of Arkansas, Mississippi and Tennessee will go to the national M.P.T.O.A. convention with the proposal that all exhibitors unite in a move to bar walkathons from their communities.

M. A. Lightman, chairman of the tri-state board of directors, said tax problems will be uppermost in the minds of exhibitors from this territory who attend the convention, but that they will not have any definite recommendations other than the walkathon ban move, according to present indications.

Official representatives of this unit will be Lightman; W. L. Landers, of Batesville, Ark., president; and R. X. Williams, of Oxford, Miss., secretary.

Lightman is scheduled to speak on "Successful Ways of Putting Over the Family Night Idea," but plans to "cheat" a bit on his subject, expanding it to include the general theme of goodwill promotion within the community and state. He will contend that the proper handling of this problem by exhibitors will go a long way toward solving all their legislative difficulties.

As chairman of the legislative committee, Lightman went to the convention a day or so ahead.

Exhibitors in this territory are more and more coming to regard the walkathon as a form of competition to which they need not submit, according to the former national president. Sentiment has been developing for some time for a definite move to curb the spread and, in several instances, theatre owners have succeeded in keeping this type of amusement out of their cities.

"I think it is time all the facts regarding what goes on at a walkathon should be brought before the national body for action," Lightman said. "So far as I know, it is about the only thing upon which the tri-state group is determined to secure action."

Wisconsin Sending Observers

MILWAUKEE, Feb. 24.—With the dissolution of the M.P.T.O. of Wisconsin and Upper Michigan, Inc., now in process, this city which last year sent a strong delegation to the M.P.T.O.A. convention in California, will send no official delegation to New Orleans.

To date, those who have signified their intentions of giving a look-in without any particular axe to grind, include Mike Brumm of the Ritz and Al Bartelt of the Plaza, both of whom are members of the recently organized Independent Theatres Protective Ass'n of Wisconsin. It is possible that several others may find their way to the gathering.

Northwest Doesn't Figure

MINNEAPOLIS, Feb. 24.—The New Orleans convention appears to be of little interest in the Twin City area where those exhibitors who go in for exhibitor associations are, in the main, members of Allied.

Levy from New Haven

NEW HAVEN, Feb. 24.—Edward G. Levy, not as a member of the M.P.T.O. of Connecticut which, despite its name, is not affiliated with the national M.P.T.O.A., but as general counsel of the Kuykendall organization, will be in New Orleans.

Max Tabackman of Massachusetts Theatres, Inc., will also attend.

Crowd from New York

The New York delegation, made up almost entirely of distributor and accessory representatives, is traveling to the convention on a special which arrives in New Orleans this morning as a second section of the Crescent Limited.

The two local exhibitor organizations, the I.T.O.A. and the T.O.C.C., will not be represented unless Harry Brandt, president of the former, and Charles L. O'Reilly, president of the latter, make a last minute decision.

Neil Agnew and Boris Morros are aboard the special as Paramount's representatives. Charles E. McCarthy is another passenger as representative of Fox. He joins John D. Clark, Fox sales manager at the convention today, the latter heaving left New York earlier last week.

Carl Lesserman, assistant to Gradwell Sears; S. Charles Einfeld, director of advertising and publicity, and Fred Jacks, southern district manager, make up the Warner contingent on the train. Jules Levy, general sales manager of Radio, and J. H. McIntyre, southern district manager, are others.

The trainload also embraces E. W. Hammons, president of Educational, and Mrs. Hammons; Jack Skirball, sales manager of that company, and Harvey Day, special sales representative; Hal Horne, director of advertising and publicity of United Artists and Mrs. Horne; Herman Robbins, president, Sam Dembow, Jr. and Hal Young of National Screen Service; George W. Weeks, sales manager of Gaumont British; Harold Robb and Ed Rowley of the R. and R. circuit in the Southwest; Clint Weyer of National Film Carriers, Inc.; H. H. Pease of the York Ice Machinery Corp.; Edward G. Levy, general counsel M.P.T.O.A. with New Haven as his home town; Helen O'Toole, recording secretary of the exhibitor association; Sally Kelly; Jack Knight and Jack Diamond of Paramount; L. S. Tobias and Mrs. Tobias; John Holbrook, Edward Johnstone, Sidney Zucker, James P. Clarke and Fred Fischer.

Abe Sablosky and Charles Segall boarded the train at Philadelphia about midnight Saturday night.

Robert, Treasury Dep't Official, Will Talk on Taxation Problems



Washington, Feb. 24. — Assistant Secretary of the Treasury Lawrence Wood Robert, Jr., will address the M.P.T.O.A. convention in New Orleans on the various forms of taxation confronting the exhibitor in the operation of his business.

Robert was born at Monticello, Ga., 45 years ago and was educated at Georgia Tech, where he was an All-American quarterback, a baseball player of sufficient promise to lead "Ty" Cobb to seek to enlist him professionally, a fast man on the track and an all-round athlete.

Graduating, he became a consulting engineer and was, prior to his coming to the Treasury as a member of the "Little Cabinet," president of Robert & Co., textile engineers, and largely responsible for initiating the migration of textile plants from New England to the South.

Bearing the family name, Lawrence Wood, borne by his father and grandfather before him, he is naturally known to his friends as "Chip." His official title is Assistant Secretary of the Treasury in Charge of Engraving and Printing and Mint Service.

Robert plans to leave Washington Feb. 25 or 26, stopping over at his home in Atlanta to visit his father, Capt. Lawrence Wood Robert, before going to New Orleans. On the way back he will stop at the Pass Christian home of Ben Hecht, president of the American Bankers Ass'n.

Omaha After More "Teeth" In the Code

Oklahoma Spreads Self

OKLAHOMA CITY, Feb. 24.—This territory will descend on New Orleans with a real-sized delegation. Headed by Morris Lowenstein, president of the Oklahoma M.P.T.O. and a director of the national M.P.T.O.A., the group will include:

Fred Pickrel, Ponca City; L. C. Griffith, Oklahoma City; "Speedy" and Mrs. Moulder, Sapulpa; Charles Zears, secretary of the local Film Board; Max F. Broch, Lawton; Mrs. C. P. Dooley, Purcell; Phil Isley, Tulsa, and W. P. Moran, Oklahoma City, both identified with Southwestern Theatres, Inc.; L. E. Brewer, Paul's Valley; O. E. Enloe, El Reno; Sol Davis, Monogram Pictures, Oklahome City; and Wallace Walthall, formerly of Oklahoma City and in Dallas.

Most of the delegates are on their way by auto and train. However, Enloe, who operates the Criterion at El Reno, is flying his own plane. The delegation is traveling via Dallas and Baton Rouge and carries to New Orleans no particular grievances for airing.

The majority of the conventioneers from this section will remain for the Mardi Gras.

Nebraska Seeks Changes

OMAHA, Feb. 24.—Charles E. Williams, president of the Nebraska-Western Iowa M.P.T.O. and a member of the national board of directors of the M.P.T.O.A. for more than 10 years, was in Chicago yesterday to join a group of northwest delegates and exhibitors enroute to the New Orleans convention.

Carl Johnson of Red Oak, Ia., and Oscar Johnson of Falls City, Neb., brother exhibitors, together with their wives, will motor to New Orleans for the convention.

Williams told MOTION PICTURE DAILY he would make the same recommendations to the national association as were discussed and informally agreed to at the M.P.T.O. meeting held here in January. The local unit had suggested that the code — if it is to continue — should undergo sufficient changes so as to

(*Continued on page* 22)

GREETINGS TO THE THEATRE OWNERS OF AMERICA:

We extend to you our sincere thanks for your support during the past year, and wish you success for the ensuing season.

WE DEEM IT OUR DUTY TO WARN YOU

against people who impose upon Theatre Men and Merchants by claiming to be associated with or representing us. Numerous instances, some of which are pure "rackets" and violations of criminal laws, have come to our attention where unauthorized persons have made use of our name and characters in theatre tie-ups.

OUR ONLY AUTHORIZED REPRESENTATIVES ARE:

UNITED ARTISTS CORPORATION

DISTRIBUTORS



KAY KAMEN, Inc.

729 SEVENTH AVENUE, NEW YORK

Special Representative in Other
Than Motion Picture Activities

(SIGNED)

Walt Disney

Walt Disney Productions, Ltd.
Mickey Mouse and Silly Symphony
Cartoons

Walt Disney Enterprises

Move to Aid Independents Looming

Philadelphia Carries Plan To Convention

(Continued from page 20)

"give it teeth" and that Code Authority speed up action on appeals.

"As far as we are concerned, we are generally satisfied with the code," Williams said. "We would like to see some changes made in it, though. I think if the code was simplified and made more understandable for the small exhibitor it would be a popular document."

Wants Independents Supported

PHILADELPHIA, Feb. 24.—The M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware will carry to the convention this week a definite plea for the independent producer and exchangeman, backed by a practical program.

The local body's slogan of "1,000 New Dates for the Independents During the Year" will be brought before the national body and an attempt made to get general M.P.T.O. support for the plan.

The idea may be launched by Lewen Pizor, president of the local group which is the parent of the plan. It is Pizor's contention that the buildup of the independent producer will offer a form of insurance for the independent exhibitor, providing him with sufficient product to maintain his programs. Pizor also argues that the definite support will enable independent producers to better their product.

Pizor, now in Florida, and George P. Aarons, secretary of the local group, will officially represent the M.P.T.O. of this territory. Other local exhibitors will be in attendance, including George Kline, Jay Emanuel, Charles Segall, Al Fisher and Mike Egnel.

Aarons, accompanied by Kline who runs the Strand, Boyertown, Pa., and is head of the Kline Poster Co., left by automobile Thursday. Emanuel, vacationing in Miami, goes directly to the Mardi Gras city.

In addition to the plan for aiding independent production, the local group will be strongly in back of the movement for a 20 per cent cancellation, or at least a better deal than the present 10 per cent agreement.

Draw Pittsburgh Blank

PITTSBURGH, Feb. 24.—This is an Allied territory and that's sufficient reason to count this territory out where representation at the New Orleans convention is concerned.

None from Oregon

PORTLAND, ORE., Feb. 24. — M. Blumauer of the Capitol is an ardent M.P.T.O.A. man, but extreme age makes it impossible to attend New Orleans.

Fay from Rhode Island

PROVIDENCE, Feb. 24.—E. M. Fay, first run operator here, will be a one-man delegation to the convention. He will represent the M. P. T. O. of Rhode Island and is already here.

St. Louis for Code Changes

ST. LOUIS, Feb. 24.—Believing that they will have to continue to operate under the NRA code for at least another year, the delegation of 16 from the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois is going to New Orleans with a number of proposed amendments to the code as it is now written.

The amendments to be proposed include:

An unconditional 20 per cent cancellation clause to cover each block of 10 pictures without regard to their national release date or availability to the exhibitor personally.

Home rule on the question of outlawing double feature programs.

Elimination of score charges, it being contended that the rental for sound pictures should cover the music tax.

Complete elimination of non-theatrical shows that compete with theatres.

Elimination of designated playdates.

The fixing of a definite date before which producers and distributors could not sell new product. This is to discourage the present tendency to sell the next year's pictures before the present season has been fully set in. It was contended that this method of advance selling is an unfair trade practice and should be stopped.

Fair and equitable method of clearance and zoning.

Define matinees as stopping at 6 P. M., when the maximum night prices must go into effect.

A provision that the decisions of local clearance and zoning and grievance board decisions must go into effect within 10 days.

The local delegation will be headed by Fred Wehrenberg of St. Louis, president of the organization, and Louis C. Hehl, secretary and treasurer; C. H. Weeks of Dexter, Mo., and Mrs. Weeks; Sam Komm, Collinsville, Ill., Mrs. Komm and two others; P. Mercier of Perryville, Mo., and daughter; S. Luken, Macklind, St. Louis, and son; Louis Ansell, of the Ritz and Midtown, St. Louis; Art Kalbfeld of Puline, St. Louis; Jimmy Zappalia, Columbia Theatre, St. Louis; Leo Hill, St. Louis Amusement Co., and Mrs. Hill; O. W. McCutcheon, Blytheville, Ark., and N. A. Sanowsky of St. Louis. A special car left over the Illinois Central at 1 P. M. today.

No. California Sending 20

SAN FRANCISCO, Feb. 24.—Approximately 20 from this region will attend the convention. Among those definitely in the delegation are H. V. Harvey, R. A. McNeil, Morgan A. Walsh, George and James Nasser, Joe Blumenfeld and John Di Stasio, the latter from Sacramento. Herman Cohen is also expected to be in the party.

The Independent Theatre Owners Association of Northern California is an affiliate. Morgan Walsh, president, has been appointed by Ed Kuykendall, the chairman of the committee on code trade practices, one of the most important committees which will function at the convention.

Northern California delegates will recommend to the convention, Walsh says, that the theatre code be amended to change the 10 per cent. elimination clause which has become a controversial subject within the industry and may become a social problem in that the theatre-going public appears to be leaning toward legislative bills opposing block booking and blind buying. Many legislatures have had anti-block-booking and anti-blind-buying bills introduced. Efforts will be made by the California delegation to make this clause more workable, equitable and fairer.

A special car carrying the Northern California delegation left here Thursday. Most of the delegates are expected to return home about March 7.

N. W. Won't Attend

SEATTLE, Feb. 24.—Allied Amusements of the Pacific Northwest, including exhibitors in Washington. Montana, Idaho and Alaska, will not be represented at the M.P.T.O.A. convention. A check just completed by Hugh W. Bruen, organization president, disclosed that none of this territory's exhibitors, affiliated or independent, plans to attend the meeting.

Committees and Chairmen Who Will Run Convention

NEW ORLEANS, Feb. 24.—The convention is pretty much in the hands of these committees:

General Chairman, Convention Arrangements: Harry S. McLeod, St. Charles, New Orleans.

Reception: Rodney Toups, Loew's State, New Orleans.

Registration and Housing: Victor Meyer, Orpheum, New Orleans.

Entertainment: Frank Heiderick, Lyceum, New Orleans.

Banquet: Joe Alsino, Famous Theatres, New Orleans; Meyer and Toups.

Golf Tournament: Arthur Higginbotham, Baton Rouge.

Display Booth: H. S. McLeod.

Program: Edward G. Levy, New Haven.

Auditing: Philip Sliman, Laurel, New Orleans.

Credentials: M. E. Comerford, Scranton, Pa.

Resolutions: Edward G. Levy.

Music Tax: Lewen Pizor, Philadelphia.

NRA Code: Trade Practices: Morgan A. Walsh, San Francisco, Labor: Jack Miller, Chicago.

Non-Theatrical Competition: George A. Giles, Cambridge, Mass.

Legislation and Taxation: M. A. Lightman, Memphis.

Public Relations: Fred Wehrenberg, St. Louis.

East and West For a Hike in Cancellations

Want Cancellations Upped

WASHINGTON, Feb. 24.—The M. P. T. O. of the District of Columbia will be well represented when the annual convention of the M. P. T. O. A. gets under way in New Orleans on Monday. The local delegates are:

A. Julian Brylawski, president of the local group and head of Warner Brothers real estate department here.

Dr. William P. Herbst, operator of the Circle.

Nathan Stiefel, operator of the Howard.

Louis Bernheimer, operator of the Jesse and Sylvan.

Sidney B. Lust, operator of three houses in Washington and two in Maryland.

The delegation will lay before the national group a list of matters on which the consensus of opinion here is that there is need for action.

Chief among the matters is that germane to an adequate cancellation privilege entirely divorced from any ifs, ands or buts. Block booking—and the legislation now pending in Congress to abolish it—is not a particular major problem at present, it is felt here; but this cancellation question is.

Under the present code set-up, the M. P. T. O. local feels, there are too many provisos attendant on the allowed 10 per cent cancellation. All these provisions, the exhibitors feel, should be abolished. An exhibitor, they hold, should have the right to cancel any picture merely upon a request to the exchange without having previously had to comply with certain provisions and without being obliged to offer reasons for the action.

Other matters on which the local group feel strongly, and which it will lay before the convention, are the music tax, score charges, Western Electric charges for parts and service, preferred playing time, privilege of booking immediately upon availability, the present inadequate supply of prints on a given picture on hand at a given exchange, and producer-controlled theatres. Music tax and score charges, the group feels, should be radically revised downward. Charges levied by WE for parts and service are far too exorbitant, they claim.

Playing time entirely depends on the picture and the house, and the local group would make it possible that the exchange would not be able to dictate playing time contrary to the interests of the house. Booking on availability and adequacy of the number of prints are closely tied together, and would prove of advantage to exchange as well as exhibitor and his subsequent runs.

It is the feeling of the Washington organization that theatres should be divorced from production and distribution and that no exhibiting unit should have any connection with the other two, and vice versa.

PLAN *now...*

FOR EXTENDED RUNS ON THESE FOX HITS!

GLANCE at the details and convince yourself that the exhibitor who doesn't date them in for extra playing time is cheating his bank account. And ...while you're at it...slap yourself on the back for being a FOX showman!

JANET GAYNOR — WARNER BAXTER
in
ONE MORE SPRING

With Walter King, Jane Darwell, Roger Imhof, Grant Mitchell, Rosemary Ames, John Qualen, Nick Foran *and* Stepin Fetchit. Produced by Winfield Sheehan. Directed by Henry King. From Robert Nathan's best-selling novel. Screen play and dialogue by Edwin Burke.



SHIRLEY TEMPLE
LIONEL BARRYMORE
in
The LITTLE COLONEL

A B. G. DeSylva Production. With Evelyn Venable, John Lodge *and* Bill Robinson. Directed by David Butler. Screen play and adaptation by William Conselman. Based on the story by Annie Fellows Johnston.



GEORGE WHITE'S 1935 SCANDALS

With ALICE FAYE, JAMES DUNN, NED SPARKS Lyda Roberti, Cliff Edwards, Arline Judge, Eleanor Powell, Benny Rubin, Emma Dunn, GEORGE WHITE. Entire production conceived, produced and directed by George White. Screen play by Jack Yellen and Patterson McNutt. Based on a story by Sam Hellman and Gladys Lehman.



WILL ROGERS in LIFE BEGINS AT 40

With Rochelle Hudson, Richard Cromwell, George Barbier, Jane Darwell, Slim Summerville, Sterling Holloway. Produced by Sol M. Wurtzel. Directed by George Marshall. Suggested by the book by Walter B. Pitkin. Screen play by Lamar Trotti.



The GREAT HOTEL MURDER
with
EDMUND LOWE — VICTOR McLAGLEN

Rosemary Ames, Mary Carlisle, Henry O'Neill, C. Henry Gordon. Produced by John Stone. Directed by Eugene Forde. Screen play by Arthur Kober. Story by Vincent Starrett.



FOX


"Think of it Shirley!
You have another hit to your credit!"
"Another honey for the Shirley Temple fans. Little Miss Temple lives up to everything her fans think of her. She and Bill Robinson do a couple of duets that are wows and worth the price of admission. It can't miss!"
—Hollywood Reporter

SHIRLEY TEMPLE
LIONEL BARRYMORE

in

The LITTLE COLONEL

A* B. G. DeSylva Production *with

EVELYN VENABLE · JOHN LODGE

***and* BILL ROBINSON**

Directed by David Butler

Screen play and adaptation by William Conselman
Based on the story by Annie Fellows Johnston

FOX


JEROME KERN'S MUSICAL ROMANCES
QUEEN OF
Roberta
starring the golden girl with the silver song
IRENE DUNNE
and America's Dancing Stars
FRED ASTAIRE
GINGER ROGERS
RANDOLPH SCOTT ... HELEN WESTLEY
VICTOR VARCONI ... CLAIRE DODD
From the play "Roberta" ...
Book and lyrics by Otto Harbach...
Directed by William A. Seiter
Pandro S. Berman Production
RKO-RADIO PICTURE



"RINGS THE GONG WITH HIGH POINT BOX-OFFICE... IT'S RKO-RADIO'S WOW!"

—Motion Picture Daily

"'ROBERTA' A SURE-FIRE SMASH... A KNOCK-OUT, A HONEY AND A WOW!"

—Hollywood Reporter

SMASH MUSICAL... STRONG CAST, STORY, MELODIES, STYLE FLASH ...THE WOW YOU WANT!"

—Film Daily

Program Varied in Content and Scope

Business All Day, But Fun In Evenings

NEW ORLEANS, Feb. 24.—*Here is the official program as it stood tonight, although subject to changes because of the inability of some scheduled speakers to attend.*

Suggestions of the arrangements committee as to what to do and how, in order to reduce confusion and to allow the individual participation of conventioneers to proceed smoothly are included:

Monday, Feb. 25

Registration of delegates, members, friends and guests at the registration desk on the mezzanine floor of the Roosevelt, near the entrance to the Gold Room. This will be convention headquarters and information bureau. Register promptly to participate in all convention affairs. Registration cards provided should be filled out completely, giving full name, address, room number and hotel, and theatre or firm. You will materially assist the committee in making your stay more enjoyable by registering promptly. Registration fee: $10.

Registration fee includes all convention affairs as follows:

(1) Official convention badge. Identifies and admits you to
—all business sessions of the convention, no admission without.
—All motion picture theatres in New Orleans during convention.
—The New Orleans Athletic Club during the convention.
—M.P.T.O.A. Golf Tournament at Metairie Country Club this afternoon. (Greens Fee, $1.)
—M.P.T.O.A. bridge party at Metairie Country Club this afternoon.
—The President's reception, Tip Top Room in the Roosevelt, Tuesday evening.

(2) Ticket for the Yellow Line Seeing New Orleans Tour No. 1. Monday or Tuesday only. Busses leave from 9:30 A.M. on. Ask Yellow Line starter at hotel entrance.

(3) Tickets to M.P.T.O.A. annual convention banquet, Tuesday evening.

(4) Ticket to Young Men's Business Club of New Orleans. Tip Top Room, The Roosevelt, Wednesday, noon.

(5) Ticket to "Ol' Man River" party and cruise on the Mississippi River steamer *Capitol,* Wednesday evening.

(6) Official program of the convention.

Afternoon

Three diversions arranged by the committee. Take your choice.

(1) A golf tournament at the Metairie Country Club. Your badge qualifies you for entering the tournament. The greens fee is $1. Lots of trophies and prizes. Arthur ("Slim") Higginbotham, chairman.

(2) A bridge party at the Metairie Country Club. More prizes and trophies. Your badge admits you.

(3) M.P.T.O.A. Day at the Fair Grounds races. Special M.P.T.-O.A. handicap races have been arranged. Your badge admits you to the Fair Grounds.

Evening

No planned affairs this evening. You are free to explore the city. For guides and information about cafes and interesting places ask any member of the reception committee (white badges).

The annual meeting of the board of directors will be held Monday evening at 6 P.M. in The Roosevelt. This is an executive session for the members of the board.

Tuesday, Feb. 26

Forenoon

Registration of delegates, members, friends and guests at the registration desk. If you have not registered, do it now.

Seeing New Orleans. Yellow Line busses leave the Roosevelt from 9:30 A.M. on.

Afternoon

Business session in the Gold Room, mezzanine floor, the Roosevelt at 2 P.M. sharp.

Convention called to order by H. S. McLeod, general chairman, convention arrangements committee.

Invocation

Address of welcome to New Orleans.—Theodore Simmons, vice-president, New Orleans Chamber of Commerce.

Response to welcome on behalf of M.P.T.O.A.—M. E. Comerford, Scranton.

Annual report of the president—E. L. Kuykendall.

Annual report of the secretary—Edward G. Levy, acting secretary.

Report of committee on convention arrangements—H. S. McLeod, general chairman.

Report of committee on labor relations—Jack Miller, Chicago.

Report of committee on public relations—Fred Wehrenberg, chairman.

Report of committee on entertainment values—Walter Vincent, chairman.

Announcement of special committees for the convention, where and when they will meet.

Adjourn 4:45 P.M. for committee meetings.

Evening

The president's reception—Tip Top Inn on the roof of the Roosevelt at 9 P.M. Informal dancing, refreshments. Your badge admits you.

Wednesday, Feb. 27

Forenoon

Business session in the Gold Room, mezzanine floor, the Roosevelt at 10:30 A.M. sharp.

"Special Facilities in the Theatres for the Hard of Hearing Patron"—Mrs. F. J. Block, Laurel, Miss., vice-president American Federation of Organizations for the Hard of Hearing, Inc.

"Technical Aspects of Theatre Operation"—Herbert Griffin, Society of Motion Picture Engineers.

"Modern Trends in Motion Picture Theatre Architecture."—Robert Boller, American Institute of Architects, Kansas City.

"New Values in Theatre Lighting."—W. C. Brown, chief illuminating engineer, General Electric Co., Nela Park, Cleveland.

"Mechanical Facilities of the Modern Theatre"—J. T. Knight, Jr., Paramount Theatres Service Corp., New York.

Adjourn at 11:30 A.M. Luncheon at 12:10 sharp at Young Men's Business Club in honor of M.P.T.O.A. delegates. At the Tip Top Inn, the Roosevelt.

Afternoon

Business session in Gold Room, 2 P.M. sharp.

"Advertising and Selling Motion Picture Entertainment to the Community."—a discussion of new ideas in merchandising new films, use of advertising accessories and how the distributors can help the exhibitor to sell his show to the public. The following advertising executives have been invited to talk: Herschel Stuart, Columbia; Gordon S. White, Educational; Chas. E. McCarthy, Fox; Si Seadler, M-G-M; Edward Finney, Monogram; S. Charles Einfield, Warners; Robert M. Gillham, Paramount; S. Barret McCormick, RKO; Paul Gulick, Universal; and Hal Horne, United Artists.

"How to Market the Literary Type of Picture."—E. C. Rhoden, general manager, Midwest Theatres, Kansas City.

"The Theatre's End of the Better Films Bargain" — Roy L. Smart, North Carolina Theatres, Inc., Charlotte.

"My Experiences with Family Night Programs"—M. A. Lightman, Malco Theatres, Memphis.

"How to Sell the Finer Pictures"—Lupton A. Wilkinson, Advertising Advisory Council, New York.

Adjourn at 4:30 P.M.

Evening

"Ol' Man River" party and cruise on the Mississippi River, steamer *Capitol,* from foot of Canal St., 7:30 P.M. Dining, dancing and refreshment facilities on board.

Repeating

National Screen Service has sent a camera crew to New Orleans to photograph exhibitors attending the M. P. T. O. A. convention. Prints of the shots will be sent to all theatre owners gratis, like last year when the company pulled the same stunt in Los Angeles.

Herman Robbins, president, Sam Dembow, Ben Rosenberg and Hal Young left Saturday for the convention city.

Thursday, Feb. 28

Forenoon

Business session in the Gold Room at 10:30 A.M. sharp.

"Film Delivery Problems and Service"—James P. Clarke, Philadelphia, President, National Ass'n. of Film Carriers.

"Our Problems in Local Legislation"—Roy L. Walker, Lampasas, Texas, President, Theatre Owners' Protective Ass'n. of Texas.

"Theatre Admission Taxes and Other Taxes Pertaining to Theatre Operation"—L. W. Robert, Jr., Washington, D. C., assistant secretary of the treasury.

Address by John C. Flinn, executive secretary, Code Authority.

Address by Sol A. Rosenblatt, compliance director, NRA.

Address by Sidney R. Kent, president Fox Film.

Adjourn at 12:30 P.M.

Afternoon

Business session in the Gold Room at 2:30 P.M. sharp.

Report of Committee on Credentials and Rules—M. E. Comerford, chairman.

Report of Committee on Music Tax—Lewen Pizor, chairman.

Report of Committee on Non-Theatrical Competition—George A. Giles, chairman.

Report of Committee on Legislation and Taxes—M. A. Lightman, chairman.

Report of Committee on Public Relations and Community Affairs—Fred Wehrenberg, chairman.

Report of Committee on NRA Code—Trade Practices—Morgan A. Walsh, chairman.

Report of Committee on NRA Code—Labor Provisions—Jack Miller, chairman.

Report of Committee on Resolutions—Edward G. Levy, chairman.

Unfinished business.

Convention adjourns *sine die.*

Evening

Annual convention banquet—Tip Top Inn, roof of The Roosevelt at 7 P.M. Informal.

The Mardi Gras

The features listed below, while not an official part of the convention are seasonable events of the New Orleans Mardi Gras season and are mentioned for general information only.

M.P.T.O.A. visitors are invited to stay over for the Carefree Carnival of the Mardi Gras, which reaches its climax on Mardi Gras Day, March 5, with the parade, masque, pageant and ball of the Krewe of Rex, King of the Carnival. Brilliant carnival affairs will be held daily, many of them public, others are private and available only by invitation. Saturday noon is the Parade of the Krewe of Nor (Children's Carnival Pageant).

Friday evening you are invited to attend the Junior League Mardi Gras Ball at the Civic Auditorium. Through the courtesy of the Junior League, those identified by the convention badge may purchase tickets and attend this affair, one of the largest and most brilliant of the Mardi Gras balls. Tickets are $2 per person, reserved tables $3 and $5 per person.

A HARD HITTING TEAM

THAT'S WHY THEY'RE ALWAYS OUT IN FRONT



NOW AT BAT...
AND IT'S ANOTHER HOMER..

Buster KEATON

in

"ONE RUN ELMER"

Directed by Charles Lamont

•

NEXT MAN UP...

ERNEST TRUEX

in

"OBJECT NOT MATRIMONY"

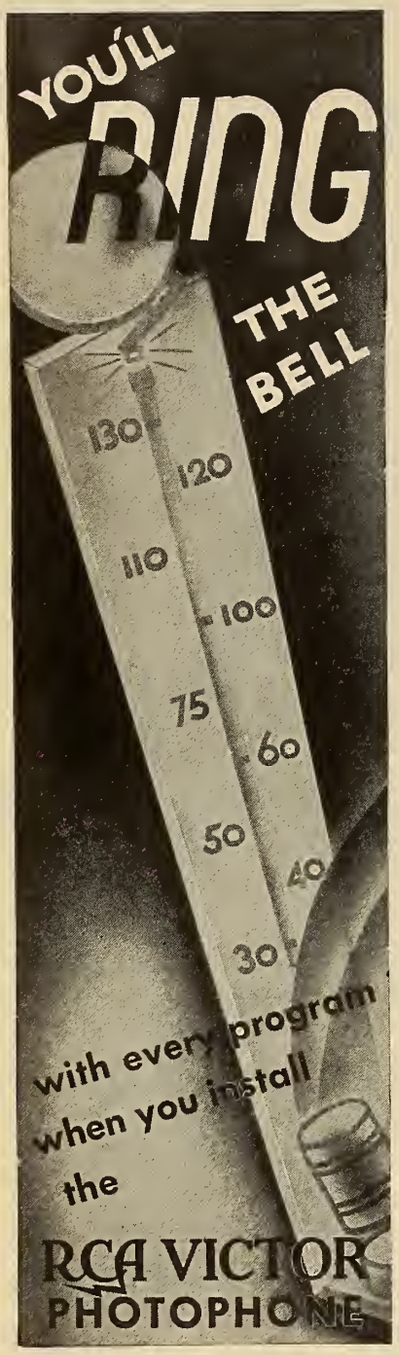
Produced by Al Christie

Presented by *E. W. HAMMONS*

Joe Cook, Buster Keaton, Ernest Truex . . . . home run kings of comedy **. . . . Sylvia Froos,** the **Easy Aces, York** and **King, Tom Howard, Junior Coghlan, Billy Gilbert . . . .** regular Babe Ruths, every one of them, when it comes to socking out the laughs and entertainment in the shorts innings. And they're drawing the paying fans to the stands, too, whenever they play. No wonder that *Educational* team is walking away with the pennant again.

Educational Pictures
"THE SPICE OF THE PROGRAM"

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PHOTOPHONE DIVISION
RCA MANUFACTURING CO., Inc.
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New Orleans In Gay Array For Visitors

NEW ORLEANS, Feb. 24.—If they decide on a busman's holiday, delegates and visitors to the convention will find a varied assortment of celluloid entertainment at their beck and call. Here is what the local first runs will be showing:

Liberty—"Great Expectations."
Loew's State — "After Office Hours."
Orpheum—"Roberta."
Saenger—"The Little Colonel."
St. Charles—"Carnival."

Victor Meyers, manager of the Orpheum, will run a midnight show during the convention and plans to be on hand to welcome those who want to take it in. Other theatres are expected to do likewise.

Hotel grills and night clubs around town are lining up special programs. Destined to be popular is The Blue Room at the Hotel Roosevelt, in which hostelry convention headquarters are to be maintained. The Eagle Music Hall is continuing "Uncle Tom's Cabin" and vaudeville.

All of this has nothing at all to do with midnight and early morning forays which conventioneers may determine to rig up on their own.

Town Primed for Crowd

Many surprises are scheduled for the visitors, including golf tournaments at the Metairie golf course, a bridge tournament for women, a tour of the Vieux Carre with experienced guides, where, in the old quarter, a hundred historic squares, the living romances of two colorful centuries have been preserved in settings unchanged and unique. Beneath balconies embroidered with the iron handiwork of African slaves, under the waving leaves of banana trees in cool patios, as in the Napoleon House and the Absinthe House, visitors may commune with the spirits of Lafayette, Bienville, Lafitte, Jackson, Pere Antoine, heroes of the early days. With creole chefs they may revel in the culinary marvels created here for them by proud generations of Creole chefs. In secluded patios they may discover genuine gumbo and find out why Thackeray raved of New Orleans' boullabaisse; why gumbo is Irvin S. Cobb's favorite; and top a gala day with an absinthe frappe or a gin fizz among a people who know.

Then the Racetrack

While numerous night clubs have provided additional entertainers, showers and all that go with an athletic club can be had in the immense structure of the New Orleans Athletic Club just a few doors from Canal Street in the heart of the city. On Monday afternoon while warming up for the strenuous days of the convention proper, the entertainment committee has provided a corking good golf contest on the grounds of the Metairie Country Club, one of the finest greens in the south; the ladies will also be taken care of by a bridge party in the spacious club house.

Those who don't go in for golf have the privilege of visiting the race track watching the bang-tails go by and the bookmakers making funny noises when they pay off. At night the delegates are to be turned loose and wander where they will. They'll wander. Special guides may be hired to show 'em the sights. No curfew bells will ring out.

The committee on arrangements has made arrangements with the Yellow Cabs for side trips and the like to places of interest such as the antique shops, old world places of beauty, cafes and bars without limit.

On Tuesday night after the worries of business sessions and committee meetings, President Kuykendall will hold a reception in the Tip Top Inn in the Hotel Roosevelt.

Wednesday night, the steamer *Capital* has been engaged for a real old-time southern party with a cruise up and down the Mississippi with vaudeville stunts and dancing the order of the evening. Deck hands will be attired as the roustabouts of the days gone by, the steamer will be decorated with cotton bales as settees and side tables, while genuine (?) yellow girls and boys will carry refreshment trays.

For those that like to gamble—and what showman doesn't—the Louisiana Jockey Club at the fair grounds will make losing money a pleasure. The grounds and clubhouse are most beautiful and the pari-mutuel system prevails.

The Gulf States Theatre Owners will also meet during the M.P.T.O.A. convention.

Success Note

New Orleans, Feb. 24.—The M.P.T.O.A. convention combines with Mardi Gras to give the hotels here their heaviest registration in years. The Roosevelt has been sold out for several weeks past, according to Pat O'Shaugnessy, manager, who said every room in the hotel has been booked solid for Carnival Week.

Tommy Burns of the Jung says all the rooms there are filled and will remain so until after carnival time. John O'Leary of the St. Charles and Tony Spatofora of the Monteleone likewise report capacity.

Carriers Preparing For Own N. O. Meet

NEW ORLEANS, Feb. 24.—Legislative problems affecting the trucking industry will be discussed tomorrow and Tuesday by the executive committee of the National Film Carriers, Inc. James Clarke, president of the organization, is chairman of the committee which consists of George F. Callahan of Exhibitors Service, Pittsburgh; H. C. Robinson, Film Truck Service, Detroit; John Vickers, Carolina Delivery Service, Charlotte; G. M. Blackman, Smith Film Service, Syracuse. Several other members in addition to the executive committee are here for the M.P.T.O.A. session.

Clint Weyer, secretary, recently stated that there were pending in 44 states a total of 850 bills which, if passed, would work undue hardship on the film trucking men.

Clarke recently attended the policy committee meeting of the American Trucking Ass'n., when the various bills were discussed.

Wilentz Will Take Warner Case to NRA

(*Continued from page* 1)

MOTION PICTURE DAILY, proceeded at a peaceful clip until Wilentz became incensed at some of the remarks made by I. Levinson, attorney for Warners. He rose from his seat and attacked Warners, declaring: "They will not get away with this!"

Two members of the advisory board voted that the three theatres were in competition and should have equal availability, two other members disregarded the competitive angle and declared the trio should have like availability notices while a fifth member held that the houses were in direct competition, but Warners' 14-day protection should be reduced to seven.

When the case was heard by the main clearance board on June 28, the lower ruling was upset, the board voting that the three houses were in competition and each theatre was entitled to 14 days' clearance over each other. Wilentz appealed to Campi and this body sustained the local board's ruling. The matter was then brought to the attention of Compliance Director Sol A. Rosenblatt, who turned it over to the Industrial Appeals Board.

Also in Leonia Case

The New Jersey attorney general will also play an important role in the Leonia, Leonia, clearance controversy, which was decided by the local board on June 4. Julius Charnow, operating the Leonia, is vice-president of Allied of New Jersey, which has pledged a fund to retain Wilentz for the final action.

Charnow appealed the ruling of the local board and the matter has been before Campi for more than six months with no action taken. A committee was appointed about two months ago to try and straighten out the matter, but reports from this body have not yet been made. Campi has had the case on its calendar for weeks, postponing it at the request of the committee, which is trying to break down the 60-day protection. Charnow several weeks ago asked for a hearing before Campi and was turned down. Since then several exchange heads have taken a personal interest in the matter, but cannot reconcile the major circuits.

Loew's is reported willing to compromise provided Warners will day-and-date the Lincoln, Union City, with the Embassy, North Bergen. George Skouras is said to be willing to abide by any decision, since his intervening houses will benefit along with Charnow's theatre, if Loew's and Warners get together.

Wilentz will confer with Rosenblatt on this case when he appears in Washington. Campi, at its last meeting, had the Leonia case scheduled, but put it over until this Thursday.

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WRITE FOR FREE SAMPLES
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IN a new field, in the space of only a few weeks, THE MARCH OF TIME has made a new impression—fresh—deep—clear cut. More than a thousand motion picture theatres are now showing THE MARCH OF TIME on the screen. Millions of people have thrilled to this new kind of pictorial journalism . . . The public and critics alike have been quick to recognize in this "newsmagazine of the screen" a mark of distinction for theatres from coast to coast. Second release—March 8th.

Released by **FIRST DIVISION**—Harry H. Thomas, *Pres.,* Radio City, N. Y.

THE MARCH OF TIME

Gaumont Names 10 For 1935-'36 List

Titles to 10 of the Gaumont British 1935-36 lineup have been set. They are "39 Steps," by John Buchan; "Soldiers Three," from a story by Rudyard Kipling; "Pepys," from the biography of Samuel Pepys; "Clairvoyant," with Claude Rains and Fay Wray; "Barcarolle" and "Sam and Sallie," with Jessie Matthews; "The Tunnel" and "King of the Damned" with Conrad Veidt; "Redemption," to be directed by Berthold Viertel, and "The Passing of the Third Floor Back," with Nova Pilbeam.

The company plans to distribute in the United States 16 of the 24 to be produced next season. This number is exclusive of films to be made by outside producers and brought over.

Rubin-Roden Hearing Delayed to Feb. 27

CHICAGO, Feb. 24.—The hearing of the suit brought here by Jack Rubin of Public Theatres in the Federal court against James Roden, owner of the Astor, for alleged violation of anti-trust statutes, has been postponed to Feb. 27. Judge Woodward of the U. S. District Court has been sitting on another case.

Now Atlantic Pictures

World-Wide Pictures Corp. has changed the company name to Atlantic Pictures Corp. and has taken over the distribution of six Hughes productions. R. M. Savini, sales manager, leaves today on a tour of southern and mid-western exchanges.

Taxes Fall Off

Washington, Feb. 24.—Admission taxes collected by the government during January totaled $1,328,884 compared to $1,399,815 during the same month last year.

Report GSTOA May Merge with MPTOA

NEW ORLEANS, Feb. 24.—Reports that the Gulf States Theatre Owners' Ass'n would decide to affiliate with the M.P.T.O.A. circulated anew when the resignation of H. S. McLeod was made public. McLeod's resignation may take effect May 28, at which date the G.S.T.O.A. holds its convention.

Since the G.S.T.O.A. will attend the M.P.T.O.A. business sessions and banquet, a friendly agreement is thought to exist between part of the G.S.T.O.A. and the M.P.T.O.A., though certain members of the Louisianian-Mississippi organization are known to look askance at any thought of a merger.

Joe Barcelona, Baton Rouge exhibitor and rumored next president of the G.S.T.O.A., has resigned from the clearance and zoning board.

Warner Club Has Party

HOLLYWOOD, Feb. 24.—The Warner studio club's first annual formal dinner dance was held over the weekend at the Biltmore with more than 800 attending. The entertainment was under the direction of Benny Rubin, who acted as master of ceremonies. Warner stars and players attended.

Report Another Fox Met Bid in Offing

(Continued from page 1)

offer to be outlined to Federal Judge Julian W. Mack tomorrow is expected to be made known at the court hearing, or within the next few days thereafter, it was learned on Saturday.

Identity of the new bidder is being closely held. Spokesmen for RKO denied they were interested in making a bid. Walter Reade and Joseph Plunkett were among those who sounded out the Fox Met bondholders' committee in advance of the joint Loew-Warner bid for the circuit last summer, but neither could be reached for comment Saturday on the current report of a new competitive bid.

M-G-M Revives Its Policy Conferences

HOLLYWOOD, Feb. 24.—M-G-M is reviving the practice, more or less dormant for the past few years, of holding executive production conferences on major issues such as the hiring of important talent, buying stories and major production policies. The policy board includes Louis B. Mayer, Irving Thalberg, David O. Selznick, Eddie Mannix, Ben Thau and Sam Katz.

Marion Talley Signed

HOLLYWOOD, Feb. 24.—Preview reaction to "Naughty Marietta" has caused M-G-M to sign Marion Talley to a long-term contract starting immediately. She will start a series of screen operas.

Wall Street

Columbia Gains ⅜ on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc (cl)	38½	38⅜	38⅜	+ ⅜
Consolidated Film Industries (½v)	5¾	5¾	5¾	— ⅛
Consolidated Film Industries, pfd	19¾	19	19	— ¾
Eastman Kodak	121	120	120	—1½
Eastman Kodak, pfd	147	147	147	.....
Fox Film "A"	10¾	10½	10½	— ⅜
Loew's Inc.	36	34⅞	34⅞	— ½
Loew's Inc., pfd	104¼	104¼	104¼	+ ¼
Paramount Publix	3⅜	3¼	3¼	— ¼
Pathe Exchange	1	1	1	.....
Pathe Exchange "A"	14½	14⅜	14⅜	— ⅞
RKO	1⅝	1⅝	1⅝	.....
Warner Bros.	3⅝	3⅜	3⅜	— ⅛

No Change on Curb

	High	Low	Close	Net Change
Technicolor	16¾	15¾	15¾	.....

Paramount Publix Bonds Off ¾

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights	104½	104½	104½	.....
Paramount Publix 5½s, '50	69¼	69½	69½	— ¾
Warner Bros. 6s '39 wd	55½	55½	55¼	.....

(c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 23)

Thomson in Code Post

HOLLYWOOD, Feb. 24.—Kenneth Thomson, executive secretary of the Actors' Guild, has been appointed temporary chairman of the extras' standing committee, Mrs. Mabel Kinney having resigned because of ill health.

Dependable Film Delivery Assured By

Carolina Delivery Service Co., Charlotte, N. C.
Columbus-Cincinnati Trucking Co., Columbus, Ohio
Electric Delivery System, New Orleans, La.
Exhibitors Film Delivery & Service Co., Inc., Denver, Colo.
Exhibitors Film Delivery & Service Co., Inc., Kansas City, Mo.
Exhibitors Service Co., Pittsburgh, Pa.
Film Exchange Transfer Co., Boston, Mass.
Film Express Service, Minneapolis, Minn.
Film Pick-Up Service, Minneapolis, Minn.
Film Service, Inc., Milwaukee, Wis.
Film Transfer Co., Minneapolis, Minn.
Film Transport Co., Omaha, Neb.
Film Transportation Co., Des Moines, Ia.
Film Truck Service, Detroit, Mich. and Chicago, Ill.
Gilboy Company, San Francisco, Cal.
Gross & Johnson, Cleveland, Ohio
Horlacher Delivery Service, Inc., Philadelphia, Pa.
Howell Trucking Co., Inc., Rochester, N. Y.
Inland Film Express, Des Moines, Ia.
Inter-Carolina Delivery Service, Charlotte, N. C.
Interstate Film Service, Minneapolis, Minn.
Iowa Film Delivery, Des Moines, Ia.
Middle West Film Express, Minneapolis, Minn.
New Jersey Messenger Service, Philadelphia, Pa.
Northwest Film Delivery Co., Seattle, Wash.
Smith Film Service, Inc., Syracuse, N. Y.
Theatre Service Co., Minneapolis, Minn.
Theatre Transport Co., Toledo, Ohio

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RKO Moves to Get Orpheum in Denver

DENVER, Feb. 24.—Court action is looked for over the efforts of RKO to redeem the Orpheum. RKO lost the house when the bondholders foreclosed. The Colorado Orpheum Co., controlled by RKO, presented a check for $428,000 to the sheriff and demanded possession of the property. Harry Huffman refused to move out.

Huffman claims the payment was made too late. The expiration date for redemption, according to him, was Feb. 10, but the sheriff accepted the check on advice of the city attorney, but not until attorneys for both sides had argued the case for more than two hours, during which William E. Guthner, manager of safety and excise, was called in to preside.

The sheriff issued a redemption certificate which empowered the Colorado Orpheum Co. to take possession of the Orpheum, but Frazer Arnold, attorney for Huffman and the Centennial Theatres, said his clients would resist efforts to take possession.

Issuance of the redemption certificate was also protested by Albert H. Jewell, trust officer for the U. S. National bank, the trustee which had the property sold on foreclosure.

The Orpheum was put under Huffman's management by RKO because Huffman controlled the first run pictures in Denver. Later Huffman managed when it was taken over by the bondholders, and at present he holds a contract to buy the theatre from the bondholders, subject, of course, to redemption action by RKO.

Cliff Work, manager of the Golden Gate, San Francisco, and a division manager for RKO-Radio, is in Denver awaiting developments. His job, he said, was to set up an operating personnel in any theatre to which RKO assigned him.

Report M-G-M Takes "Ziegfeld" from "U"

HOLLYWOOD, Feb. 24.—Universal has reached an agreement with M-G-M to transfer the story and production rights on "The Great Ziegfeld" to the latter company, it is said. The price is said to exceed $250,000.

Although the agreement has not actually been signed, it is understood that when it is completed the entire production unit working on the story will transfer to M-G-M, with William Anthony Maguire, who has been both writer and producer on the unit, loaned to M-G-M. The picture was scheduled to have started March 1 after three postponements, due to the fact that William Powell, who was slated for the stellar role, has been unavailable.

While the unit has been waiting for Powell, work on costumes, dance routines and other details have been carried on, and Con Conrad, Walter Donaldson, Gus Kahn and others have delivered the musical numbers.

With the transfer, it is understood, will go options on the services of Fannie Brice, Harriett Hoctor, Catherine Hereford, Frankie Masters' band, Shaw & Lee, Marylin Knowlden and Seymour Felix.

Ann Harding Recalled

HOLLYWOOD, Feb. 24.—Ann Harding, who was en route to the Orient on a vacation, has been recalled by M-G-M to report for work on Edmund Goulding's "The Flame Within."

Walmsley Has New Tax

NEW ORLEANS, Feb. 24.—Not content with a two per cent gross tax on amusements, Mayor Walmsley has introduced an amendment to the amusement tax, which when passed provides that a two per cent tax shall be levied on every ticket purchased instead of a two per cent on the gross dollar.

Pallos Moscow Bound

LONDON, Feb. 24.—Etienne Pallos, general sales manager of London Films, is now enroute to Moscow to negotiate a distribution deal with Soviet officials for his company's product. He is also scheduled to speak at the Moscow Cinema Festival now in session in commemoration of the 15th year of the Soviet industry.

Paramount Holds Three

HOLLYWOOD, Feb. 24.—Paramount has given new contracts to one director and two assistant directors.

Arthur Jacobson, director of "Home on the Range," drew a new ticket. Jacobson is now collaborating on plans for "The Big Broadcast of 1935."

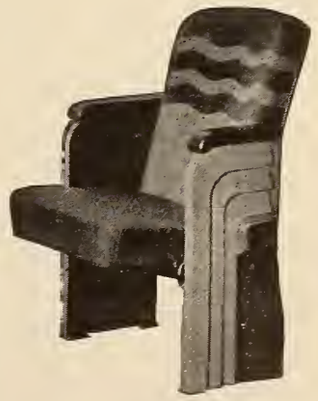
Russell Mathews and James Hogan were the assistants.



has nothing on the shock of uncomfortable seats

Why shock your patrons with hard, lumpy, uncomfortable chairs?

Ask Us, "How can I reseat and pay for new chairs conveniently?"



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Makers of Dependable Seating for Theatres and Auditoriums

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COMFORT—*The Greatest Star Of Them All!*

SURE, WE WILL BE THERE!

VISIT OUR BOOTH AT THE M. P. T. O. A. CONVENTION AT NEW ORLEANS

See Our Display of Century of Progress COMFORT CHAIRS

British Union Seeks Law on Wages, Hours

By BRUCE ALLAN

LONDON, Feb. 14.—Failure of the Joint Conciliation Board of the industry to arrive at a satisfactory settlement of outstanding disputes about wages and hours in London and Manchester is the reason alleged for an appeal from the Trade Union Congress and the National Ass'n of Theatrical Employes to the Home Secretary, asking legislative settlement of employment problems.

The union's suggestion is that the Cinematograph Act shall be amended to impose minimum wage scales and statutory working conditions on all theatres. That the theatre staff shall bear a strict proportion to average patronage is another suggestion.

* * *

Since publication of the report of the official Television Committee, big rises have been reported in the shares of the Baird Television Co. and in those of Gaumont British, which has a predominating interest in the Baird company.

Baird Deferred is now at 10/- against 3/3d on Jan. 29; the preferred is 6/9d against 3/3 and the Preferred "A" 60/ against 35/3. Gaumont British ordinaries, priced at 10/ on Jan. 29 are now 12/3.

The Baird system is one of two selected by the committee for the daily three-hour television transmissions recommended in the report. The other is owned by Electrical Musical Industries, shares of which have also increased in value, from 32/4½ to 34/4½.

* * *

Charles Laughton has been cast as the Emperor Claudius in a London Film feature to be written from "I Claudius" and "Claudius the God," two novels by Robert Graves.

"Whither Mankind," "Queen Elizabeth," "The Conquest of the Air" and "Claudius" are scheduled as the first on the 1935 program. "Sanders of the River" is due for trade shows in early March.

$238,000 in 5 Weeks

Garnering $35,000 for the fifth and last week, "David Copperfield" tallied $238,000 for the five-week run at the Capitol. This is $2,000 less than the figure predicted by MOTION PICTURE DAILY. "Night Life of the Gods" opened at the Roxy Friday with a take of $8,860.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

Purely Personal

CHARLES LAUGHTON sailed for England on the *Champlain* Saturday. He finished work in Hollywood in "Les Miserables" early last week and arrived in town just a few hours before he sailed.

•

CHESTER MORRIS' trip to New York has been canceled. Universal has just bought "Storm Over the Andes" by Elliott Gibbons and LaClade Christy and he will start work shortly.

•

GARY COOPER is around town catching up on all the shows that have opened since his last visit here. MRS. COOPER, the former SANDRA SHAW, is with him.

Quip of the Day

Contributor's nomination for the Understatement Award for 1935:

"To Motion Picture Herald and its headline: 'Maloy Is Discontinued *as Chicago Union Boss."*

RUTGERS NEILSON is an extremely busy man these days. Besides his regular work he's holding screenings of "Roberta" for fashion editors and dancing instructors.

•

GEZA HERCZEG, Hungarian playwright recently signed by Paramount, has reported to the studio and will work on an original for MARLENE DIETRICH.

•

JOE KRUMGOLD, formerly with M-G-M in Paris, has returned and written a book called "Thanks to Murder" which will be published by Vanguard sometime in May.

•

CLAUDETTE COLBERT was scheduled to leave the coast Saturday on the *Santa Paula* for here. A vacation and a broadcasting deal are bringing her to New York.

•

EDWARD and MRS. BAYUK, the former CONSTANCE WILSON, arrive here Tuesday from California. They have been on a honeymoon cruise.

•

The TIC TOC GIRLS, who have been singing at the Park Central Cocoanut Grove, are rehearsing for a Paramount screen test.

•

JIMMY DURANTE, now making personal appearances in the east, is due in town about March 1. Probably will do a stage musical.

•

WILLY POGANY, set designer, plans to leave Hollywood shortly to work on several pictures for B.I.P. in London.

•

EDDIE ALPERSON is back from the coast. He was away about three weeks.

•

MRS. HOWARD DIETZ, accompanied by two friends, sailed Saturday on the *Volendam* on a West Indies cruise.

•

PRISCILLA WAYNE'S novel, "Rich Relations," has been bought by Cameo Pictures Corp.

•

JAMES BARTON, recently signed by Radio, is here for a short vacation with MRS. BARTON.

MARLENE DIETRICH is set to leave the coast for New York in several days. It will be her first vacation here in some time.

•

ELIZABETH NORTH, stage manager of "Field of Ermine," is the daughter of CARRINGTON NORTH, former story editor for Pathe.

•

JOHNNY O'CONNOR is taking a personal inventory these days with all the RKO hearings going on and wonders what business he's in.

•

MRS. BERTHA FARKAS, representative of Danubia Pictures, is on to tour of midwest key cities.

•

L. W. KNISKERN, statistician, has joined Campi's home office staff.

•

EDWARD M. SAUNDERS of M-G-M celebrates another birthday.

Proposed N. C. Tax Stirs Up Charlotte

CHARLOTTE, Feb. 24.—Fear that North Carolina and Charlotte may lose its film exchanges unless the contemplated state franchise tax of $1,250 a year is reduced is being expressed.

While heads of local film exchanges declined to make statements on the tax, it was learned that it is considered excessive when license taxes paid by other manufacturing or distributing concerns of the state do not exceed $200.

"Good Fairy" Smash Hit, Los Angeles

LOS ANGELES, Feb. 24.—"The Good Fairy" romped away with the best gross of the week by more than doubling normal on a $7,800 take at Pantages.

Only three other spots succeeded in doing good business.

Total first run business was $81,100. Average is $91,200.

Estimated takings for the week ending Feb. 20:

"DAVID COPPERFIELD" (M-G-M)
CHINESE—(2,500), 30c-65c, 7 days, 2nd week. **Gross:** $11,500. (Average, $12,500)

"THE BLUE LIGHT" (Mayfair Asso.)
FILMARTE—(800), 40c-55c, 6 days. **Gross:** $1,900. (Average, $2,750)

"THE IRON DUKE" (Gaumont British)
4 STAR—(900), 30c-55c, 6 days. **Gross:** $5,000. (Average, $3,250)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 7 days, 2nd week. **Gross:** $12,500. (Average, $14,000)

"WINGS IN THE DARK" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. Revue, Moore & Revel, Rube Wolf and his orchestra. **Gross:** $17,000. (Average, $18,000)

"DEVIL DOGS OF THE AIR" (Warners)
HILLSTREET—(2,700), 25c-65c, 7 days, 2nd week. **Gross:** $8,400 (Average, $8,000)

"THE WINNING TICKET" (M-G-M)
"LOTTERY LOVER" (Fox)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's 3rd "Crazy Show." **Gross:** $4,200. (Average, $3,500)

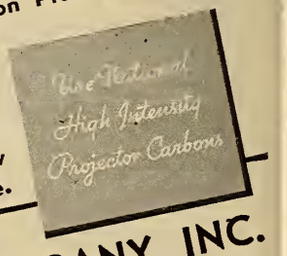
"DEVIL DOGS OF THE AIR" (Warners)
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days, 2nd week. **Gross:** $6,800. (Average, $14,000)

"WOMAN IN RED" (Warners)
"LIGHTNING STRIKES TWICE" (Radio)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. **Gross:** $6,000 (Average, $12,000)

"THE GOOD FAIRY" (Univ.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $3,200)



The popular, new colored films are photographed in the snow-white light from National Motion Picture Studio Carbons. Perfect reproduction requires projection light of the same quality. Powerful light of superior quality and intensity for color and for improved black and white projection is now available for theatres of every size.



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Unit of Union Carbide and Carbon Corporation
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Mayer Gets the New Rialto; Signs Lease

Arthur L. Mayer, as president of the Fairmay Theatres Corp., on Saturday signed a 20-year lease for the 800-seat theatre which is to be built on the site of the present Rialto at an approximate total rental of $1,000,000. Although the current lease on the existing theatre does not expire until November, 1935, it is probable that demolition of the structure will be undertaken prior to that time. Reports have indicated April 1 may be the starting date.

Exits from the various subway systems which pass through the Times Square district will lead into a rotunda below street level where it is planned to install a box-office, thereby allowing patrons to enter the new Rialto directly from the subway level if they so desire. Shops will be leased on this level, while the balcony and roof garden will be leased to a "nationally known" restaurant, name withheld on Saturday.

Sam Spring acted as Mayer's attorney. The lease was signed through White Louis Wanderstock and Co. as agents for the builders and brokers. Anthony Campaigna is president of the Rialto Square Corp., which will build.

Predict Defeat for California 10% Tax

San Francisco, Feb. 24.—Defeat of the proposed 10 per cent admission tax is foreseen here by political observers. It is reported that a block of 45 or 50 votes is opposed to a number of phases of the Governor's tax program.

W. B. Hornblower, chairman of the San Francisco delegation, is quoted as saying that he and his associates would fight for a tax program "based on ability to pay."

Jack Lewis Resigns

Hollywood, Feb. 24.—Jack Lewis, assistant to Joseph I. Breen in the local Hays office in charge of the bureau of information, resigned over the week-end. Lewis had been with the organization for the past three years. He plans a short vacation before returning to Hollywood.

Lewis' successor will probably be appointed by J. J. McCarthy, who arrives here tomorrow.

Samuel H. Herron Dies

New Philadelphia, O., Feb. 24.—Samuel Hemming Herron, 73, owner of the old Bijou here from 1911 to 1922, died at the home of a daughter in Dell Roy. He was a leading exhibitor in this section a decade ago. Two daughters and a son survive. Burial was in New Philadelphia.

Get Eucharistic Film

Criterion Films, headed by M. D. Strong, has secured the American and Canadian rights to distribute the one-reeler, "The Eucharistic Congress at Buenos Aires."

Laskys Get Refunds

Washington, Feb. 24. — Allowances of $47,907 to Jesse L. Lasky and $34,242 to Bessie Lasky have been granted on their 1930 income returns, it is announced by the Treasury Department.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Devil Is a Woman"

(*Paramount*)

Hollywood, Feb. 24.—Aside from choice photography lensed by Josef Von Sternberg himself, plus a series of beautiful poses of the devastating Marlene Dietrich, little in the way of entertainment projects itself from this last of the Von Sternberg-Dietrich collaborations.

While Von Sternberg's screen paintings are much above the ordinary, the photographer-director has placed the focus on himself to the detriment of the star's value and has evolved a screen story minus heart, draggy in spots, symbolic in others and for so important a star hardly a vehicle for her superb talents.

Production values tumble over each other in shovelfuls, but stripped of its gorgeous carnival exteriors the film reveals a Spanish strumpet toying with men's affections and wreaking tragedy in her fickle wake. Miss Dietrich, as a cocotte, is as sympathetic as the icy heart of the lass she portrays.

Photographed plentifully, but only once revealing her shapely limbs, Miss Dietrich's beauty and genuine ability are lost on a yarn so turbid, so lacking in meritorious entertainment. Miss Dietrich sings two songs.

Lionel Atwill, Miss Dietrich's November lover, is made to appear foolish; seldom tragic, Cesar Romero, her May sweetie, is adequate, and Edward Everett Horton is swell in a small role.

Von Sternberg's photography stars in this story adapted by John dos Passos from Pierre Louys' "Woman and Puppet."

After the clanking of "The Scarlet Empress," banking on this latest scarlet harlot is questionable.

Production Code Seal No. 538. Running time, 85 minutes. "G."

"The Casino Murder Case"

(*M-G-M*)

Hollywood, Feb. 24.—As a dual murder mystery solved by the inimitable Philo Vance, this one is well timed for suspense and equally well spaced for laughs. The plot has the usual, methodical Vance solution aided by the well-known mystery build-up hokum which keeps the murder mystery patrons guessing. The film should prove satisfactory entertainment for murder fans.

Paul Lukas capably portrays Vance, making his deductions from a group consisting of Allison Skipworth; her son, Donald Cook; her secretary, Rosalind Russell; her brother, Arthur Byron; her daughter, Isabel Jewell; her butler, Eric Blore, and her doctor, Leslie Fenton. Miss Skipwoth, Cook and his wife, Louise Henry, and Miss Russell are poisoned. Miss Henry and Miss Skipworth die and the fun starts. As usual, the least suspected party is guilty with the climactic puzzle as unravelled by Lukas proving Cook killed his own mother and wife to benefit from his mother's will. A romantic tread entwines Lukas and Miss Russell at the fadeout.

The situations, well timed by director Edwin L. Marin, hold suspense throughout. Good performances are given by the whole cast. The musical score by Dimitri Tiomkin adds substantially to the film. Charles Clarke's photography is okay. Florence Ryerson and Edgar Allen Woolf penned the screenplay from S. S. Van Dine's book.

No production code seal. Running time, 88 minutes. "G."

"Hongkong Nights"

(*Walter Futter*)

Hollywood, Feb. 24.—"Hongkong Nights" is an action film about Chinese gun smugglers. Cornelius Keefe is the bad white man who smuggles guns to the bandits. Tom Keene, unofficially connected with the American consulate, is set to stop him.

Wera Engels, at first engaged to marry Keefe, leaves him when she learns his business and helps Keene. The pair chase each other up and down the Chinese coast, with Keene finally bringing Keefe to justice and winning the girl.

Warren Hymer, as Keene's assistant, ably contributes the comedy of the picture, and Tetsu Komai, as the bandit, gives a good performance. The picture is helped by good shots of Hongkong, obviously taken from a travelogue.

Looks suitable on dual bill program.

No code seal. Running time, 63 minutes. "G."

Rudolph Speth Buried

Rochester, Feb. 24.—Rudolph Speth, treasurer and a director of Eastman Kodak, who died in Strong Memorial Hospital here Thursday, at the age of 64, was buried here today.

Al Kaufman Resigns His Paramount Post

Hollywood, Feb. 24.—Albert A. Kaufman, who has been associated with Paramount for the past decade and who was the founder and head of the Paramount studios abroad, has resigned from the company to become general manager of the Selznick-Joyce agency. Prior to his resignation, Kaufman had been acting as assistant to Emanuel Cohen, former Paramount production head, and as an associate producer.

Kaufman's resignation was accepted with expressions of regret from Adolph Zukor, Henry Herzbrun and Ernst Lubitsch. Zukor said: "Kaufman has been in Paramount with me since the founding of the company and while I sincerely regret his decision I readily can understand his new affiliation will prove more lucrative for him."

No successor to Kaufman has been selected.

Fabian in Deal for Brooklyn Paramount

Si Fabian, through Fabian Securities Corp., has reached a tentative agreement with the trustees of Allied Owners' Corp. for purchase of the Brooklyn Paramount Bldg. at a reported price of $1,500,000, it was learned Saturday. The deal may be closed today or tomorrow.

The Brooklyn Paramount theatre is not included in the agreement. The house is under lease to Paramount for 20 years at $100,000 per year, plus a percentage of the gross over fixed amounts. The lease is part of the settlement of Allied Owners' $5,000,000 claim against Paramount in the latter's reorganization proceedings. The theatre is sub-let from Paramount by Fabian.

Tennessee Gets Bill To Stop Walkathons

Memphis, Feb. 24.—M. A. Lightman's anti-walkathon M. P. T. O. A. move is expected to receive impetus through the introduction in the Tennessee Legislature over the week-end of an anti-marathon bill by Senator George H. Cate of Nashville. The bill would make it a misdemeanor subject to a fine to participate in any walk, dance or endurance marathon contest of more than eight consecutive hours and would also make it illegal to participate in more than one of such contests in 48 hours.

Putnam May Produce

George Palmer Putnam, whose resignation as eastern story editor for Paramount becomes effective March 1, is reported planning to engage in independent production of expedition films. Putnam headed an expedition several years ago for which Pathe had exclusive film rights.

Van Dyke in N. O.

New Orleans, Feb. 24.—W. S. ("Woody") Van Dyke, one of the ace directors on the Metro lot, is here from Hollywood. In for the Mardi Gras, he will look in on the M.P.T.O.A. convention.

Liberty in Canada Deal

Toronto, Feb. 24.—Product of Liberty goes to Excellent Films.

Okay, New Orleans!

OKAY, M.P.T.O.A. MEMBERS!

WHILE YOU'RE HAVING A GOOD TIME,
COLUMBIA IS GOING RIGHT AHEAD WITH
MORE BIG-MONEY PRODUCTIONS!
GET SET TO BREAK RECORDS with

EDWARD G. ROBINSON *in*
THE WHOLE TOWN'S TALKING
with JEAN ARTHUR



LILIAN HARVEY — TULLIO CARMINATI
in **LET'S LIVE TONIGHT**



GRACE MOORE *in*
ON WINGS OF SONG
TENTATIVE TITLE

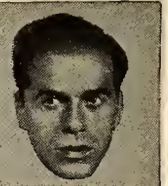


A New
CLAUDETTE COLBERT
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COLUMBIA PICTURES

Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

MPTOA AIR MAIL EDITION

VOL. 57. NO. 47 NEW YORK, TUESDAY, FEBRUARY 26, 1935 TEN CENTS

Kuykendall Reelected as MPTOA Meet Is Started

Bill Drafted To Cut Fines On Copyright

State Department Plan Is to Make It $100

By BERTRAM F. LINZ

WASHINGTON, Feb. 25.—Reduction from $250 to $100 of the penalty on exhibitors for "innocent" infringement is provided for in the bill proposed by the State Department for amendment of the copyright law preparatory to the entry of the United States into the international copyright convention. This nestles closer to the M.P.T.O.A. idea of how the copyright law should be amended.

In the case of infringement resulting from fraud or imposition upon the infringer by a third person, recovery is to be limited to the fair and reasable value of a license, but not less than $50 nor more than $2,500.

The State Department's measure is the result of efforts which have been made for a number of years to secure

(*Continued on page 12*)

Federal Study of Fox Met Is Begun

Department of Justice investigators were reported yesterday to be probing the Joseph M. Schenck offer for the purchase of Fox Metropolitan Play-

(*Continued on page 7*)

E. F. Tarbell Dies Suddenly in Albany

ALBANY, Feb. 25.—Edwin F. Tarbell, executive secretary for the past two years of Allied Theatre Owners

(*Continued on page 2*)

Comerford Stricken

Washington, Feb. 25.—M. E. Comerford, head of the Pennsylvania circuit bearing his name, was reported resting easily today at Emergency Hospital here, where he was removed after suffering a collapse in a downtown hotel. Comerford, who is 65 years old, was planning to attend the M.P.T.O.A. convention at New Orleans when stricken. Although showing some improvement, hospital attendants described Comerford's condition as still serious.

Loew in Move to Build Eight or Ten at Chicago

Loew's is completing plans to invade Chicago neighborhoods with a theatre construction program of from eight to 10 houses. This will constitute M-G-M's answer to the alleged refusal of the Essaness and Schoenstadt circuits, as well as smaller theatres which buy through booking combines maintained by Aaron Saperstein, to purchase Loew's product except on a flat basis and with no preferred playing time designated.

Saperstein's buying combine activities are a separate endeavor from his office as president of Allied Theatres of Illinois. Approximately 100 theatres in greater Chicago today are not playing M-G-M product at a cost estimated from $6,000 to $7,000 weekly to the distributor.

Louis K. Sidney has been shuttling back and forth between the Windy City and here on a site hunting job

(*Continued on page 12*)

Kansas City's ITO Discusses Federal Probe

KANSAS CITY, Feb. 25.—Coupled with the anti-trust suit the I. T. O. is preparing for filing in the U. S. District Court here, the organization may request a Government probe of local trade practices, MOTION PICTURE DAILY learns.

E. Rolsky, chairman of the independents' committee empowered to act, said the I. T. O. membership favors a Department of Justice investigation of an asserted conspiracy said to exist between Fox Midwest and the distributors.

Details of the impending moves are being worked out by Leland Hazard, I. T. O. counsel. Papers in the conspiracy suit will be in shape for filing in about two weeks, it was said. Whether a request for an investigation

(*Continued on page 7*)

Grainger Laughs at Reported "U" Sale

NEW ORLEANS, Feb. 25.—The Hotel Roosevelt lobby today virtually rang with reports of Universal's sale to a group unnamed. Reaching Universal's district managers, including William Heineman, Harry Graham and John Ezell, the stories proved disturbing

(*Continued on page 7*)

TOCC-ITOA And Circuits Drop Contact

Lacking support from major circuits, the T.O.C.C. and I.T.O.A. have dropped the policy of friendly cooperation with Loew's and RKO, severing a working arrangement of long standing on both legislative and union problems.

The schism became marked when the board of directors of the I.T.O.A. group, presided over by Harry Brandt, on Feb. 13, passed a resolution seeking a State investigation of major circuit activities in this territory. The resolution was adopted after several attempts had been made to get Loew's to relieve independents from a cumulative protection strain. A committee was slated to be appointed last week to present the charges to Governor Lehman and to the Senate. The pro-

(*Continued on page 12*)

Cohen Denies Plan For Producing Unit

HOLLYWOOD, Feb. 25.—Emanuel Cohen today denied rumors that he is to form an independent company with the backing of John Hertz, using Mae West, Gary Cooper and Bing Crosby as a nucleus of stars for the new unit.

Cohen said: "I wish to deny any

(*Continued on page 7*)

Lowenstein to Be Named Meyer's Successor; Others Renamed

By RED KANN

NEW ORLEANS, Feb. 25.—Ed Kuykendall of Columbus, Miss., tonight was re-elected president of the M. P. T. O. A., as forecast by MOTION PICTURE DAILY today.

Morris Lowenstein, president of the M. P. T. O. of Oklahoma, is slated to succeed Fred S. Meyer, former president of the M. P. T. O. of Wisconsin, as national secretary and member of the M. P. T. O. A. executive committee. Meyer resigned both offices on becoming an assistant to Carl Laemmle some time ago.

In addition to Kuykendall and Lowenstein, all incumbent officers have been nominated for re-election. These include Walter Vincent, New York, treasurer; M. E. Comerford, Scranton; M. A. Lightman, Memphis; A. Julian Brylawski, Washington; B. N. Berinstein, Los Angeles, and W. S.

(*Continued on page 7*)

Work Keeps Flinn From MPTOA Meet

Pressure of work caused by his recent 10-day trip to the coast prevented John C. Flinn from going to New Orleans to attend the M.P.T.O.A. con-

(*Continued on page 7*)

Managers Converge

New Orleans, Feb. 25.—The proximity of the new season and the desire to get widespread exhibitor reaction on product types are the twin reasons behind the presence at the M.P.T.O.A. convention here of John D. Clark, general sales manager of Fox; J. R. Grainger, general sales manager of Universal; Felix Feist, general sales manager of M-G-M, and Jules Levy, general sales manager of Radio.

This makes more sales managers than probably have attended any exhibitor convention in the latter day development of the industry.

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Brandt Opens Audubon

Harry Brandt has opened the Audubon with 10 and 20-cent admissions and double feature programs. On the opening program were "Broadway Bill" and "Limehouse Blues."

M. B. Horwitz Laid Up

CLEVELAND, Feb. 25.—M. B. Horwitz, secretary of the Independent Theatre Owners of Ohio and head of a local circuit, is laid up at his home with sciatica.

Hamrick Signs Rivers

SEATTLE, Feb. 25.—Edwin B. Rivers, well known coast theatre executive, has been named head of advertising and publicity for the circuit of 12 houses operated by John Hamrick here and in Portland and Tacoma.

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Purely Personal

HORTENSE SCHORR has another peeve. Says ever since the "Purely Personal" column reported she was going in for Schopenhauer, Kant, Hume, Nietzsche and Damon Runyon, her social activities have slid into a decline. She's accused of being a highbrow.

•

CAPTAIN RICHARD NORTON, British and Dominions producer, here for a short visit, is busy around town these days trying to clear up his affairs as soon as possible. He says now he won't be able to return home for at least a fortnight.

•

HARRY SCHWALBE, FRED DURKEE, CHARLES NOLTE, SAM GALANTY, BEN FERTEL and J. FABIAN are in the "hot climate," writes JAY EMANUEL from Miami, proving thereby that he's there as well.

•

GENE TOWNE and GRAHAM BAKER have been signed by WALTER WANGER to do the screenplay for his forthcoming musical, "Every Night at Eight." FRANCES LANGFORD, former NBC singer, will be starred.

Quip of the Day

With Kansas City newspapers full of ads on clearance sales at department stores, K. C. exhibitors are asking:

"When will Campi ring up a 'clearance' sale for us?"

W. C. GEHRING, Chicago Fox branch head, has been named leader of the third S. R. KENT sales drive, starting date of which has not yet been set.

•

MURIEL KIRKLAND, of fond "The Greeks Had a Word for It" memory, will return to Broadway in "No Mind of Her Own." She's been in Hollywood.

•

PHIL REISMAN is stealing a march on the M. P. Club ping-pongers these days. He gets up to the club early and puts in a half hour of practice before lunch.

•

SAM MINTZ has been signed by Paramount to work on "The Plot Thickens," which will be the next for GEORGE BURNS and GRACIE ALLEN.

•

LOUIS K. SIDNEY returned from Chicago the other day and leaves again for the Windy City within the next few days.

•

GUSTAV BROCK is responsible for the color effects in the Ben Hecht-Charles MacArthur film starring JIMMY SAVO, "Once in a Blue Moon."

•

REGINALD DENNY is being talked about for the male lead in "Julie," play long planned by D. A. DORAN, JR. and ARTHUR HANNA.

•

HELEN GAHAGAN is on her way to the coast by train. She will report at the Radio studios to work in MERIAN C. COOPER'S "She."

•

MITCHELL KLUPT now calls LOUIS NIZER Attorney General NIZER. Heretofore, he's been calling him Colonel NIZER.

SADA COWAN has finished work on the screenplay of "Chocolate," which is a translation from the Russian. CECIL B. DEMILLE is scheduled to produce it after he finishes "The Crusades."

•

JAN AUGUSTOFF, pianist-xylophonist, has been engaged by the Warwick Hotel here. He will direct his own orchestra.

•

ADELAIDE HEILBRON'S play "Something Gay" is slated for fall appearance on Broadway. The SHUBERTS will do the presenting.

•

S. BARRET MCCORMICK is so enthused over "Roberta" that the word itself is being used as a password to get into his office these days.

•

MORT BLUMENSTOCK really ought to do something about his weight. You never saw such a picture of health in bloom.

•

MILTON FELD and DAVE CHATKIN have leased new executive offices for their Monarch Theatres on the 25th floor of the RKO Bldg.

•

ALAN DWAN'S original story, "Kiss and Wake Up," has been purchased by Fox, as a vehicle for EDMUND LOWE and CLAIRE TREVOR.

•

LOUIS PAUL, the winner of the 1934 O. Henry Memorial Award, has been signed to a long term contract by M-G-M and is awaiting an assignment.

•

JEAN PARKER leaves for a personal appearance next week at the opening of "Sequoia" in Salt Lake City.

•

VICTOR KILIAN, Theatre Guild player, has reported to the Columbia studio for a role in "Air Fury."

•

RICHARD V. GRACE'S "Arctic Wings" has been acquired by Columbia.

•

PHIL FRIEDMAN, Fox casting director, is in from the coast hunting new faces.

•

SAM COCALIS is back from Miami, but plans to return next week with JACK SPRINGER, his partner.

•

WILSON COLLISON'S recently published novel has been purchased by Metro for JOAN CRAWFORD.

•

DAVE LOEW, now on the coast, will be away for six weeks practicing on his golf.

•

HOWARD DIETZ gets back from the coast today and WILLIAM FERGUSON hies back from Miami.

•

NATE SPINGOLD returned yesterday from another Miami vacation.

•

RAY BOLGER has been signed to a long term contract by M-G-M.

•

PHILIP WYLIE has sold his "Death on the 8:06" to Paramount.

M-G-M Signs Del Ruth

HOLLYWOOD, Feb. 25.—Roy Del Ruth has been signed by M-G-M to direct "Broadway Melody."

Shapiro Plans for Three Films a Year

William Shapiro plans to produce three pictures a year for major release. Under Franklin Films, the name of the company he has had for 15 years, Shapiro will star Jackie Borene, a newcomer, in the trio planned for this season. A seven-year deal with a major company is now pending.

Borene has appeared at the Paramount here and at the B. & K. Chicago. He also has performed small parts in "Once in a Blue Moon" with Jimmie Savo and in Harry Richman's show "Say When." M-G-M is making tests of the seven-year old actor and singer. Shapiro leaves for the coast either the end of the week or the beginning of next week.

E. F. Tarbell Dies Suddenly in Albany

(*Continued from page* 1)

of New York, is dead of pneumonia. He passed away Saturday morning at the Albany Hospital after a brief illness. He had been ill only a few days.

Tarbell had been identified with the industry for the past 25 years, having been branch manager for Vitagraph, Fox and Universal.

Sidney Samuelson, president of Allied, was shocked by the news of Tarbell's death yesterday when informed by MOTION PICTURE DAILY. He immediately called Abe Stone at Albany. The funeral will be held at 11 o'clock this morning, but because of an out-of-town engagement, Samuelson will not attend.

Samuelson, Yamins Go to Ohio Session

Sidney Samuelson and Nathan Yamins left last night for Columbus to attend a two-day convention of the I.T.O. of Ohio, an Allied unit. The sessions start today.

Abram F. Myers, general counsel for Allied, left from Washington and H. M. Richey from Detroit. The code and various legislative problems affecting exhibitors of Ohio will be discussed.

Report John Benas Candidate in ITOA

John Benas of the Rosenblatt-Welt circuit is reported being groomed for the presidency of the I.T.O.A. by a number of small exhibitors in the unit. The board of directors meets today to decide on the nominee to succeed Harry Brandt. Nominations will be proposed at a meeting of the membership at the Astor tomorrow, with elections following a week later.

Stahl to Cincinnati

Max Stahl, former Indianapolis manager for United Artists, has been appointed head of the company's Cincinnati exchange. He is en route to the Ohio city to take over his new duties.

F. & M. Takes Another

SPRINGFIELD, Ill., Feb. 25.—Fanchon & Marco have taken over management of the Art Theatre, formerly known as the Fox Nelson.



RUDY BEATS 'DAMES'!

Vocal Boy Makes Good In Movies

TOPS '20 MILLION SWEETHEARTS' TOO

Amazing New York Premiere of "Sweet Music" Definitely Establishes Vallee as a Money Star

Look! . . .

N. Y. STRAND'S CANDID CAMERA TELLS THE STORY OF RUDY'S NEW BOX-OFFICE PERSONALITY



7 P. M. Wednesday
(One hour before opening!)



9 A. M. Thursday



8 P. M. Wednesday



10 A. M. Thursday

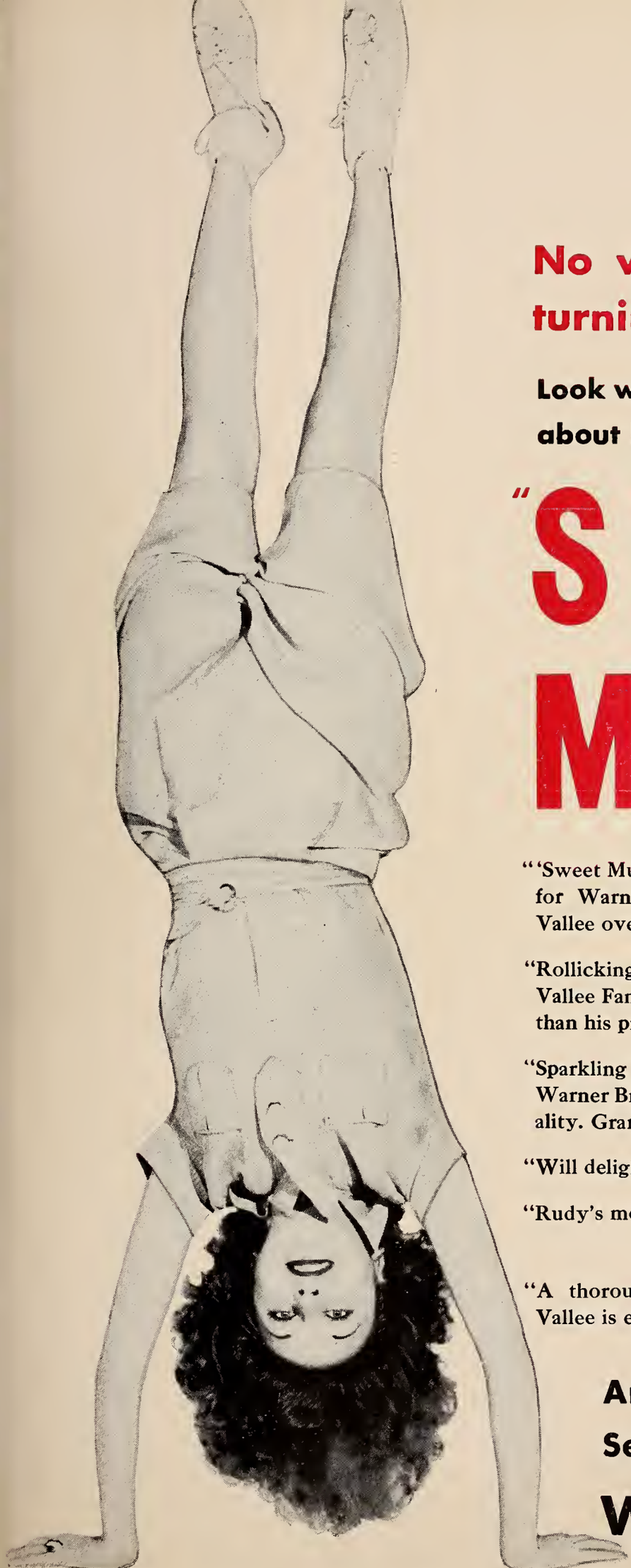


10 P. M. Wednesday



11 A. M. Thursday

PHOTOGRAPHIC PROOF THAT "SWEET MUSIC" IS EVERYTHING FAMOUS SHOWMEN PREDICTED



No wonder Ann's turning handsprings!

Look what New York papers say about her and Rudy in

"SWEET MUSIC"

"'Sweet Music' a hit, Rudy Vallee a star! Three rousing cheers for Warner Bros. and the teamwork which puts Rudy Vallee over with a bang."—*N. Y. American*

"Rollicking, tuneful, hilarious. A Rudy which should send the Vallee Fan Clubs into ecstasies. Can entertain a wider public than his previous films."—*Daily Mirror*

"Sparkling addition to the series of musical hits devised by Warner Bros. definitely establishes Rudy as a screen personality. Grand fun."—*Eve. Journal*

"Will delight Rudy's enthusiasts."—*Herald-Tribune*

"Rudy's most ambitious and most promising picture."
—*Daily News*

"A thoroughly diverting song-and-dance entertainment. Vallee is excellent."—*World-Telegram*

Another "Big Shot" Hit All Set Up and Delivered by

WARNER BROS.

RUDY VALLEE

makes

"SWEET MUSIC"

and "Sweet Music" has made Rudy Vallee!

Congratulations from 9,000 happy first-nighters to Rudy and

ANN DVORAK

Ned Sparks • Helen Morgan • Robert Armstrong
Allen Jenkins • Alice White • Joe Cawthorn • Al Shean
The Connecticut Yankees • Frank & Milt Britton Band
The Six Famous Composers • Bobby Connolly and

DIRECTOR AL GREEN

NEXT! Kay Francis in "Living On Velvet" – "Gold Diggers of 1935" – Jolson and Keeler in "Go Into Your Dance" – Paul Muni in "Black Fury" – Dolores Del Rio in "In Caliente".



Kuykendall Is Again Head of MPTOA Forces

(Continued from page 1)

Butterfield, Detroit, as vice-presidents; Edward G. Levy, New Haven, general counsel, and Fred Wehrenberg, St. Louis, chairman of the board.

These nominations were presented by the executive committee to the board of directors, meeting in closed session here tonight. The executive committee is composed of Kuykendall, O. C. Lam, Sidney Lust, J. H. Michael, Jack Miller and L. E. Thompson. The latter flew here from Miami, where he has been vacationing.

The nominations and election of officers comprised the only order of business today and tonight, with the convention proper not scheduled to get under way until 2 o'clock tomorrow. The convention arrangements committee wisely determined to start the first business session at that time, rather than risk a sparsely attended first morning session. Most convention visitors are making the rounds of the city tonight, celebrating their first evening in town.

Called to Order Today

The convention will be called to order tomorrow by H. S. McLeod, general chairman of the arrangements committee. The invocation will be given by Rev. Donald H. Wattley, rector of the Grace Episcopal Church of this city. The president's annual report will be read by Kuykendall and the secretary's annual report by Levy, general counsel and acting secretary. Reports of the committees on convention arrangements, on labor relations, public relations and entertainment values will also be made and special convention committees will be announced. Adjournment for committee meetings is scheduled for 4:45 P. M. The evening will be given over to the president's reception.

Approximately 500 conventioneers had checked into the Roosevelt and other hotels by early afternoon today. So great was the crush at the Roosevelt, convention headquarters, that the New York contingent, which arrived on time this morning, required fully an hour to clear the registration desks. All visitors, whether distributors or exhibitors, have been on their own throughout the day. Many went to the races, while others played golf.

More national sales managers are here for this 15th annual M.P.T.O.A. convention than probably have attended any other in the organization's history. The contingent includes Felix Feist of M-G-M, John D. Clark of Fox, Jules Levy of RKO Radio and James R. Grainger of Universal, each one flanked by one or more district or exchange managers.

Kuykendall almost missed the convention, due to illness. Leaving New York last week and heading straight for New Orleans, an attack of the flu forced him to leave the train at Atlanta where he remained for a few days battling his illness.

Tuesday's Program

AFTERNOON

Business session in the Gold Room, mezzanine floor, the Roosevelt at 2 P.M.

Convention called to order by H. S. McLeod, general chairman, convention arrangements committee.

Invocation.

Address of welcome to New Orleans.—Theodore Simmons, vice-president, New Orleans Chamber of Commerce.

Annual report of the president—E. L. Kuykendall.

Annual report of the secretary—Edward G. Levy, acting secretary.

Report of committee on convention arrangements—H. S. McLeod, general chairman.

Report of committee on labor relations—Jack Miller, Chicago.

Report of committee on public relations—Fred Wehrenberg, chairman.

Report of committee on entertainment values.

Announcement of special committees for the convention, where and when they will meet.

Adjourn 4:45 P.M. for committee meetings.

EVENING

The president's reception—Tip Top Inn on the roof of the Roosevelt at 9 P.M. Informal dancing, refreshments. Your badge admits you.

Where the Sazeracs Flow

By RAMOS

Nate Blumberg, whose favorite theatre circuit is RKO, had planned to make the trip, but no could do. His company will be represented by Leslie Thompson, who is ending a Florida sojourn to airline it for these parts.

* * *

You can draw whatever conclusion you may like, but the Northern California delegation is here with a wife for each man. The misters and missuses now include the L. S. Hamms, the Morgan A. Walshs, the R. A. McNeils, the Charles Muhlmans, the Aaron Goldbergs, the Henry Nassers, the Al Nassers, the H. V. Harveys, the Julian Harveys, the Sam Levins, the Homer Tegtmiers, the Bill Heinemans, the George Manns, and the Mike Naiffys.

* * *

Jimmy Grainger, who arrived Friday, having stopped off at Atlanta, came early for the golf. The McNeils will be glad to see Grainger and vice versa. They are warm friends.

Work Keeps Flinn From MPTOA Meet

(Continued from page 1)

vention. He was slated to address conventioneers tomorrow on the code.

Walter Vincent, who was scheduled to talk this afternoon on entertainment values, is another absentee. He was ordered to take a month's vacation by his doctor and is now in Nassau.

Rosenblatt Talk at Convention in Doubt

WASHINGTON, Feb. 25.—Division Administrator Sol A. Rosenblatt was undecided here today whether or not he would be able to attend the M.P.-T.O.A. Convention in New Orleans where he is scheduled to speak. If he speaks, it will be on Thursday.

It was explained that there are a number of matters claiming Rosenblatt's immediate attention here and if these are cleared up he will be free to take the southern trip.

Kent Won't Attend Meet

NEW ORLEANS, Feb. 25.—Sidney R. Kent will not be at the M. P. T. O. A. Convention, not being able to tear himself away from Florida.

Grainger Laughs at Reported "U" Sale

(Continued from page 1)

but were met only by a laugh from J. R. Grainger, general sales manager, who said: "A lot of applesauce. I am in daily touch with Carl Laemmle and certainly I would know about it."

Grainger returns to New York from here and goes on to Hollywood in about two weeks on next year's program.

HOLLYWOOD, Feb. 25.—"If rumors can be believed Universal has been 'sold' not less than once a week for more than a quarter of a century past," Carl Laemmle remarked today in denying new reports of an impending sale of the company.

"I have been asked why I do not deny every fake rumor which is circulated by irresponsibles regarding Universal," Laemmle said. "The truth is that I haven't the time. If I took time to deny every one of the thousands of rumors I would not have an hour left for picture making and picture selling."

Cohen Denies Plan For Producing Unit

(Continued from page 1)

rumors concerning my planning or my forming an independent company with financial backing by John Hertz and using Paramount stars. I know, as well as everybody else, that Hertz has been nominated for the new Paramount board of directors and, naturally, he will be interested in protecting the company's assets. As for myself, I have no future plans and will make none until I have had a vacation."

Reade Takes in N. O.

Walter Reade, who left last week for a short vacation in Miami, is taking in the New Orleans convention. He plans to return the end of the week.

Halsey Raines of the M-G-M publicity department is vacationing in New Orleans and plans to drop in at the Roosevelt Hotel to see what an exhibitor convention is like.

Al Lichtman, vice-president and general sales manager of U. A., did not leave for the M.P.T.O.A. meet Saturday night as originally planned. Joseph M. Schenck returned from the coast Saturday and the two have been in conference since then on company matters.

Kansas City's ITO Discusses Federal Probe

(Continued from page 1)

will go forward depends on Hazard's conclusions.

Rolsky said the fact Campi is reported ready to adopt a clearance schedule for Kansas City will not deter the I. T. O. legal maneuvers, because, he said, the schedule in its present form would not be acceptable to the independents.

It is complained, primarily, that Fox Midwest is given prior right to product and that the circuit has set clearances for Kansas City detrimental to other suburbans which they are forced to accept. The independents are also wrought up over a statement E. C. Rhoden, the circuit's operating head, is said to have made at an I. T. O. meeting, to the effect he could lower prices at his theatres and still be able to obtain protection over unaffiliated houses charging a higher admission. The independents fear that is just what Fox Midwest may do, and the legal moves are designed to prevent it.

Federal Study of Fox Met Is Begun

(Continued from page 1)

houses. The procedure is similar to the checkup made last year when Loew's and Warners made a joint bid for the circuit.

WASHINGTON, Feb. 25.—Investigation of pending negotiations for the purchase of Fox Metropolitan in New York by Joseph M. Schenck today was characterized at the Department of Justice as one of the routine studies which are made of every important acquisition of industrial units.

Washington officials of the department said that there was nothing known about the matter here, as it was under the jurisdiction of the field office, each of which keeps a close eye upon industrial operations in its area.

It was indicated that the inquiry was routine in character and without any connection with Department of Justice investigations of other phases of the industry, such as brought about the St. Louis proceedings.

ITPA of Wisconsin Seeks Federal Help

MILWAUKEE, Feb. 25.—Directors of the Independent Theatres' Protective Ass'n. of Wisconsin and Upper Michigan have voted to petition the Department of Justice to continue the investigation made in the summer of 1931 by independent theatres of the state who were seeking relief from competition of producer affiliated circuits through the Wisconsin Department of Agriculture and Markets.

The action started by the State Department at that time was enjoined in U. S. District Court and the association is seeking to have the Federal Department take up the investigation where the state was forced to stop.

Milwaukee members have petitioned the Mayor and Common Council to regulate the construction of new theatres in Milwaukee. It is pointed out that Milwaukee now has 75 houses.

GREETINGS! SAYS FULL

IT'S CASH

on the line when the author is DAMON RUNYON, who wrote "Lady for a Day" and "Little Miss Marker"... and the stars are

Jean **PARKER**

Chester **MORRIS**

and the story is his best, from Collier's Magazine

PRINCESS O'HARA

With **LEON ERROL** • Henry Armetta • Vince Barnett ...
Presented by Carl Laemmle
... Directed by David Burton ...
Leonard Spigelgass, Associate Producer



Watch For Universal's Shivery Sen

UNIVERSAL...WITH A HAND OF BIG MONEY PICTURES!!!

IT'S DOUGH

for N. Y. ROXY and RKO MEMORIAL, BOSTON... because both of these important houses are now cleaning up with

NIGHT LIFE of the GODS

LINE-UP

business when RADIO CITY MUSIC HALL played Universal's "THE GOOD FAIRY!" ...It'll be HEAVY GROSSES AGAIN the week of March 14th, when the world's largest theatre opens with

"The MYSTERY of EDWIN DROOD"

tion, "BRIDE OF FRANKENSTEIN"

"IT WILL BE ONE OF THE BOX-OFFICE SMASHES OF THE YEAR!"

Says LOUELLA PARSONS *in the Hearst Newspapers!*

"SUPER-ENTERTAINMENT! FOUR STARS! ★★★★
— EUGENE CHRISMAN, SCREEN PLAY and SCREEN BOOK

"WILL TOP ALL BOX-OFFICE RECORDS FOR MUSICALS!"
— HARRY BURNS, HOLLYWOOD FILMOGRAPH

"SHOULD PROVE A MAGNET AT BOX-OFFICE!"
— HOLLYWOOD VARIETY

"GIRLS GORGEOUS, SONGS GRAND, CHEVALIER AT BEST!"
— RAY LONG, PHOTOPLAY MAGAZINE

"DAZZLES THE EYE AND EAR! GIVES CHEVALIER THE OPPORTUNITY FOR WHICH HE CAME FROM FRANCE YEARS AGO . . . AND WAITED TILL NOW TO FIND!"
— EILEEN PERCY, PAUL BLOCK CHAIN OF NEWSPAPERS

Millions are listening to these Songs on the air!



JOSEPH M. SCHENCK *presents*

MAURICE CHEVALIER

Fo

with

ANN SOTHERN
MERLE OBERON

DARRYL ZANUCK'S PROUDEST ACHIEVEMENT

"I WAS LUCKY"

"AU REVOIR L'AMOUR"

"RHYTHM OF THE RAIN"

"SINGING A HAPPY SONG"

"YOU TOOK THE WORDS RIGHT OUT OF MY MOUTH"



lies Bergere



20TH CENTURY PICTURE

Released thru UNITED ARTISTS

Bill Drafted To Cut Fines On Copyright

(Continued from page 1)

modernization of the copyright laws and the entry of this country into the international convention. The latter was sought by President Hoover in 1931 and last year by President Roosevelt, but the Senate failed to ratify the treaty.

The present copyright law was enacted in March, 1909. It was amended to protect motion pictures in August, 1912, and additional amendments were adopted in 1913, 1914, 1919, 1926 and 1928. The proposed measure was drafted by an interdepartmental committee on which the State and Commerce Departments and the Library of Congress were represented, and is designed to include "absolutely necessary reforms" but to leave substantially unaltered the general structure of the copyright legislation.

While the new draft makes an effort to cover the motion picture situation, it is believed to contain a number of provisions unsatisfactory to either producers or exhibitors, or both, which will possibly lead to changes before the bill is reported to the Senate for consideration.

Analysis of the department's bill shows the following changes to be made in the present law:

Amendments Proposed

Section 1 is amended to give the copyright owner the exclusive right to make a motion picture photoplay, with or without sound, from a literary work and to perform it, and also provides for radio broadcasting. Section 4 provides that copyright may be secured for all the works of an author, "whatever the mode or form of their expression."

Section 5 would add to the classes for which copyright may be claimed works prepared expressly for radio broadcasting. Section 8 provides that copyright shall extend without formality to the works of foreigners only in the case of countries which are parties to the international convention, and that in the case of citizens of other countries the present reciprocal requirements shall be met.

Section 11, relating to the copyrighting of unpublished works, is broadened to cover works prepared expressly for radio broadcasting.

Section 23 provides for a copyright term of 56 years, with no extension, in lieu of the present term of 28 years with renewal for a like period. The new period would automatically apply to works registered prior to the date the new act becomes effective.

The penalty provisions for infringement in Section 25 are amended to give the owner of the copyright the right to secure an injunction to restrain infringement; to collect such damages as he may have suffered through infringement, as well as all or such part of the profits which the infringer shall have made as the court may decree, or to collect, in lieu of actual damages and profits, such statutory damages as the court may hold just.

In proving profits in infringement cases the plaintiff is to be required to prove only sales, rentals, license fees or other revenue derived from any disposition of an infringing work, and the defendant shall be required to prove every element of cost which he claims.

It is also provided that in the setting of statutory damages, the limits for unauthorized motion picture exhibitions shall not be less than $100 nor more than $10,000 for all infringements of a copyright by any one infringer up to the date of suit.

The plaintiff is required to show that at the time of alleged infringement the work had either been registered or that notice of copyright had been affixed thereto, before he is entitled to any remedy other than an injunction or the fair and reasonable value of a license, in a sum not more than $2,500 as determined by the court.

If the defendant proves that he has been subjected to fraud or substantial imposition by any third person and had acted in good faith, the plaintiff may only recover for all infringements to the date of institution of suit, an amount equivalent to the fair and reasonable value of a license, but not less than $50 nor more than $2,500.

Section 41, differentiating between the transfer of copyright and the transfer of the material object copyrighted, is expanded to provide that independently of the copyright, and even after its assignment, the author retains the right to claim authorship as well as the right to object to every deformation, mutilation or other modification of the work which may be prejudicial to his honor or reputation, but this is not to limit full freedom of contract between the author or owner of a work and an assignee or licensee thereof.

A new section authorizes the President to take steps necessary to make the United States a member of the Union for the Protection of Literary and Artistic Works.

With the exception of this section, which would become effective upon passage of the bill, the measure would go into effect July 1, next.

Loew in Move to Build Eight or Ten at Chicago

(Continued from page 1)

and the project has now advanced to the point where sites are lined up and blueprints have been prepared by Architect Thomas Lamb, who has prepared plans for many Loew theatres throughout the country.

Sidney plans to leave for Chicago in a day or so. Joe Vogel of Loew's would not comment on the report, but it is understood that a number of the company's representatives are now in the Windy City negotiating for the sites and also a few theatres.

CHICAGO, Feb. 25.—Five representatives of Loew's theatre department are here investigating, according to reports, sites for Loew houses.

A canvass of prominent local architects reveals that the construction move is known in these offices, but none will admit outright he is in on any of the plans.

Another report has it that, if and when the houses are built, they will be managed by Jones, Linick & Schaefer, but at the offices of the circuit no comment would be made.

It is known that the late Marcus Loew had a gentleman's agreement never to compete with J., L. & S., which, it is pointed out, would make the Chicago circuit the logical partner in any Loew invasion here.

The exhibitors who would be affected are not sure the move is serious, but take this attitude: "Let them build if they want to; there is nothing we can do to stop them. But it's a pretty situation if distributors are going to set up competition every time they can't get what they want."

The sites for the proposed houses must be carefully chosen since B. & K. has an M-G-M agreement running several years which precludes Loew competition.

FWC to Protest on Los Angeles Zoning

Although Campi has approved the Los Angeles schedule in toto, Fox West Coast is planning to protest a number of its provisions as unworkable, MOTION PICTURE DAILY learns. Unless certain modifications are made, F.W.C. will ask Code Authority to delay putting the plan into effect on March 31, the date set last week by Campi. According to Code Authority's plan, the schedule is to be put on a test basis for 60 days, but F.W.C. contends this may prove disastrous to the circuit.

Charles Buckley, attorney, and Mike Rosenberg, a partner of F.W.C., are in New York discussing the schedule and it is believed they will request a hearing before Campi on Thursday to put before the body its stand on the issues involved. Edward Alperson, who returned from a survey of the coast houses late last week, may attend the meet.

The circuit's contention is that Los Angeles and southern California are two of the most important and competitive situations in the country and that distances mean nothing because there are two cars for every person in Los Angeles. The territory abounds in overlapping areas and the problem is a serious one with F.W.C.

Executives of the circuit believe it a mistake to test out the first schedule in such an important territory. They hold that a smaller area where the competitive situation is not so ticklish should be the first spot for giving a schedule a tryout.

Woman Made Manager

BOSTON, Feb. 6.—The first woman office manager in the district is Nellie McGlaughlin, newly appointed to that position by Exchange Manager Meyer Gruber of First Division. George Flute has been added to the staff to assume Miss McGlaughlin's former booking duties. Flute comes from the local Paramount exchange.

Rename Saenger Theatre

NEW ORLEANS, Feb. 25.—Saenger Theatres have renamed the Marion Theatre at Clarksdale. The new name is the Paramount.

A. C. Scales Quits Board

SAN FRANCISCO, Feb. 25.—A. C. Scales of the local Chamber of Commerce has resigned as an impartial member of the grievance board.

TOCC-ITOA And Circuits Drop Contact

(Continued from page 1)

cedure was put over for another session when a discussion of forcing of shorts on exhibitors developed into an all-afternoon affair.

The next break followed when the T.O.C.C. refused an invitation sent out by former Senator Henry J. Walters to have a representative on hand at a meeting held Feb. 15 to discuss three pending bills in Albany. Charles L. O'Reilly forgot there was a meeting and the I.T.O.A. decided it was best to keep away.

As a result, the independents are marshalling their own forces and plan to act on legislative matters by themselves. O'Reilly and Brandt left last night for the Albany hearing this afternoon before the Senate committee on public education.

The McCall Bill is on tap and provides for the following:

1. To maintain a standard of morality and decency in the production of motion pictures.
2. To cooperate with civic and religious organizations in the prohibiting of exhibition of pictures that offend morality and decency.
3. To prescribe forms of contract between exhibitors and distributors.
4. To approve a synopsis of the story contained in each film to be exhibited which synopsis shall be furnished by the distributor to the exhibitor at the time the exhibitor enters into a contract with the distributor.
5. To classify films into three groups: (a) suitable for adults, (b) suitable for family trade, (c) suitable for juveniles.

Would Need Special License

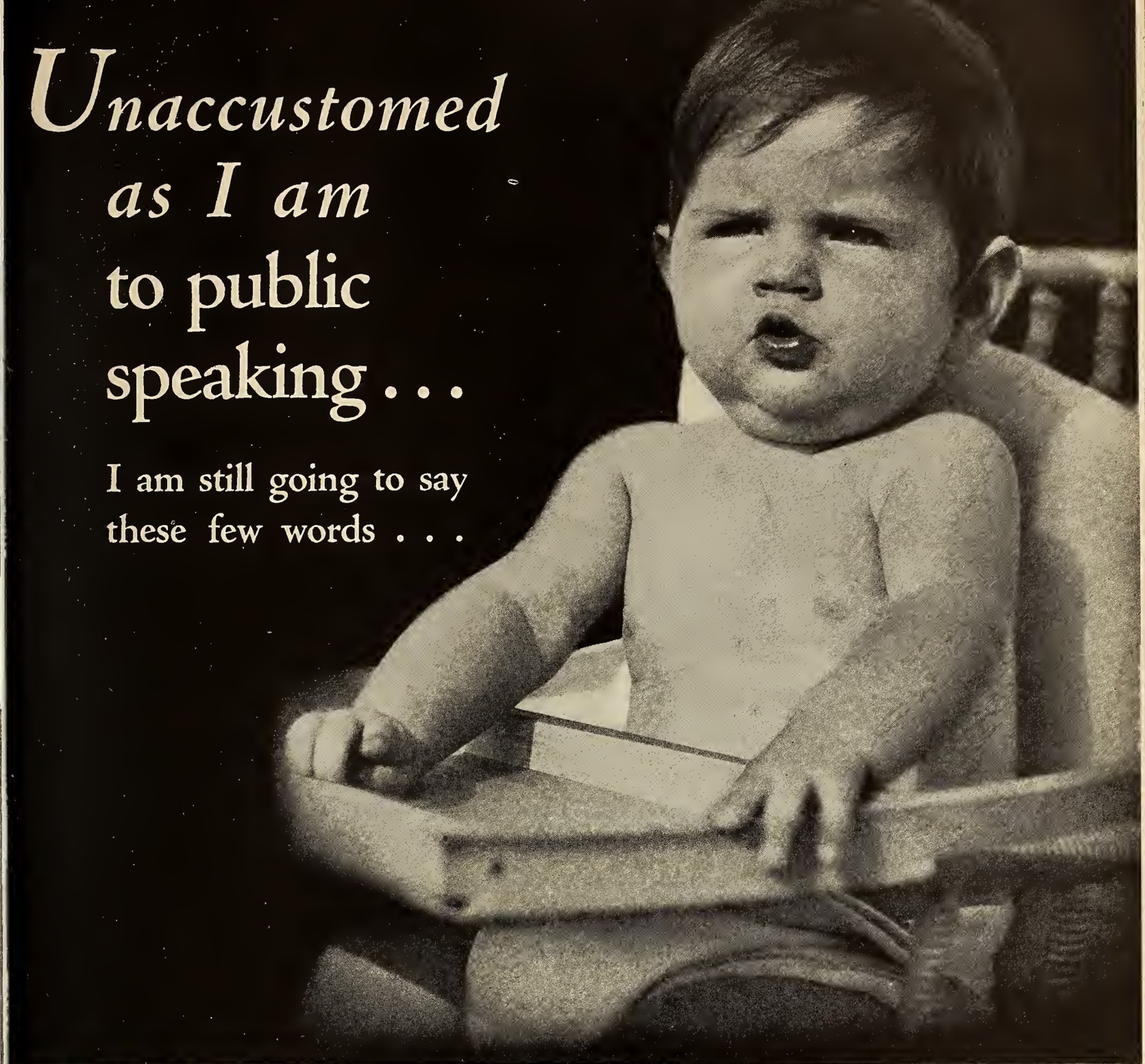
Distributors would be required to get a special license, the fee being set at $5,000 a year. Exhibitors would be required to pay a fee of $1,000.

The breach between the independents and majors is expected to be extended to negotiations on the basic operators' scale. The unaffiliated men are planning to pull out of the NRA fact-finding committee and negotiate their own contracts with the I.A.T.S.E., leaving Loew's and RKO to shift for themselves.

The two major circuits have been members of the T.O.C.C. a number of years, but recently stopped paying dues. The move is said to have been taken because of O'Reilly's insistent stand in favor of independents at Campi sessions. The circuits were carried on the books for a time in the hope that they would be reconciled. With Loew's and RKO out, the independent outfit is willing to go along as it has been.

That the fact-finding committee is a thing of the past is seen in the conferences Louis Krouse, president of the I.A.T.S.E., has had with Brandt within the last few days. O'Reilly is understood to have had several conferences with George Browne, president of the international, on a pact for members he represents.

Efforts to merge the two independent exhibitor units are near the point of consummation. A minority group of the I.T.O.A. is reported ready to force Brandt out, but the majority wing is heavily in favor of his continuing at the helm.



Welcome ★ M. P. T. O. A.!

and, modestly, on my fifteenth anniversary, I remind you that I'm the baby who brings to more than 9000 showmen those very necessary vitamins . . . National Screen Trailers . . . BEST exploitation ever devised . . . created and distributed by a coast to coast organization of "trailer-made" experts more than 700 strong . . .

NATIONAL SCREEN SERVICE

. . . prize baby of the industry!

[*From yesterday's late edition*]

Wilentz Will Take Warner Case to NRA

Having successfully prosecuted Bruno Hauptmann for the murder of the Lindbergh baby, David T. Wilentz, attorney general of New Jersey, will next concentrate his legal activities on the clearance dispute which an Allied of New Jersey member has pending against Warners.

Wilentz will return from a Miami vacation on March 15 and will appear before the Industrial Appeals Board of the NRA in Washington on behalf of Louis Levin, operator of the Elwood, Newark, who seeks to eliminate the 14-day clearance by Warners' Regent, Newark, and Capitol, Belleville, N. J. The original hearing date, Feb. 20, was set back because of Wilentz's absence.

Representing Allied and Levin when the matter was first heard by the New Jersey advisory committee, of which Joe Lee was chairman, on June 10, Wilentz confessed his lack of familiarity with film cases, stating this complaint was his first. In his opening statement, the attorney general minced no words, saying: "I have mainly been representing fellows hit by trucks and not those hit by Warners." The meeting, covered by Motion Picture Daily, proceeded at a peaceful clip until Wilentz became incensed at some of the remarks made by I. Levinson, attorney for Warners. He rose from his seat and attacked Warners, declaring: "They will not get away with this!"

Two members of the advisory board voted that the three theatres were in competition and should have equal availability, two other members disregarded the competitive angle and declared the trio should have like availability notices while a fifth member held that the houses were in direct competition, but Warners' 14-day protection should be reduced to seven.

When the case was heard by the main clearance board on June 28, the lower ruling was upset, the board voting that the three houses were in competition and each theatre was entitled to 14 days' clearance over each other. Wilentz appealed to Campi and this body sustained the local board's ruling. The matter was then brought to the attention of Compliance Director Sol A. Rosenblatt, who turned it over to the Industrial Appeals Board.

Also in Leonia Case

The New Jersey attorney general will also play an important role in the Leonia, Leonia, clearance controversy, which was decided by the local board on June 4. Julius Charnow, operating the Leonia, is vice-president of Allied of New Jersey, which has pledged a fund to retain Wilentz for the final action.

Charnow appealed the ruling of the local board and the matter has been before Campi for more than six months with no action taken. A committee was appointed about two months ago to try and straighten out the matter, but reports from this body have not yet been made. Campi has had the case on its calendar for weeks, postponing it at the request of the committee, which is trying to break down the 60-day protection. Charnow several weeks ago asked for a hearing before Campi and was turned down. Since then several exchange heads have taken a personal interest in the matter, but cannot reconcile the major circuits.

Loew's is reported willing to compromise provided Warners will day-and-date the Lincoln, Union City, with the Embassy, North Bergen. George Skouras is said to be willing to abide by any decision, since his intervening houses will benefit along with Charnow's theatre, if Loew's and Warners get together.

Wilentz will confer with Rosenblatt on this case when he appears in Washington. Campi, at its last meeting, had the Leonia case scheduled, but put it over until this Thursday.

[*From yesterday's late edition*]

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"The Devil Is a Woman"

(*Paramount*)

Hollywood, Feb. 24.—Aside from choice photography lensed by Josef Von Sternberg himself, plus a series of beautiful poses of the devastating Marlene Dietrich, little in the way of entertainment projects itself from this last of the Von Sternberg-Dietrich collaborations.

While Von Sternberg's screen paintings are much above the ordinary, the photographer-director has placed the focus on himself to the detriment of the star's value and has evolved a screen story minus heart, draggy in spots, symbolic in others and for so important a star hardly a vehicle for her superb talents.

Production values tumble over each other in shovelfuls, but stripped of its gorgeous carnival exteriors the film reveals a Spanish strumpet toying with men's affections and wreaking tragedy in her fickle wake. Miss Dietrich, as a cocotte, is as sympathetic as the icy heart of the lass she portrays.

Photographed plentifully, but only once revealing her shapely limbs, Miss Dietrich's beauty and genuine ability are lost on a yarn so turbid, so lacking in meritorious entertainment. Miss Dietrich sings two songs.

Lionel Atwill, Miss Dietrich's November lover, is made to appear foolish; seldom tragic, Cesar Romero, her May sweetie, is adequate, and Edward Everett Horton is swell in a small role.

Von Sternberg's photography stars in this story adapted by John dos Passos from Pierre Louys' "Woman and Puppet."

After the clanking of "The Scarlet Empress," banking on this latest scarlet harlot is questionable.

Production Code Seal No. 538. Running time, 85 minutes. "G."

"The Casino Murder Case"

(*M-G-M*)

Hollywood, Feb. 24.—As a dual murder mystery solved by the inimitable Philo Vance, this one is well timed for suspense and equally well spaced for laughs. The plot has the usual, methodical Vance solution aided by the well-known mystery build-up hokum which keeps the murder mystery patrons guessing. The film should prove satisfactory entertainment for murder fans.

Paul Lukas capably portrays Vance, making his deductions from a group consisting of Allison Skipworth; her son, Donald Cook; her secretary, Rosalind Russell; her brother, Arthur Byron; her daughter, Isabel Jewell; her butler, Eric Blore, and her doctor, Leslie Fenton. Miss Skipwoth, Cook and his wife, Louise Henry, and Miss Russell are poisoned. Miss Henry and Miss Skipworth die and the fun starts. As usual, the least suspected party is guilty with the climactic puzzle as unravelled by Lukas proving Cook killed his own mother and wife to benefit from his mother's will. A romantic tread entwines Lukas and Miss Russell at the fadeout.

The situations, well timed by director Edwin L. Marin, hold suspense throughout. Good performances are given by the whole cast. The musical score by Dimitri Tiomkin adds substantially to the film. Charles Clarke's photography is okay. Florence Ryerson and Edgar Allen Woolf penned the screenplay from S. S. Van Dine's book.

No production code seal. Running time, 88 minutes. "G."

"Hongkong Nights"

(*Walter Futter*)

Hollywood, Feb. 24.—"Hongkong Nights" is an action film about Chinese gun smugglers. Cornelius Keefe is the bad white man who smuggles guns to the bandits. Tom Keene, unofficially connected with the American consulate, is set to stop him.

Wera Engels, at first engaged to marry Keefe, leaves him when she learns his business and helps Keene. The pair chase each other up and down the Chinese coast, with Keene finally bringing Keefe to justice and winning the girl.

Warren Hymer, as Keene's assistant, ably contributes the comedy of the picture, and Tetsu Komai, as the bandit, gives a good performance. The picture is helped by good shots of Hongkong, obviously taken from a travelogue.

Looks suitable on dual bill program.

No code seal. Running time, 63 minutes. "G."

[*From yesterday's late edition*]

Wm. Fox Reported In Dicker for "U"

Hollywood, Feb. 24. — William Fox's name enters the Universal situation as a bidder for its purchase and with B. P. Schulberg in charge of production. Reports along above lines which circulated here following his return from New York were admitted by Schulberg to Motion Picture Daily. He said he had discussed such a deal with Fox, but nothing concrete had happened.

A second group, believed to be Philadelphia money, is also reported negotiating for Universal, a condition of a deal from its point of view being Schulberg's availability as studio head.

[*From yesterday's late edition*]

Report Another Fox Met Bid in Offing

A second bid for Fox Metropolitan Playhouses in competition with the Joseph M. Schenck-Fox Theatres offer to be outlined to Federal Judge Julian W. Mack tomorrow is expected to be made known at the court hearing, or within the next few days thereafter, it was learned on Saturday.

Identity of the new bidder is being closely held. Spokesmen for RKO denied they were interested in making a bid. Walter Reade and Joseph Plunkett were among those who sounded out the Fox Met bondholders' committee in advance of the joint Loew-Warner bid for the circuit last summer, but neither could be reached for comment Saturday on the current report of a new competitive bid.

[*From yesterday's late edition*]

M-G-M Revives Its Policy Conferences

Hollywood, Feb. 24.—M-G-M is reviving the practice, more or less dormant for the past few years, of holding executive production conferences on major issues such as the hiring of important talent, buying stories and major production policies. The policy board includes Louis B. Mayer, Irving Thalberg, David O. Selznick, Eddie Mannix, Ben Thau and Sam Katz.

[*From yesterday's late edition*]

Rubin-Roden Hearing Delayed to Feb. 27

Chicago, Feb. 24.—The hearing of the suit brought here by Jack Rubin of Public Theatres in the Federal court against James Roden, owner of the Astor, for alleged violation of anti-trust statutes, has been postponed to Feb. 27. Judge Woodward of the U. S. District Court has been sitting on another case.

Remodelling

Repairs

Replacement

Re-building

There Is Only One Authority,
And The Real Authorities
Write For It.



There is no substitute
for circulation.

Better Theatres

A QUIGLEY PUBLICATION 1790 BROADWAY NEW YORK CITY

"Spring" Hits $18,500 High, Philadelphia

PHILADELPHIA, Feb. 25.—"One More Spring," with $18,500 for seven days at the Fox, did the best business here last week, though it couldn't negotiate the anticipated second week.

One of the best comparative figures was the $9,500 scored by "The Scarlet Pimpernel" in its second week at the Aldine. The Earle topped the mark with $14,500 for "Winning Ticket" and its stage show, while "Devil Dogs of the Air" got a good $14,000 for eight days at the Stanley.

Total first run business was $103,000. Average is $106,700.

Estimated takings for the week ending Feb. 21:

"THE SCARLET PIMPERNEL" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days, 2nd week. **Gross:** $9,500. (Average, $7,000)
"THE GILDED LILY" (Para.)
(Second Run)
ARCADIA—(600), 25c-40c-50c, 8 days. **Gross:** $2,900. (Average, 6 days, $2,400)
"NIGHT IS YOUNG" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 5 days. **Gross:** $6,500. (Average, 6 days, $12,000)
"WINNING TICKET" (M-G-M)
EARLE—(2,000), 25c-35c-40c-55c, 6 days. Stage: Salici Varieties, Hal Menken's revue, Grace Doro. **Gross:** $14,500. (Average, $12,000)
"ONE MORE SPRING" (Fox)
FOX—(3,000), 40c-55-65c, 7 days. Stage: Helen Compton, Bryn Mawr Orchestra. **Gross:** $18,500. (Average, 6 days, $12,000)
"ENCHANTED APRIL" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,000. (Average, $3,500)
"DAVID COPPERFIELD" (M-G-M)
(Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $4,300. (Average, $4,000)
"THE GOLD FAIRY" (Univ.)
ROXY-MASTBAUM—(4,800), 40c-55c-65c, 6 days. Stage: Roxy Revue. **Gross.** $27,000. (Average, $33,000)
"DEVIL DOGS OF THE AIR" (Warners)
STANLEY—(3,700), 35c-40c-55c, 8 days. **Gross:** $14,000. (Average, 6 days, $12,000)
"MILLS OF THE GODS" (Col.)
STANLEY—(1,700), 30c-40c-50c, 4 days. **Gross:** $2,800. (Average, 6 days, $6,000)

"Colonel" $9,600 Smash in Portland

PORTLAND, Feb. 25.—"The Little Colonel" was a sensation here last week. It nearly doubled the normal take at the Paramount by piling up $9,600, over par by $4,600.

Total first run business was $30,900. Average is $25,000.

Estimated takings for the week ending Feb. 16:

"DAVID COPPERFIELD" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. (Third downtown week.) **Gross:** $6,500. (Average, $5,000)
"EVERGREEN" (Gaumont-British)
"ENTER MADAME" (Para.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)
"IMITATION OF LIFE" (Univ.)
"BABBITT" (F. N.)
(Second Run)
ORIENTAL — (2,040), 15c-25c, 7 days. **Gross:** $1,800. (Average, $2,000)
"WEST OF THE PECOS" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,000)
"THE LITTLE COLONEL" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,600. (Average, $5,000)
"SEQUOIA" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $4,800. (Average, $5,000)

Hollywood Personals

Hollywood, Feb. 25.—W. S. Van Dyke off on his first vacation in 10 years . . . the director is taking in the Mardi Gras in New Orleans and hopes to get there before the M.P.T.O.A. convention ends. . . . William Henry spotted in "China Seas" at M-G-M.

Reginald Denny goes into "Anna Karenina," which stars Greta Garbo at M-G-M. . . . Anna Demetrio, noted Italian historian, actress and stage director, threw a big party for Director Ralph Murphy and the cast of "MacFadden's Flats" the other night—spaghetti and everything.

Katherine Hepburn and a party of friends flew to Boulder Dam over week-end, and viewed the project.

Darcy Corrigan and Grizelda Harvey in Radio's "The Informer." . . . Suzanne Kaaron and Paul Stanton in "Strangers All" at the same studio. . . . Mascot building a number of permanent outdoor sets. . . . Edward Small goes into action on "Washington Correspondent."

Will Rogers gets seven days off on "Doubting Thomas" and hops a plane for Chicago. . . . Chester Morris gets lead in M-G-M's "B.I.D.J."

"Wings" Gets Twin Cities' Top, $11,000

MINNEAPOLIS, Feb. 25.—"Wings in the Dark" proved a good draw on both sides of the river. It went $1,000 over the line for a gross of $5,000 at the Century here, and took $6,000, up by $500, at the St. Paul Paramount.

"Kid Millions" was strong at $6,000 in the State here. "Evergreen" held up to $3,000 in its second week at the World. "I Sell Anything," helped by Olsen and Johnson at the St. Paul Orpheum, reached $5,000, up by $1,000.

Total first run business in Minneapolis $24,800. Average is $23,000. Total for St. Paul was $19,000. Average is $16,500.

Estimated takings:

Minneapolis:

Week Ending Feb. 20:

"WINGS IN THE DARK" (Para.)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)
"THE WHITE COCKATOO" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,300. (Average, $1,500)

Week Ending Feb. 21:

"THE GOOD FAIRY" (Univ.)
ORPHEUM—(2,900), 25c-40c, 7 days. Five acts of vaudeville. **Gross:** $6,000. (Average, $5,500)
"KID MILLIONS" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"I'VE BEEN AROUND" (Univ.)
PALACE—(900), 15c-25c, 7 days. Five acts vaudeville. **Gross:** $2,000. (Average, $2,000)
"THE FIRST WORLD WAR" (Fox)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"EVERGREEN" (Gaumont British)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Feb. 21:

"THE GILDED LILY" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"WINGS IN THE DARK" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"I SELL ANYTHING" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. Olsen and Johnson heading vaudeville. **Gross:** $5,000. (Average, $4,000)
"BABOONA" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"NARCOTIC" (State Rights)
WORLD—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $1,500)

"Wings" Hits Big $5,500, Denver High

DENVER, Feb. 25.—"Wings in the Dark" was the big noise of the week. It started out with standees and held up in spite of the counter-attractions of outdoor spots with perfect weather. The $5,500 gross was over the line by $1,500.

All other houses were under par.

Total first run business was $18,700. Average is $20,500.

Estimated takings for the week ending Feb. 21:

"UNDER PRESSURE" (Fox)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)
"WINGS IN THE DARK" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $4,000)
"ONE MORE SPRING" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $6,000)
"SEQUOIA" (M-G-M)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $6,000)
"DAVID COPPERFIELD" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 3 days following 4 on last week and a big week at the Denver. **Gross:** $900.
"RED HOT TIRES" (F. N.)
"MAYBE IT'S LOVE" (F. N.)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $850. (Average for week, $2,000)

Tupilan in Boston Job

BOSTON, Feb. 25.—Here from New York, Ira Tupilan has been installed as manager of the Majestic. Vincent Grater is assistant. The downtown house has been opened for foreign product by Levrad, Inc. The Majestic, recently bombed, is now a union house.

Baily Back on Coast

HOLLYWOOD, Feb. 25.—Tom Baily, head of the Paramount publicity department, has returned to the studio after a trip in which he visited 15 key cities west of the Mississippi. He was away for two weeks.

Fox Signs June Knight

HOLLYWOOD, Feb. 25.—June Knight has been definitely set by Fox for the lead in "Red Heads on Parade." She will have her hair dyed red for the role opposite John Boles.

"Copperfield" Holds Up for 2d Loop Week

CHICAGO, Feb. 25.—Taking $20,000 for its second week at the United Artists, "David Copperfield" was the best straight film draw on the Loop. This is $3,000 over normal for a first week.

Business was generally good. "Wings in the Dark" was up by $12,400 on a $47,000 gross at the Chicago. Earl Carroll's "Vanities" on the stage helped. "Charlie Chan in Paris" was strong at the Oriental with a gross of $17,000. "Devil Dogs of the Air" had a good second week at the Roosevelt with $12,000

Total first run business was $143,500. Average is $127,600.

Estimated takings:

Week Ending Feb. 21:

"WINGS IN THE DARK" (Para.)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Earl Carroll Vanities with Ken Murray. **Gross:** $47,000. (Average, $34,600)
"CHARLIE CHAN IN PARIS" (Fox)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Henry Busse and orchestra, vaudeville. **Gross:** $17,000. (Average, $15,000)
"THE MYSTERY OF EDWIN DROOD" (Universal)
PALACE—(250), 25c-35c-50c, 7 days. Stage: James Melton, Stepin Fetchit, Tim & Irene. **Gross:** $15,000. (Average, $22,000)
"BABOONA" (Fox)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)
"DEVIL DOGS OF THE AIR" (Warners)
ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 8 days. **Gross:** $12,000. (Average, $11,000)

Week Ending Feb. 22:

"THE COUNTY CHAIRMAN" (Fox)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $8,000)
"STRANGE WIVES" (Univ.)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Emerson's Mountaineers and others. **Gross:** $13,000. (Average, $15,000)

Week Ending Feb. 25:

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $20,000. (Average, $17,000)

"Band Plays" with Show Big in Omaha

OMAHA, Feb. 25.—A combination of "The Band Plays On" and a stage show which included the Three X Sisters, Frank Libuse and others, pulled the big money here in three days last week, $7,600. This is $3,100 over average for a full week.

The only other profitable attraction in town was a dual consisting of "Carnival" and "Gentlemen Are Born," which was $1,000 up on a gross of $4,500 at the Brandeis.

Total first run business was $21,700. Average is $19,500.

Estimated takings:

Week Ending Feb. 17:

"THE BAND PLAYS ON" (M-G-M)
PARAMOUNT—(2,800), 25c-35c-55c, 3 days. Stage: Three X Sisters, Frank Libuse, The Lucky Boys, O'Connor Family, Mattison's Rhythms. **Gross:** $7,600. (Average, $4,500)

Week Ending Feb. 21:

"THE IRON DUKE" (G. B.)
"I'VE BEEN AROUND" (Univ.)
PARAMOUNT—(2,200), 25c-35c, 4 days. **Gross:** $2,200. (Average, $4,000)

Week Ending Feb. 20:

"CARNIVAL" (Col.)
"GENTLEMEN ARE BORN" (Warners)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,500. (Average, $3,500)

Week Ending Feb. 21:

"BORDERTOWN" (Warners)
"EVERGREEN" (G. B.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $7,500)

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Kuykendall Reelected as MPTOA Meet Is Started

Bill Drafted To Cut Fines On Copyright

State Department Plan Is to Make It $100

By BERTRAM F. LINZ

WASHINGTON, Feb. 25.—Reduction from $250 to $100 of the penalty on exhibitors for "innocent" infringement is provided for in the bill proposed by the State Department for amendment of the copyright law preparatory to the entry of the United States into the international copyright convention. This nestles closer to the M.P.T.O.A. idea of how the copyright law should be amended.

In the case of infringement resulting from fraud or imposition upon the infringer by a third person, recovery is to be limited to the fair and reasonable value of a license, but not less than $50 nor more than $2,500.

The State Department's measure is the result of efforts which have been made for a number of years to secure

(*Continued on page 12*)

Federal Study of Fox Met Is Begun

Department of Justice investigators were reported yesterday to be probing the Joseph M. Schenck offer for the purchase of Fox Metropolitan Play-

(*Continued on page 7*)

E. F. Tarbell Dies Suddenly in Albany

ALBANY, Feb. 25.—Edwin F. Tarbell, executive secretary for the past two years of Allied Theatre Owners

(*Continued on page 2*)

Comerford Stricken

Washington, Feb. 25.—M. E. Comerford, head of the Pennsylvania circuit bearing his name, was reported resting easily today at Emergency Hospital here, where he was removed after suffering a collapse in a downtown hotel. Comerford, who is 65 years old, was planning to attend the M.P.T.O.A. convention at New Orleans when stricken. Although showing some improvement, hospital attendants described Comerford's condition as still serious.

Loew in Move to Build Eight or Ten at Chicago

Loew's is completing plans to invade Chicago neighborhoods with a theatre construction program of from eight to 10 houses. This will constitute M-G-M's answer to the alleged refusal of the Essaness and Schoenstadt circuits, as well as smaller theatres which buy through booking combines maintained by Aaron Saperstein, to purchase Loew's product except on a flat basis and with no preferred playing time designated.

Saperstein's buying combine activities are a separate endeavor from his office as president of Allied Theatres of Illinois. Approximately 100 theatres in greater Chicago today are not playing M-G-M product at a cost esti-

(*Continued on page 12*)

Rumor Code Attack

New Orleans, Feb. 25.—A certain group or groups in the M.P.T.O.A. tonight were reported discussing as an objective a violent attack on the code via a plan not divulged but looking to M.P.T.O.A. endorsement of its abolition. How this would work out and exactly what the convention could do beyond passing resolutions to this effect if this group or groups have their way, not only were not clear but were unanswered tonight.

Kansas City's ITO Discusses U. S. Quiz

KANSAS CITY, Feb. 25.—Coupled with the anti-trust suit the I. T. O. is preparing for filing in the U. S. District Court here, the organization may request a Government probe of local trade practices, MOTION PICTURE DAILY learns.

E. Rolsky, chairman of the independents' committee empowered to act, said the I. T. O. membership favors a Department of Justice investigation of an asserted conspiracy said to exist between Fox Midwest and the distributors.

Details of the impending moves are being worked out by Leland Hazard, I. T. O. counsel. Papers in the conspiracy suit will be in shape for filing in about two weeks, it was said. Whether a request for an investigation

(*Continued on page 7*)

TOCC-ITOA and Chains End Contact

Lacking support from major circuits, the T.O.C.C. and I.T.O.A. have dropped the policy of friendly cooperation with Loew's and RKO, severing a working arrangement of long standing on both legislative and union problems.

The schism became marked when the board of directors of the I.T.O.A. group, presided over by Harry Brandt, on Feb. 13, passed a resolution seeking a State investigation of major circuit activities in this territory. The resolution was adopted after several attempts had been made to get Loew's to relieve independents from a cumulative protection strain. A committee was slated to be appointed last week to present the charges to Governor Lehman and to the Senate. The pro-

(*Continued on page 12*)

Grainger Laughs at Reported "U" Sale

NEW ORLEANS, Feb. 25.—The Hotel Roosevelt lobby today virtually rang with reports of Universal's sale to a group unnamed. Reaching Universal's district managers, including William Heineman, Harry Graham and John Ezell, the stories proved disturbing

(*Continued on page 7*)

Cohen Denies Plan For Producing Unit

HOLLYWOOD, Feb. 25.—Emanuel Cohen today denied rumors that he is to form an independent company with the backing of John Hertz, using Mae West, Gary Cooper and Bing Crosby as a nucleus of stars for the new unit.

Cohen said: "I wish to deny any

(*Continued on page 7*)

Lowenstein Is Named as Meyer's Successor; Others Renamed

By RED KANN

NEW ORLEANS, Feb. 25.—Ed Kuykendall of Columbus, Miss., tonight was re-elected president of the M. P. T. O. A., as forecast by MOTION PICTURE DAILY today.

Morris Lowenstein, president of the M. P. T. O. of Oklahoma, was named to succeed Fred S. Meyer, former president of the M. P. T. O. of Wisconsin, as national secretary and member of the M. P. T. O. A. executive committee. Meyer resigned both offices on becoming an assistant to Carl Laemmle some time ago.

In addition to Kuykendall and Lowenstein, all incumbent officers have been nominated for re-election. These include Walter Vincent, New York, treasurer; M. E. Comerford, Scranton; M. A. Lightman, Memphis; A. Julian Brylawski, Washington; B. N. Berinstein, Los Angeles, and W. S.

(*Continued on page 7*)

Work Keeps Flinn From MPTOA Meet

Pressure of work caused by his recent 10-day trip to the coast prevented John C. Flinn from going to New Orleans to attend the M.P.T.O.A. con-

(*Continued on page 7*)

Managers Converge

New Orleans, Feb. 25.—The proximity of the new season and the desire to get widespread exhibitor reaction on product types are the twin reasons behind the presence at the M.P.T.O.A. convention here of John D. Clark, general sales manager of Fox; J. R. Grainger, general sales manager of Universal; Felix Feist, general sales manager of M-G-M, and Jules Levy, general sales manager of Radio.

This makes more sales managers than probably have attended any exhibitor convention in the latter day development of the industry.

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Brandt Opens Audubon

Harry Brandt has opened the Audubon with 10 and 20-cent admissions and double feature programs. On the opening program were "Broadway Bill" and "Limehouse Blues."

M. B. Horwitz Laid Up

CLEVELAND, Feb. 25.—M. B. Horwitz, secretary of the Independent Theatre Owners of Ohio and head of a local circuit, is laid up at his home with sciatica.

Hamrick Signs Rivers

SEATTLE, Feb. 25.—Edwin B. Rivers, well known coast theatre executive, has been named head of advertising and publicity for the circuit of 12 houses operated by John Hamrick here and in Portland and Tacoma.

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Purely Personal

HORTENSE SCHORR has another peeve. Says ever since the "Purely Personal" column reported she was going in for Schopenhauer, Kant, Hume, Nietzsche and Damon Runyon, her social activities have slid into a decline. She's accused of being a highbrow.

•

CAPTAIN RICHARD NORTON, British and Dominions producer, here for a short visit, is busy around town these days trying to clear up his affairs as soon as possible. He says now he won't be able to return home for at least a fortnight.

•

HARRY SCHWALBE, FRED DURKEE, CHARLES NOLTE, SAM GALANTY, BEN FERTEL and J. FABIAN are in the "hot climate," writes JAY EMANUEL from Miami, proving thereby that he's there as well.

•

GENE TOWNE and GRAHAM BAKER have been signed by WALTER WANGER to do the screenplay for his forthcoming musical, "Every Night at Eight." FRANCES LANGFORD, former NBC singer, will be starred.

Quip of the Day

With Kansas City newspapers full of ads on clearance sales at department stores, K. C. exhibitors are asking:

"When will Campi ring up a 'clearance' sale for us?"

W. C. GEHRING, Chicago Fox branch head, has been named leader of the third S. R. KENT sales drive, starting date of which has not yet been set.

•

MURIEL KIRKLAND, of fond "The Greeks Had a Word for It" memory, will return to Broadway in "No Mind of Her Own." She's been in Hollywood.

•

PHIL REISMAN is stealing a march on the M. P. Club ping-pongers these days. He gets up to the club early and puts in a half hour of practice before lunch.

•

SAM MINTZ has been signed by Paramount to work on "The Plot Thickens," which will be the next for GEORGE BURNS and GRACIE ALLEN.

•

LOUIS K. SIDNEY returned from Chicago the other day and leaves again for the Windy City within the next few days.

•

GUSTAV BROCK is responsible for the color effects in the Ben Hecht-Charles MacArthur film starring JIMMY SAVO, "Once in a Blue Moon."

•

REGINALD DENNY is being talked about for the male lead in "Julie," play long planned by D. A. DORAN, JR. and ARTHUR HANNA.

•

HELEN GAHAGAN is on her way to the coast by train. She will report at the Radio studios to work in MERIAN C. COOPER'S "She."

•

MITCHELL KLUPT now calls LOUIS NIZER Attorney General NIZER. Heretofore, he's been calling him Colonel NIZER.

SADA COWAN has finished work on the screenplay of "Chocolate," which is a translation from the Russian. CECIL B. DEMILLE is scheduled to produce it after he finishes "The Crusades."

•

JAN AUGUSTOFF, pianist-xylophonist, has been engaged by the Warwick Hotel here. He will direct his own orchestra.

•

ADELAIDE HEILBRON'S play "Something Gay" is slated for fall appearance on Broadway. The SHUBERTS will do the presenting.

•

S. BARRET MCCORMICK is so enthused over "Roberta" that the word itself is being used as a password to get into his office these days.

•

MORT BLUMENSTOCK really ought to do something about his weight. You never saw such a picture of health in bloom.

•

MILTON FELD and DAVE CHATKIN have leased new executive offices for their Monarch Theatres on the 25th floor of the RKO Bldg.

•

ALAN DWAN'S original story, "Kiss and Wake Up," has been purchased by Fox, as a vehicle for EDMUND LOWE and CLAIRE TREVOR.

•

LOUIS PAUL, the winner of the 1934 O. Henry Memorial Award, has been signed to a long term contract by M-G-M and is awaiting an assignment.

•

JEAN PARKER leaves for a personal appearance next week at the opening of "Sequoia" in Salt Lake City.

•

VICTOR KILIAN, Theatre Guild player, has reported to the Columbia studio for a role in "Air Fury."

•

RICHARD V. GRACE'S "Arctic Wings" has been acquired by Columbia.

•

PHIL FRIEDMAN, Fox casting director, is in from the coast hunting new faces.

•

SAM COCALIS is back from Miami, but plans to return next week with JACK SPRINGER, his partner.

•

WILSON COLLISON'S recently published novel has been purchased by Metro for JOAN CRAWFORD.

•

DAVE LOEW, now on the coast, will be away for six weeks practicing on his golf.

•

HOWARD DIETZ gets back from the coast today and WILLIAM FERGUSON hies back from Miami.

•

NATE SPINGOLD returned yesterday from another Miami vacation.

•

RAY BOLGER has been signed to a long term contract by M-G-M.

•

PHILIP WYLIE has sold his "Death on the 8:06" to Paramount.

M-G-M Signs Del Ruth

HOLLYWOOD, Feb. 25.—Roy Del Ruth has been signed by M-G-M to direct "Broadway Melody."

Shapiro Plans for Three Films a Year

William Shapiro plans to produce three pictures a year for major release. Under Franklin Films, the name of the company he has had for 15 years, Shapiro will star Jackie Borene, a newcomer, in the trio planned for this season. A seven-year deal with a major company is now pending.

Borene has appeared at the Paramount here and at the B. & K. Chicago. He also has performed small parts in "Once in a Blue Moon" with Jimmie Savo and in Harry Richman's show "Say When." M-G-M is making tests of the seven-year old actor and singer. Shapiro leaves for the coast either the end of the week or the beginning of next week.

E. F. Tarbell Dies Suddenly in Albany

(*Continued from page* 1)

of New York, is dead of pneumonia. He passed away Saturday morning at the Albany Hospital after a brief illness. He had been ill only a few days.

Tarbell had been identified with the industry for the past 25 years, having been branch manager for Vitagraph, Fox and Universal.

Sidney Samuelson, president of Allied, was shocked by the news of Tarbell's death yesterday when informed by MOTION PICTURE DAILY. He immediately called Abe Stone at Albany. The funeral will be held at 11 o'clock this morning, but because of an out-of-town engagement, Samuelson will not attend.

Samuelson, Yamins Go to Ohio Session

Sidney Samuelson and Nathan Yamins left last night for Columbus to attend a two-day convention of the I.T.O. of Ohio, an Allied unit. The sessions start today.

Abram F. Myers, general counsel for Allied, left from Washington and H. M. Richey from Detroit. The code and various legislative problems affecting exhibitors of Ohio will be discussed.

Report John Benas Candidate in ITOA

John Benas of the Rosenblatt-Welt circuit is reported being groomed for the presidency of the I.T.O.A. by a number of small exhibitors in the unit. The board of directors meets today to decide on the nominee to succeed Harry Brandt. Nominations will be proposed at a meeting of the membership at the Astor tomorrow, with elections following a week later.

Stahl to Cincinnati

Max Stahl, former Indianapolis manager for United Artists, has been appointed head of the company's Cincinnati exchange. He is en route to the Ohio city to take over his new duties.

F. & M. Takes Another

SPRINGFIELD, Ill., Feb. 25.—Fanchon & Marco have taken over management of the Art Theatre, formerly known as the Fox Nelson.



RUDY BEATS 'DAMES'!

Vocal Boy Makes Good In Movies

TOPS '20 MILLION SWEETHEARTS' TOO

Amazing New York Premiere of "Sweet Music" Definitely Establishes Vallee as a Money Star

Look! . . .

N. Y. STRAND'S CANDID CAMERA TELLS THE STORY OF RUDY'S NEW BOX-OFFICE PERSONALITY



7 P. M. Wednesday
(One hour before opening!)



9 A. M. Thursday



8 P. M. Wednesday



10 A. M. Thursday

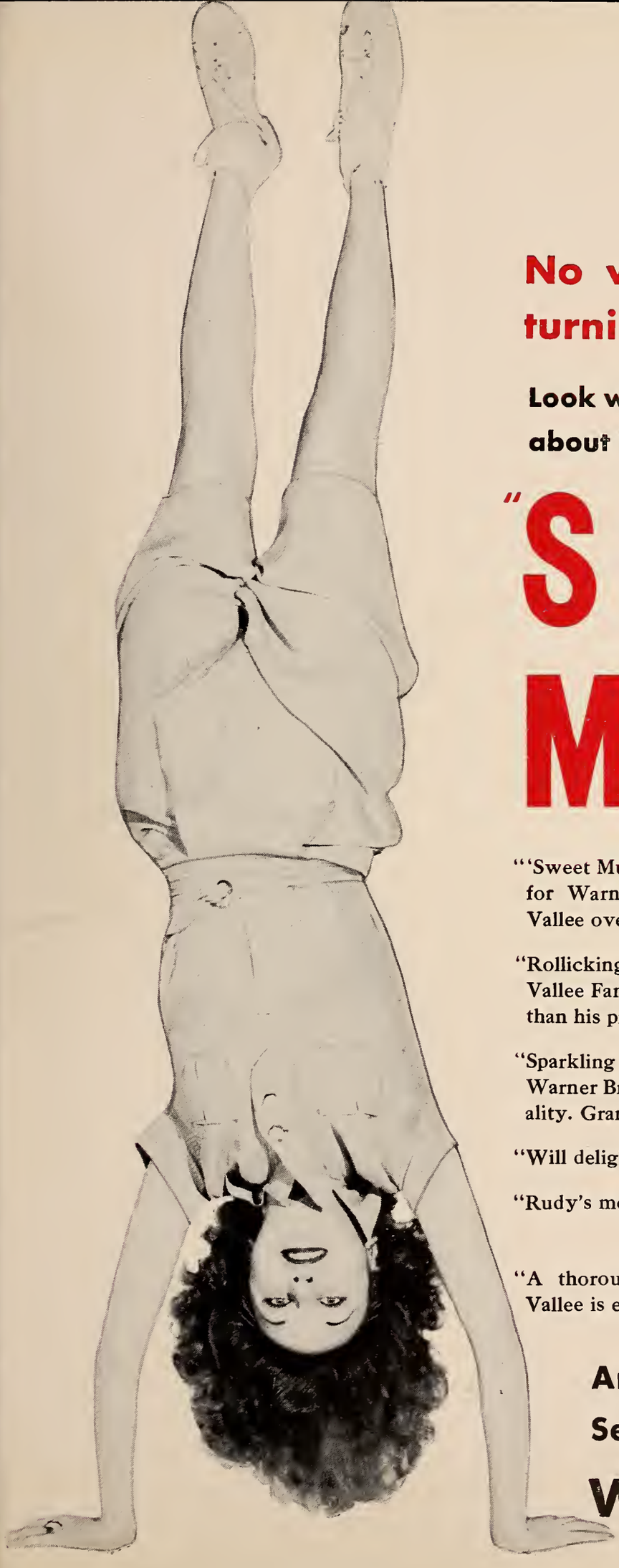


10 P. M. Wednesday



11 A. M. Thursday

PHOTOGRAPHIC PROOF THAT "SWEET MUSIC" IS EVERYTHING FAMOUS SHOWMEN PREDICTED



No wonder Ann's turning handsprings!

Look what New York papers say about her and Rudy in

"SWEET MUSIC"

"'Sweet Music' a hit, Rudy Vallee a star! Three rousing cheers for Warner Bros. and the teamwork which puts Rudy Vallee over with a bang."—*N. Y. American*

"Rollicking, tuneful, hilarious. A Rudy which should send the Vallee Fan Clubs into ecstasies. Can entertain a wider public than his previous films."—*Daily Mirror*

"Sparkling addition to the series of musical hits devised by Warner Bros. definitely establishes Rudy as a screen personality. Grand fun."—*Eve. Journal*

"Will delight Rudy's enthusiasts."—*Herald-Tribune*

"Rudy's most ambitious and most promising picture."
—*Daily News*

"A thoroughly diverting song-and-dance entertainment. Vallee is excellent."—*World-Telegram*

Another "Big Shot" Hit All Set Up and Delivered by

WARNER BROS.

RUDY VALLEE

makes

"SWEET MUSIC"

and "Sweet Music" has made Rudy Vallee!

Congratulations from 9,000 happy first-nighters to Rudy and

ANN DVORAK

Ned Sparks • Helen Morgan • Robert Armstrong
Allen Jenkins • Alice White • Joe Cawthorn • Al Shean
The Connecticut Yankees • Frank & Milt Britton Band
The Six Famous Composers • Bobby Connolly and

DIRECTOR AL GREEN

NEXT! Kay Francis in "Living On Velvet" – "Gold Diggers of 1935" – Jolson and Keeler in "Go Into Your Dance" – Paul Muni in "Black Fury" – Dolores Del Rio in "In Caliente".



Kuykendall Is Reelected as MPTOA Head

(*Continued from page* 1)

Butterfield, Detroit, as vice-presidents; Edward G. Levy, New Haven, general counsel, and Fred Wehrenberg, St. Louis, chairman of the board.

These nominations were presented by the executive committee to the board of directors, meeting in closed session here tonight. The executive committee is composed of Kuykendall, O. C. Lam, Sidney Lust, J. H. Michael, Jack Miller and L. E. Thompson. The latter flew here from Miami, where he has been vacationing.

The nominations and election of officers comprised the only order of business today and tonight, with the convention proper not scheduled to get under way until 2 o'clock tomorrow. The convention arrangements committee wisely determined to start the first business session at that time, rather than risk a sparsely attended first morning session. Most convention visitors are making the rounds of the city tonight, celebrating their first evening in town.

Called to Order Today

The convention will be called to order tomorrow by H. S. McLeod, general chairman of the arrangements committee. The invocation will be given by Rev. Donald H. Wattley, rector of the Grace Episcopal Church of this city. The president's annual report will be read by Kuykendall and the secretary's annual report by Levy, general counsel and acting secretary. Reports of the committees on convention arrangements, on labor relations, public relations and entertainment values will also be made and special convention committees will be announced. Adjournment for committee meetings is scheduled for 4:45 P. M. The evening will be given over to the president's reception.

Approximately 500 conventioneers had checked into the Roosevelt and other hotels by early afternoon today. So great was the crush at the Roosevelt, convention headquarters, that the New York contingent, which arrived on time this morning, required fully an hour to clear the registration desks. All visitors, whether distributors or exhibitors, have been on their own throughout the day. Many went to the races, while others played golf.

More national sales managers are here for this 15th annual M.P.T.O.A. convention than probably have attended any other in the organization's history. The contingent includes Felix Feist of M-G-M, John D. Clark of Fox, Jules Levy of RKO Radio and James R. Grainger of Universal, each one flanked by one or more district or exchange managers.

Kuykendall almost missed the convention, due to illness. Leaving New York last week and heading straight for New Orleans, an attack of the flu forced him to leave the train at Atlanta where he remained for a few days battling his illness.

Tuesday's Program

AFTERNOON

Business session in the Gold Room, mezzanine floor, the Roosevelt at 2 P.M.

Convention called to order by H. S. McLeod, general chairman, convention arrangements committee.

Invocation.

Address of welcome to New Orleans.—Theodore Simmons, vice-president, New Orleans Chamber of Commerce.

Annual report of the president—E. L. Kuykendall.

Annual report of the secretary—Edward G. Levy, acting secretary.

Report of committee on convention arrangements—H. S. McLeod, general chairman.

Report of committee on labor relations—Jack Miller, Chicago.

Report of committee on public relations—Fred Wehrenberg, chairman.

Report of committee on entertainment values.

Announcement of special committees for the convention, where and when they will meet.

Adjourn 4:45 P.M. for committee meetings.

EVENING

The president's reception—Tip Top Inn on the roof of the Roosevelt at 9 P.M. Informal dancing, refreshments. Your badge admits you.

Work Keeps Flinn From MPTOA Meet

(*Continued from page* 1)

vention. He was slated to address conventioneers tomorrow on the code.

Walter Vincent, who was scheduled to talk this afternoon on entertainment values, is another absentee. He was ordered to take a month's vacation by his doctor and is now in Nassau.

Rosenblatt Talk at Convention in Doubt

WASHINGTON, Feb. 25.—Division Administrator Sol A. Rosenblatt was undecided here today whether or not he would be able to attend the M.P.-T.O.A. Convention in New Orleans where he is scheduled to speak. If he speaks, it will be on Thursday.

It was explained that there are a number of matters claiming Rosenblatt's immediate attention here and if these are cleared up he will be free to take the southern trip.

Kent Won't Attend Meet

NEW ORLEANS, Feb. 25.—Sidney R. Kent will not be at the M. P. T. O. A. Convention, not being able to tear himself away from Florida.

Where the Sazeracs Flow

By RAMOS

Nate Blumberg, whose favorite theatre circuit is RKO, had planned to make the trip, but no could do. His company will be represented by Leslie Thompson, who is ending a Florida sojourn to airline it for these parts.

* * *

You can draw whatever conclusion you may like, but the Northern California delegation is here with a wife for each man. The misters and missuses now include the L. S. Hamms, the Morgan A. Walshs, the R. A. McNeils, the Charles Muhlmans, the Aaron Goldbergs, the Henry Nassers, the Al Nassers, the H. V. Harveys, the Julian Harveys, the Sam Levins, the Homer Tegtmiers, the Bill Heinemans, the George Manns, and the Mike Naiffys.

* * *

Jimmy Grainger, who arrived Friday, having stopped off at Atlanta, came early for the golf. The McNeils will be glad to see Grainger and vice versa. They are warm friends.

Grainger Laughs at Reported "U" Sale

(*Continued from page* 1)

but were met only by a laugh from J. R. Grainger, general sales manager, who said: "A lot of applesauce. I am in daily touch with Carl Laemmle and certainly I would know about it."

Grainger returns to New York from here and goes on to Hollywood in about two weeks on next year's program.

HOLLYWOOD, Feb. 25.—"If rumors can be believed Universal has been 'sold' not less than once a week for more than a quarter of a century past," Carl Laemmle remarked today in denying new reports of an impending sale of the company.

"I have been asked why I do not deny every fake rumor which is circulated by irresponsibles regarding Universal," Laemmle said. "The truth is that I haven't the time. If I took time to deny every one of the thousands of rumors I would not have an hour left for picture making and picture selling."

Laemmle returned to the studio today after being kept away four weeks by an eye ailment.

Cohen Denies Plan For Producing Unit

(*Continued from page* 1)

rumors concerning my planning or my forming an independent company with financial backing by John Hertz and using Paramount stars. I know, as well as everybody else, that Hertz has been nominated for the new Paramount board of directors and, naturally, he will be interested in protecting the company's assets. As for myself, I have no future plans and will make none until I have had a vacation."

Reade Takes in N. O.

Walter Reade, who left last week for a short vacation in Miami, is taking in the New Orleans convention. He plans to return the end of the week.

Halsey Raines of the M-G-M publicity department is vacationing in New Orleans and plans to drop in at the Roosevelt Hotel to see what an exhibitor convention is like.

Al Lichtman, vice-president and general sales manager of U. A., did not leave for the M.P.T.O.A. meet Saturday night as originally planned. Joseph M. Schenck returned from the coast Saturday and the two have been in conference since then on company matters.

Kansas City's ITO Discusses Federal Probe

(*Continued from page* 1)

will go forward depends on Hazard's conclusions.

Rolsky said the fact Campi is reported ready to adopt a clearance schedule for Kansas City will not deter the I. T. O. legal maneuvers, because, he said, the schedule in its present form would not be acceptable to the independents.

It is complained, primarily, that Fox Midwest is given prior right to product and that the circuit has set clearances for Kansas City detrimental to other suburbans which they are forced to accept. The independents are also wrought up over a statement E. C. Rhoden, the circuit's operating head, is said to have made at an I. T. O. meeting, to the effect he could lower prices at his theatres and still be able to obtain protection over unaffiliated houses charging a higher admission. The independents fear that is just what Fox Midwest may do, and the legal moves are designed to prevent it.

Federal Study of Fox Met Is Begun

(*Continued from page* 1)

houses. The procedure is similar to the checkup made last year when Loew's and Warners made a joint bid for the circuit.

WASHINGTON, Feb. 25.—Investigation of pending negotiations for the purchase of Fox Metropolitan in New York by Joseph M. Schenck today was characterized at the Department of Justice as one of the routine studies which are made of every important acquisition of industrial units.

Washington officials of the department said that there was nothing known about the matter here, as it was under the jurisdiction of the field office, each of which keeps a close eye upon industrial operations in its area.

ITPA of Wisconsin Seeks Federal Help

MILWAUKEE, Feb. 25.—Directors of the Independent Theatres' Protective Ass'n. of Wisconsin and Upper Michigan have voted to petition the Department of Justice to continue the investigation made in the summer of 1931 by independent theatres of the state who were seeking relief from competition of producer affiliated circuits through the Wisconsin Department of Agriculture and Markets.

The action started by the State Department at that time was enjoined in U. S. District Court and the association is seeking to have the Federal Department take up the investigation where the state was forced to stop.

GSTOA to Meet Thursday

NEW ORLEANS, Feb. 25.—Gulf States Theatre Owners' Ass'n will convene at the Jung Hotel here Thursday noon. It is now definite that Harry S. McLeod will not run for the presidency again.

GREETINGS! SAYS FULL

IT'S CASH

on the line when the author is DAMON RUNYON, who wrote "Lady for a Day" and "Little Miss Marker"... and the stars are

Jean **PARKER**

Chester **MORRIS**

and the story is his best, from Collier's Magazine

PRINCESS O'HARA

With LEON ERROL • Henry Armetta • Vince Barnett... Presented by Carl Laemmle ... Directed by David Burton... Leonard Spigelgass, Associate Producer



Watch For Universal's Shivery Sens

UNIVERSAL...WITH A HAND OF BIG MONEY PICTURES!!!

IT'S DOUGH

for N. Y. ROXY and RKO MEMORIAL, BOSTON... because both of these important houses are now cleaning up with

NIGHT LIFE of the GODS

LINE-UP

business when RADIO CITY MUSIC HALL played Universal's "THE GOOD FAIRY!" ...It'll be HEAVY GROSSES AGAIN the week of March 14th, when the world's largest theatre opens with

"The MYSTERY of EDWIN DROOD"

...tion, "BRIDE OF FRANKENSTEIN"

"IT WILL BE ONE OF THE BOX-OFFICE SMASHES OF THE YEAR!"

Says LOUELLA PARSONS *in the Hearst Newspapers!*

"SUPER-ENTERTAINMENT! FOUR STARS! ★★★★
— EUGENE CHRISMAN, SCREEN PLAY and SCREEN BOOK

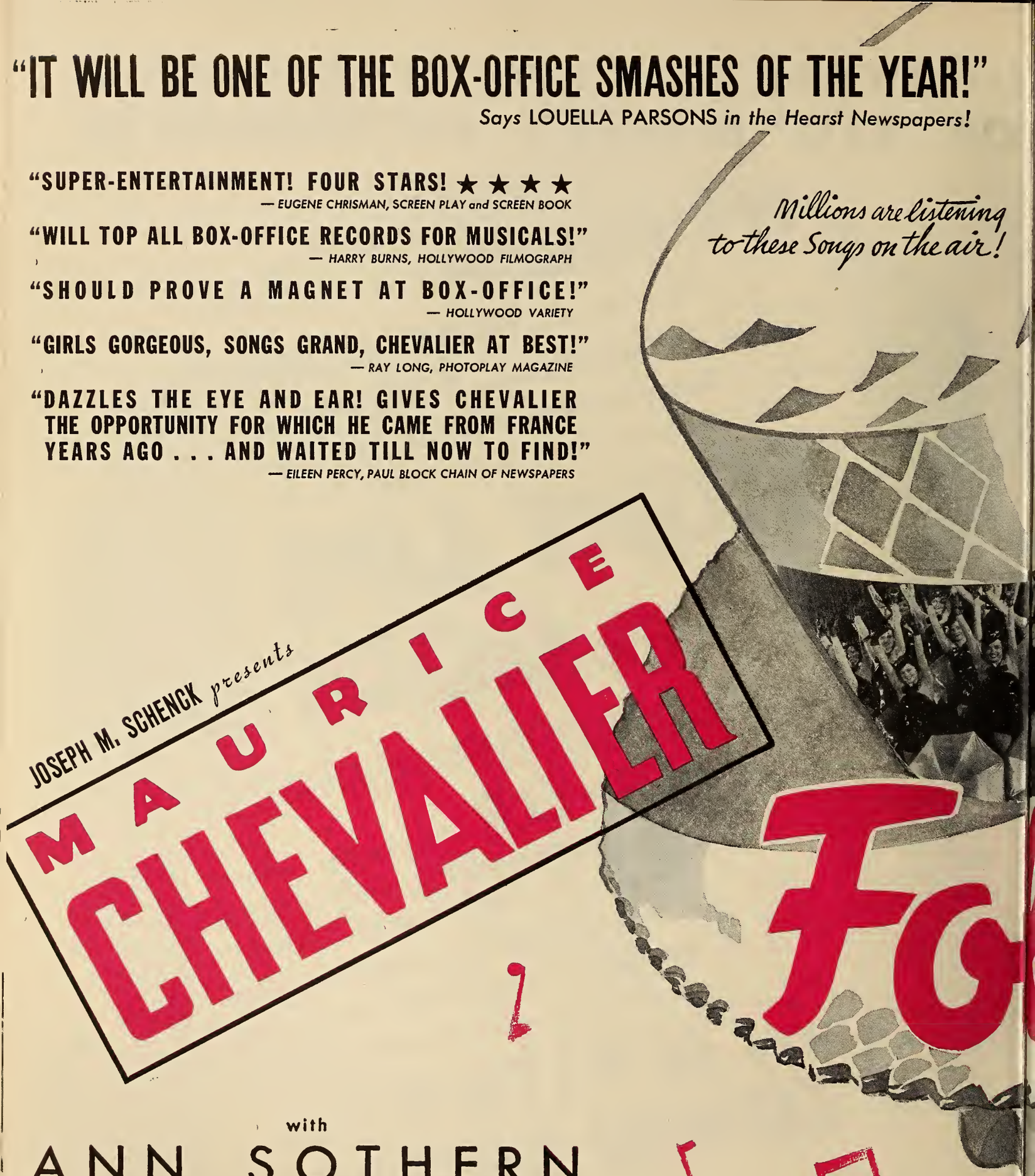
"WILL TOP ALL BOX-OFFICE RECORDS FOR MUSICALS!"
— HARRY BURNS, HOLLYWOOD FILMOGRAPH

"SHOULD PROVE A MAGNET AT BOX-OFFICE!"
— HOLLYWOOD VARIETY

"GIRLS GORGEOUS, SONGS GRAND, CHEVALIER AT BEST!"
— RAY LONG, PHOTOPLAY MAGAZINE

"DAZZLES THE EYE AND EAR! GIVES CHEVALIER THE OPPORTUNITY FOR WHICH HE CAME FROM FRANCE YEARS AGO . . . AND WAITED TILL NOW TO FIND!"
— EILEEN PERCY, PAUL BLOCK CHAIN OF NEWSPAPERS

Millions are listening to these Songs on the air!



JOSEPH M. SCHENCK *presents*

MAURICE CHEVALIER

FO

with

ANN SOTHERN
MERLE OBERON

DARRYL ZANUCK'S PROUDEST ACHIEVEMENT

"I WAS LUCKY"

"AU REVOIR L'AMOUR"

"RHYTHM OF THE RAIN"

"SINGING A HAPPY SONG"

"YOU TOOK THE WORDS RIGHT OUT OF MY MOUTH"



lies Bergere



20TH CENTURY PICTURE

Released thru UNITED ARTISTS

Bill Drafted To Cut Fines On Copyright

(Continued from page 1)

modernization of the copyright laws and the entry of this country into the international convention. The latter was sought by President Hoover in 1931 and last year by President Roosevelt, but the Senate failed to ratify the treaty.

The present copyright law was enacted in March, 1909. It was amended to protect motion pictures in August, 1912, and additional amendments were adopted in 1913, 1914, 1919, 1926 and 1928. The proposed measure was drafted by an interdepartmental committee on which the State and Commerce Departments and the Library of Congress were represented, and is designed to include "absolutely necessary reforms" but to leave substantially unaltered the general structure of the copyright legislation.

While the new draft makes an effort to cover the motion picture situation, it is believed to contain a number of provisions unsatisfactory to either producers or exhibitors, or both, which will possibly lead to changes before the bill is reported to the Senate for consideration.

Analysis of the department's bill shows the following changes to be made in the present law:

Amendments Proposed

Section 1 is amended to give the copyright owner the exclusive right to make a motion picture photoplay, with or without sound, from a literary work and to perform it, and also provides for radio broadcasting. Section 4 provides that copyright may be secured for all the works of an author, "whatever the mode or form of their expression."

Section 5 would add to the classes for which copyright may be claimed works prepared expressly for radio broadcasting. Section 8 provides that copyright shall extend without formality to the works of foreigners only in the case of countries which are parties to the international convention, and that in the case of citizens of other countries the present reciprocal requirements shall be met.

Section 11, relating to the copyrighting of unpublished works, is broadened to cover works prepared expressly for radio broadcasting.

Section 23 provides for a copyright term of 56 years, with no extension, in lieu of the present term of 28 years with renewal for a like period. The new period would automatically apply to works registered prior to the date the new act becomes effective.

The penalty provisions for infringement in Section 25 are amended to give the owner of the copyright the right to secure an injunction to restrain infringement; to collect such damages as he may have suffered through infringement, as well as all or such part of the profits which the infringer shall have made as the court may decree, or to collect, in lieu of actual damages and profits, such statutory damages as the court may hold just.

In proving profits in infringement cases the plaintiff is to be required to prove only sales, rentals, license fees or other revenue derived from any disposition of an infringing work, and the defendant shall be required to prove every element of cost which he claims.

It is also provided that in the setting of statutory damages, the limits for unauthorized motion picture exhibitions shall not be less than $100 nor more than $10,000 for all infringements of a copyright by any one infringer up to the date of suit.

The plaintiff is required to show that at the time of alleged infringement the work had either been registered or that notice of copyright had been affixed thereto, before he is entitled to any remedy other than an injunction or the fair and reasonable value of a license, in a sum not more than $2,500 as determined by the court.

If the defendant proves that he has been subjected to fraud or substantial imposition by any third person and had acted in good faith, the plaintiff may only recover for all infringements to the date of institution of suit, an amount equivalent to the fair and reasonable value of a license, but not less than $50 nor more than $2,500.

Section 41, differentiating between the transfer of copyright and the transfer of the material object copyrighted, is expanded to provide that independently of the copyright, and even after its assignment, the author retains the right to claim authorship as well as the right to object to every deformation, mutilation or other modification of the work which may be prejudicial to his honor or reputation, but this is not to limit full freedom of contract between the author or owner of a work and an assignee or licensee thereof.

A new section authorizes the President to take steps necessary to make the United States a member of the Union for the Protection of Literary and Artistic Works.

With the exception of this section, which would become effective upon passage of the bill, the measure would go into effect July 1, next.

Loew in Move to Build Eight or Ten at Chicago

(Continued from page 1)

mated from $6,000 to $7,000 weekly to the distributor.

Louis K. Sidney has been shuttling back and forth between the Windy City and here on a site hunting job and the project has now advanced to the point where sites are lined up and blueprints have been prepared by Architect Thomas Lamb, who has prepared plans for many Loew theatres throughout the country.

Sidney plans to leave for Chicago in a day or so. Joe Vogel of Loew's would not comment on the report, but it is understood that a number of the company's representatives are now in the Windy City negotiating for the sites and also a few theatres.

CHICAGO, Feb. 25.—Five representatives of Loew's theatre department are here investigating, according to reports, sites for Loew houses.

A canvass of prominent local architects reveals that the construction move is known in these offices, but none will admit outright he is in on any of the plans.

Another report has it that, if and when the houses are built, they will be managed by Jones, Linick & Schaefer, but at the offices of the circuit no comment would be made.

It is known that the late Marcus Loew had a gentleman's agreement never to compete with J., L. & S., which, it is pointed out, would make the Chicago circuit the logical partner in any Loew invasion here.

The exhibitors who would be affected are not sure the move is serious, but take this attitude: "Let them build if they want to; there is nothing we can do to stop them. But it's a pretty situation if distributors are going to set up competition every time they can't get what they want."

The sites for the proposed houses must be carefully chosen since B. & K. has an M-G-M agreement running several years which precludes Loew competition.

FWC to Protest on Los Angeles Zoning

Although Campi has approved the Los Angeles schedule in toto, Fox West Coast is planning to protest a number of its provisions as unworkable, MOTION PICTURE DAILY learns. Unless certain modifications are made, F.W.C. will ask Code Authority to delay putting the plan into effect on March 31, the date set last week by Campi. According to Code Authority's plan, the schedule is to be put on a test basis for 60 days, but F.W.C. contends this may prove disastrous to the circuit.

Charles Buckley, attorney, and Mike Rosenberg, a partner of F.W.C., are in New York discussing the schedule and it is believed they will request a hearing before Campi on Thursday to put before the body its stand on the issues involved. Edward Alperson, who returned from a survey of the coast houses late last week, may attend the meet.

The circuit's contention is that Los Angeles and southern California are two of the most important and competitive situations in the country and that distances mean nothing because there are two cars for every person in Los Angeles. The territory abounds in overlapping areas and the problem is a serious one with F.W.C.

Executives of the circuit believe it a mistake to test out the first schedule in such an important territory. They hold that a smaller area where the competitive situation is not so ticklish should be the first spot for giving a schedule a tryout.

A. C. Scales Quits Board

SAN FRANCISCO, Feb. 25.—A. C. Scales of the local Chamber of Commerce has resigned as an impartial member of the grievance board.

Goldwyn on Way Here

HOLLYWOOD, Feb. 25. — Samuel Goldwyn is eastbound with his wife to confer with Hal Horne, United Artists publicity and advertising chief, on exploitation of "The Wedding Night."

Rename Saenger Theatre

NEW ORLEANS, Feb. 25.—Saenger Theatres have renamed the Marion Theatre at Clarksdale. The new name is the Paramount.

TOCC-ITOA And Circuits Drop Contact

(Continued from page 1)

cedure was put over for another session when a discussion of forcing of shorts on exhibitors developed into an all-afternoon affair.

The next break followed when the T.O.C.C. refused an invitation sent out by former Senator Henry J. Walters to have a representative on hand at a meeting held Feb. 15 to discuss three pending bills in Albany. Charles L. O'Reilly forgot there was a meeting and the I.T.O.A. decided it was best to keep away.

As a result, the independents are marshalling their own forces and plan to act on legislative matters by themselves. O'Reilly and Brandt left last night for the Albany hearing this afternoon before the Senate committee on public education.

The McCall Bill is on tap and provides for the following:

1. To maintain a standard of morality and decency in the production of motion pictures.
2. To cooperate with civic and religious organizations in the prohibiting of exhibition of pictures that offend morality and decency.
3. To prescribe forms of contract between exhibitors and distributors.
4. To approve a synopsis of the story contained in each film to be exhibited which synopsis shall be furnished by the distributor to the exhibitor at the time the exhibitor enters into a contract with the distributor.
5. To classify films into three groups: (a) suitable for adults, (b) suitable for family trade, (c) suitable for juveniles.

Would Need Special License

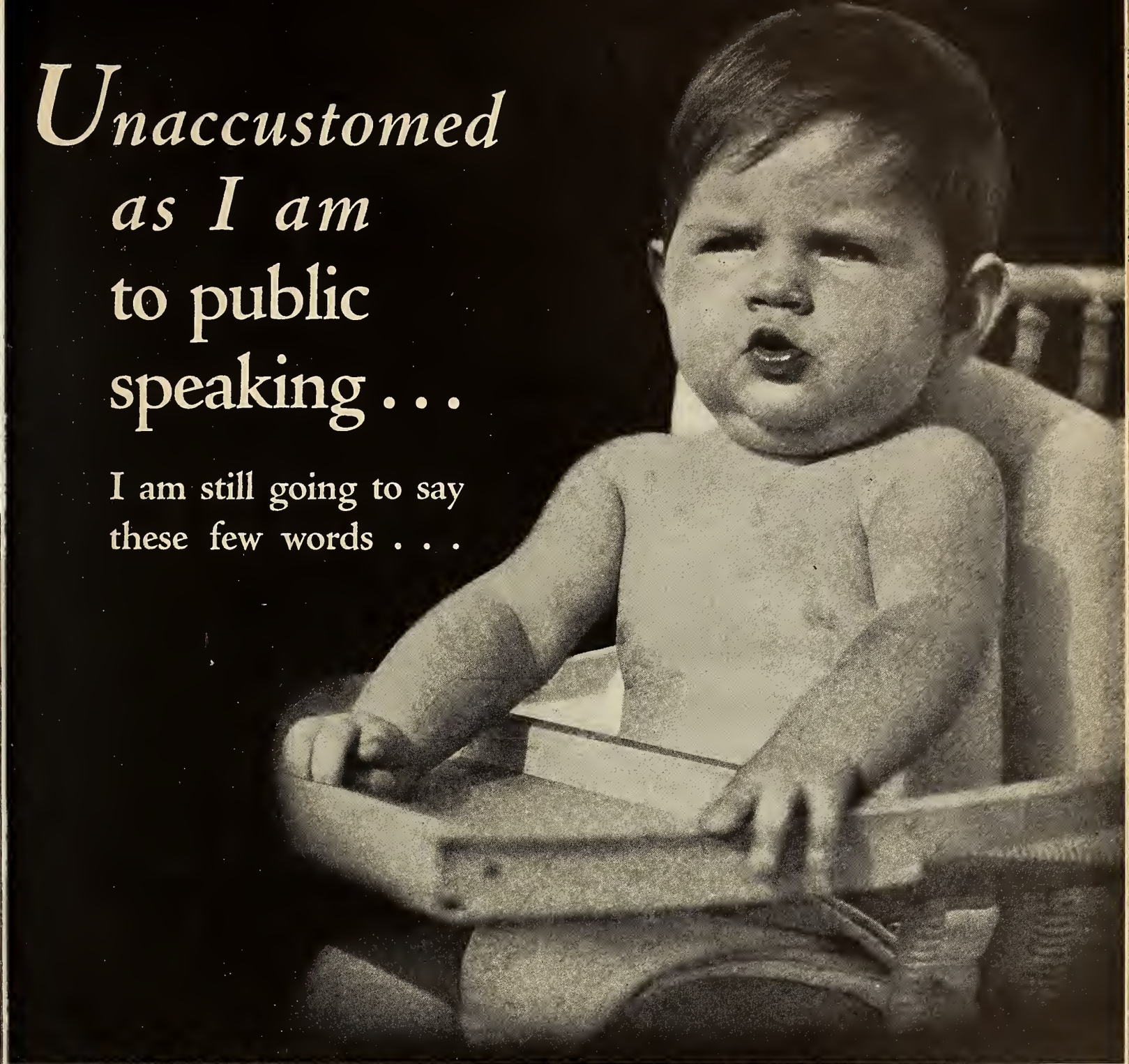
Distributors would be required to get a special license, the fee being set at $5,000 a year. Exhibitors would be required to pay a fee of $1,000.

The breach between the independents and majors is expected to be extended to negotiations on the basic operators' scale. The unaffiliated men are planning to pull out of the NRA fact-finding committee and negotiate their own contracts with the I.A.T.S.E., leaving Loew's and RKO to shift for themselves.

The two major circuits have been members of the T.O.C.C. a number of years, but recently stopped paying dues. The move is said to have been taken because of O'Reilly's insistent stand in favor of independents at Campi sessions. The circuits were carried on the books for a time in the hope that they would be reconciled. With Loew's and RKO out, the independent outfit is willing to go along as it has been.

That the fact-finding committee is a thing of the past is seen in the conferences Louis Krouse, president of the I.A.T.S.E., has had with Brandt within the last few days. O'Reilly is understood to have had several conferences with George Browne, president of the international, on a pact for members he represents.

Efforts to merge the two independent exhibitor units are near the point of consummation. A minority group of the I.T.O.A. is reported ready to force Brandt out, but the majority wing is heavily in favor of his continuing at the helm.



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and, modestly, on my fifteenth anniversary, I remind you that I'm the baby who brings to more than 9000 showmen those very necessary vitamins . . . National Screen Trailers . . . BEST exploitation ever devised . . . created and distributed by a coast to coast organization of "trailer-made" experts more than 700 strong . . .

NATIONAL SCREEN SERVICE

prize baby of the industry!

Holiday Is a Help; 'Lily' Draws $28,000

Washington's Birthday helped theatre grosses along the main stem last week. On the second week of "The Gilded Lily" the Paramount garnered $28,000. For the current week, with "Rumba" on the screen and Margo, who appears in the film, on the stage, the intake is expected to hit $40,000.

"Devil Dogs of the Air" fared nicely during its second stanza at the Strand, tallying $22,000 for the week. "A Notorious Gentleman," at the Mayfair, hit around $8,000, while "Little Men," at the Astor, garnered about $6,000. "Carnival," at the Rialto, got $12,000, and this week's tally on "Car 99" looks to be headed for the same figure. The Rivoli, with "Right to Live," corralled $15,000, which is not good.

"Night Life of the Gods" is aiming for $35,000 or better at the Roxy, where the week-end gross was $25,000.

Sachs-Nelson Case Heard on an Appeal

Max Sachs, operator of the Lexington, Chicago, appeared before a Campi appeal committee yesterday complaining against Charles Nelson of the Lawndale, same city. Sachs stated that Nelson is getting a week's protection on the Lexington while the Lexington does not ask for protection on its competitor.

Nelson submitted his answer by letter. The committee consisted of F. Thomas Murray, Willard C. McKay and E. L. McEvoy.

Golden's Father Passes

Edward Golden is mourning the loss of his father, Abraham, who passed away in Boston last Friday at the age of 73. Burial was held Sunday at Malden, Mass. Golden was planning to attend the M.P.T.O.A. convention in New Orleans after he completed his trip to Philadelphia, Cleveland and Chicago, but has called off the southern trip.

Jack Jossey, Monogram franchise holder in Cleveland, is in town for a week's conference with W. Ray Johnston.

A. K. Sperdakos Buried

MONTREAL, Feb. 25.—Funeral services have been held here for Athanasis K. Sperdakos, pioneer Canadian exhibitor, who died last week from a heart attack at Quebec City.

Sperdakos first entered the film business here in 1908 when he opened the Fairyland Theatre. He also helped organize the Canadian division of the M.P.T.O.A.

James Coombs Services

Funeral services were held yesterday for James P. Coombs, former grand opera basso and stage and radio singer, who died last Friday at his home in Great Kills, S. I. He was 65 years old.

For the past few years Coombs has been a member of S. L. Rothafel's (Roxy) Gang.

Tubman Loses Mother

OTTAWA, Feb. 25.—Funeral services will be held here for Mrs. W. J. Tubman who died here over the week-end. She is the mother of Fay Tubman, manager of the Capitol theatre.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Laddie"

(Radio)

HOLLYWOOD, Feb. 25.—Were Gene Stratton Porter alive today she would thrill to Radio's picturization of the famous novel in which her characters are recreated. Being a simple tale penetrating the sympathetic emotions, "Laddie" is wholesome, Grade A entertainment which should send box-office grosses zooming. The direction, performances and photography blend into a harmonizing whole, achieving the utmost in production responsiveness.

The story deals with simple country folk centralizing on the romance between Laddie, portrayed by John Beal, and Gloria Stuart. The lad is a heartwarming son of the soil and the girl is a tender lass of aristocratic English lineage. The dramatic conflict features the social clash of the two families and the harsh opposition of Miss Stuart's father (Donald Crisp) to her marriage with Beal. Playing a featured role in the lives of the two families is Virginia Weidler, the little sister, whose innocent, childish contrivings finally weld a bond of understanding between Miss Stuart's family and her own, and also resulting in Crisp's forgiving his disowned son (William Bakewell) involved in espionage trouble in England.

The picture uncovers little Miss Weidler as one of the finest child performers on the screen. The portrayals of Beal, Miss Stuart, Crisp, Dorothy Peterson and Willard Robertson are human and of the highest calibre. George Steven's direction is splendid from every angle. Ray Harris' and Dorothy Yost's screenplay is a finished piece, retaining all the Porter flavor. Harold Wenstrom's photography is superb.

Being mass entertainment, this should gross plenty in all spots. No Production Seal. Running time, 70 minutes. "G".

Sale of "Ziegfeld" Is Confirmed by "U"

HOLLYWOOD, Feb. 25.—Universal has formally confirmed reports of the sale of "The Great Ziegfeld" to M-G-M. It was explained that disagreements over policy on the production and the cost, which was estimated at $1,250,000, plus the fact that three postponements had been necessary, had caused the sale. The postponements were due to the fact that M-G-M could not arrange for release of William Powell, who will be loaned to Universal for another film.

M-G-M agrees to take over William Anthony McGuire's staff, to pay for Universal's expenditures to date and to take care of the company's exhibitor contracts.

Fox Exchange Has Fire

A small fire broke out in the boiler room of the Fox exchange at 5 P. M. yesterday. Due to presence of mind of the telephone operator, who informed everyone in the two-story structure of the danger, no one was injured. Harry Buxbaum, sales manager, also aided in clearing the building of its employes and visiting exhibitors.

At 5.30 the firemen quit the building and employes were discharged for the day. The damage was slight.

Bernhard Denies Loss

A report published in New York Sunday newspapers that the closing of the Roxy-Mastbaum, Philadelphia, was motivated by a 10-week operating loss of $200,000 to $250,000 was characterized yesterday by Joseph Bernhard, general manager of Warner Theatres, as "absolutely incorrect" and "absurdly out of line with the facts."

Mayer Gets Rialto Without Paramount

When Arthur Mayer reopens the remodeled Rialto, which closes some time in April for demolition and reconstruction, Paramount will not have an interest in the operation. This will mark the first time in 17 years that the company has not had a hand in the management of the theatre. Under the new plans the house will seat from 600 to 800.

Paramount has operated the Rialto since 1918 when the Gerry Estate bought the structure from Kuhn, Loeb & Co., and leased it to the company. Oscar Hammerstein originally built the theatre in 1899, when it was known as the Victoria. In 1915 Crawford Livingston and Felix Kahn of Kuhn, Loeb & Co., purchased the property and installed Samuel L. (Roxy) Rothafel as operator.

Roberti Operated On

HOLLYWOOD, Feb. 25.—Lyda Roberti has been operated on for acute appendicitis. She is resting comfortably at the California Lutheran Hospital. Miss Roberti was taken ill about a week ago.

Mary Astor is at another local hospital receiving ice pack treatments, but may be forced to undergo an appendicitis operation.

Rosenfield in New Post

PORTLAND, Feb. 25.—Joseph Rosenfield, who has been in Seattle, today was named city manager for Evergreen Theatres in Spokane, replacing H. D. McBride, resigned.

H. M. Warner on Coast

HOLLYWOOD, Feb. 25.—Harry M. Warner arrived here today for a two-week stay.

Trustees of Allied Approve Para. Deal

Allied Owners' trustees yesterday approved the deal by which Si Fabian will take over the Brooklyn Paramount Bldg., exclusive of the theatre, for a reported consideration of $1,500,000. The transaction removes objections of Allied to the form of settlement of its $5,000,000 claim against Paramount in the latter's reorganization plan by saving Allied a $500,000 Federal tax.

The settlement of Allied's claim against Paramount provides in part for a new 20-year lease on the Brooklyn Paramount between the two. Fabian is now operating the house under an arrangement with Paramount which terminates Sept. 1, at which time the temporary lease on the theatre which Paramount holds also expires and the new 20-year lease becomes effective. Fabian may negotiate a new operating agreement on the theatre with Paramount at that time.

Discuss Settlement Of Suit in Chicago

CHICAGO, Feb. 25.—Discussions of a settlement of the anti-trust suit brought here by Jack Rubin of Public Theatres and James Roden, owner of the Astor, against virtually all large distributors, are continuing with both sides having expressed a willingness to settle.

An agreement on terms, however, is not expected at once and may result in further postponement of the scheduled hearing before Federal Judge Woodward, Wednesday, unless the settlement discussions are abandoned by then.

Wall Street

Eastman Up 2½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	38½	37⅝	38	— ⅜
Consolidated Film	5¾	5¾	5¾	.....
Consolidated Film pfd (½v)	19⅜	18⅞	19	.....
Eastman (5)	122½	119½	122½	+2½
Eastman pfd (6)	147	147	147	.....
Fox Film "A"	10	10	10	— ½
Loew's, Inc (2)	35½	34½	35⅛	+ ¼
Loew's, Inc., pfd (6½)	104¼	104¼	104¼	.....
M-G-M pfd (1.89)	28	28	28	.....
Paramount Publix	3⅜	3⅛	3⅛	— ⅛
Pathe Exchange	1	1	1	.....
Pathe "A"	14	14	14	— ⅛
RKO	1¾	1⅝	1⅝	.....
Warner Bros.	3⅜	3¼	3¼	— ⅛
Warner Bros. pfd	19½	19½	19½	— ½

Technicolor Rises ¼ on Curb

	High	Low	Close	Net Change
Technicolor	16	15¾	16	+ ¼
Trans-Lux (.10k)	3	2⅞	3	.....

Keith Bonds Off 2⅜

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7¼	7¼	7¼	.....
Keith B. F. 6s '46	67½	67½	67½	—2⅜
Loew's 6s '41, ww deb rights	105	104½	105	+ ½
Paramount B'way 5½s '51	46½	46½	46½	—1½
Paramount F. L. 6s '47	69	69	69	— ¼
Paramount Publix 5½s '50	69⅛	69	69⅛	— ⅛
Pathe 7s '37 ww	102½	102½	102½	— ⅛
Warner Bros. 6s '39, wd	53⅜	53	53	— 2¼

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 25)

Remodelling

Repairs

Replacement

Re-building

There Is Only One Authority,
And The Real Authorities
Write For It.



There is no substitute
for circulation.

Better Theatres

A QUIGLEY PUBLICATION 1790 BROADWAY NEW YORK CITY

"Spring" Hits $18,500 High, Philadelphia

PHILADELPHIA, Feb. 25.—"One More Spring," with $18,500 for seven days at the Fox, did the best business here last week, though it couldn't negotiate the anticipated second week.

One of the best comparative figures was the $9,500 scored by "The Scarlet Pimpernel" in its second week at the Aldine. The Earle topped the mark with $14,500 for "Winning Ticket" and its stage show, while "Devil Dogs of the Air" got a good $14,000 for eight days at the Stanley.

Total first run business was $103,000. Average is $106,700.

Estimated takings for the week ending Feb. 21:

"THE SCARLET PIMPERNEL" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days, 2nd week. **Gross:** $9,500. (Average, $7,000)
"THE GILDED LILY" (Para.)
(Second Run)
ARCADIA—(600), 25c-40c-50c, 8 days. **Gross:** $2,900. (Average, 6 days, $2,400)
"NIGHT IS YOUNG" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 5 days. **Gross:** $6,500. (Average, 6 days, $12,000)
"WINNING TICKET" (M-G-M)
EARLE—(2,000), 25c-35c-40c-55c, 6 days. Stage: Salici Varieties, Hal Menken's revue, Grace Doro. **Gross:** $14,500. (Average, $12,000)
"ONE MORE SPRING" (Fox)
FOX—(3,000), 40c-55-65c, 7 days. Stage: Helen Compton, Bryn Mawr Orchestra. **Gross:** $18,500. (Average, 6 days, $12,000)
"ENCHANTED APRIL" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,000. (Average, $3,500)
"DAVID COPPERFIELD" (M-G-M)
(Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $4,300. (Average, $4,000)
"THE GOLD FAIRY" (Univ.)
ROXY-MASTBAUM—(4,800), 40c-55c-65c, 6 days. Stage: Roxy Revue. **Gross.** $27,000. (Average, $33,000)
"DEVIL DOGS OF THE AIR" (Warners)
STANLEY—(3,700), 35c-40c-55c, 8 days. **Gross:** $14,000. (Average, 6 days, $12,000)
"MILLS OF THE GODS" (Col.)
STANLEY—(1,700), 30c-40c-50c, 4 days. **Gross:** $2,800. (Average, 6 days, $6,000)

"Colonel" $9,600 Smash in Portland

PORTLAND, Feb. 25.—"The Little Colonel" was a sensation here last week. It nearly doubled the normal take at the Paramount by piling up $9,600, over par by $4,600.

Total first run business was $30,900. Average is $25,000.

Estimated takings for the week ending Feb. 16:

"DAVID COPPERFIELD" (M-G-M)
BROADWAY—(1,912), 25c-35c-40c, 7 days. (Third downtown week.) **Gross:** $6,500. (Average, $5,000)
"EVERGREEN" (Gaumont-British)
"ENTER MADAME" (Para.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)
"IMITATION OF LIFE" (Univ.)
"BABBITT" (F. N.)
(Second Run)
ORIENTAL — (2,040), 15c-25c, 7 days. **Gross:** $1,800. (Average, $2,000)
"WEST OF THE PECOS" (Para.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,000)
"THE LITTLE COLONEL" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,600. (Average, $5,000)
"SEQUOIA" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days, 2nd week. **Gross:** $4,000. (Average, $5,000)

Hollywood Personals

Hollywood, Feb. 25.—W. S. Van Dyke off on his first vacation in 10 years . . . the director is taking in the Mardi Gras in New Orleans and hopes to get there before the M.P.T.O.A. convention ends. . . . William Henry spotted in "China Seas" at M-G-M.

Reginald Denny goes into "Anna Karenina," which stars Greta Garbo at M-G-M. . . . Anna Demetrio, noted Italian historian, actress and stage director, threw a big party for Director Ralph Murphy and the cast of "MacFadden's Flats" the other night—spaghetti and everything.

Katherine Hepburn and a party of friends flew to Boulder Dam over week-end, and viewed the project.

Darcy Corrigan and Grizelda Harvey in Radio's "The Informer." . . . Suzanne Kaaron and Paul Stanton in "Strangers All" at the same studio. . . . Mascot building a number of permanent outdoor sets. . . . Edward Small goes into action on "Washington Correspondent."

Will Rogers gets seven days off on "Doubting Thomas" and hops a plane for Chicago. . . . Chester Morris gets lead in M-G-M's "B.I.D.J."

"Wings" Gets Twin Cities' Top, $11,000

MINNEAPOLIS, Feb. 25.—"Wings in the Dark" proved a good draw on both sides of the river. It went $1,000 over the line for a gross of $5,000 at the Century here, and took $6,000, up by $500, at the St. Paul Paramount.

"Kid Millions" was strong at $6,000 in the State here. "Evergreen" held up to $3,000 in its second week at the World. "I Sell Anything," helped by Olsen and Johnson at the St. Paul Orpheum, reached $5,000, up by $1,000.

Total first run business in Minneapolis $24,800. Average is $23,000. Total for St. Paul was $19,000. Average is $16,500.

Estimated takings:

Minneapolis:

Week Ending Feb. 20:

"WINGS IN THE DARK" (Para.)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)
"THE WHITE COCKATOO" (Warners)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,300. (Average, $1,500)

Week Ending Feb. 21:

"THE GOOD FAIRY" (Univ.)
ORPHEUM—(2,900), 25c-40c, 7 days. Five acts of vaudeville. **Gross:** $6,000. (Average, $5,500)
"KID MILLIONS" (U. A.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"I'VE BEEN AROUND" (Univ.)
PALACE—(900), 15c-25c, 7 days. Five acts vaudeville. **Gross:** $2,000. (Average, $2,000)
"THE FIRST WORLD WAR" (Fox)
TIME—(300), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"EVERGREEN" (Gaumont British)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $3,000)

St. Paul:

Week Ending Feb. 21:

"THE GILDED LILY" (Para.)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"WINGS IN THE DARK" (Para.)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)
"I SELL ANYTHING" (F. N.)
ORPHEUM—(2,000), 25c-40c, 7 days. Olsen and Johnson heading vaudeville. **Gross:** $5,000. (Average, $4,000)
"BABOONA" (Fox)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"NARCOTIC" (State Rights)
WORLD—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $1,500)

"Wings" Hits Big $5,500, Denver High

DENVER, Feb. 25.—"Wings in the Dark" was the big noise of the week. It started out with standees and held up in spite of the counter-attractions of outdoor spots with perfect weather. The $5,500 gross was over the line by $1,500.

All other houses were under par.

Total first run business was $18,700. Average is $20,500.

Estimated takings for the week ending Feb. 21:

"UNDER PRESSURE" (Fox)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)
"WINGS IN THE DARK" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $4,000)
"ONE MORE SPRING" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $6,000)
"SEQUOIA" (M-G-M)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $6,000)
"DAVID COPPERFIELD" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 3 days following 4 on last week and a big week at the Denver. **Gross:** $900.
"RED HOT TIRES" (F. N.)
"MAYBE IT'S LOVE" (F. N.)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $850. (Average for week, $2,000)

Tupilan in Boston Job

BOSTON, Feb. 25.—Here from New York, Ira Tupilan has been installed as manager of the Majestic. Vincent Grater is assistant. The downtown house has been opened for foreign product by Levrad, Inc. The Majestic, recently bombed, is now a union house.

Baily Back on Coast

HOLLYWOOD, Feb. 25.—Tom Baily, head of the Paramount publicity department, has returned to the studio after a trip in which he visited 15 key cities west of the Mississippi. He was away for two weeks.

Fox Signs June Knight

HOLLYWOOD, Feb. 25.—June Knight has been definitely set by Fox for the lead in "Red Heads on Parade." She will have her hair dyed red for the role opposite John Boles.

"Copperfield" Holds Up for 2d Loop Week

CHICAGO, Feb. 25.—Taking $20,000 for its second week at the United Artists, "David Copperfield" was the best straight film draw on the Loop. This is $3,000 over normal for a first week.

Business was generally good. "Wings in the Dark" was up by $12,400 on a $47,000 gross at the Chicago. Earl Carroll's "Vanities" on the stage helped. "Charlie Chan in Paris" was strong at the Oriental with a gross of $17,000. "Devil Dogs of the Air" had a good second week at the Roosevelt with $12,000

Total first run business was $143,500. Average is $127,600.

Estimated takings:

Week Ending Feb. 21:

"WINGS IN THE DARK" (Para.)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Earl Carroll Vanities with Ken Murray. **Gross:** $47,000. (Average, $34,600)
"CHARLIE CHAN IN PARIS" (Fox)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Henry Busse and orchestra, vaudeville. **Gross:** $17,000. (Average, $15,000)
"THE MYSTERY OF EDWIN DROOD"
(Universal)
PALACE—(250), 25c-35c-50c, 7 days. Stage: James Melton, Stepin Fetchit, Tim & Irene. **Gross:** $15,000. (Average, $22,000)
"BABOONA" (Fox)
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $5,000)
"DEVIL DOGS OF THE AIR" (Warners)
ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 8 days. **Gross:** $12,000. (Average, $11,000)

Week Ending Feb. 22:

"THE COUNTY CHAIRMAN" (Fox)
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $8,000)
"STRANGE WIVES" (Univ.)
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Emerson's Mountaineers and others. **Gross:** $13,000. (Average, $15,000)

Week Ending Feb. 25:

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $20,000. (Average, $17,000)

"Band Plays" with Show Big in Omaha

OMAHA, Feb. 25.—A combination of "The Band Plays On" and a stage show which included the Three X Sisters, Frank Libuse and others, pulled the big money here in three days last week, $7,600. This is $3,100 over average for a full week.

The only other profitable attraction in town was a dual consisting of "Carnival" and "Gentlemen Are Born," which was $1,000 up on a gross of $4,500 at the Brandeis.

Total first run business was $21,700. Average is $19,500.

Estimated takings:

Week Ending Feb. 17:

"THE BAND PLAYS ON" (M-G-M)
PARAMOUNT—(2,800), 25c-35c-55c, 3 days. Stage: Three X Sisters, Frank Libuse, The Lucky Boys, O'Connor Family, Mattison's Rhythms. **Gross:** $7,600. (Average, $4,500)

Week Ending Feb. 21:

"THE IRON DUKE" (G. B.)
"I'VE BEEN AROUND" (Univ.)
PARAMOUNT—(2,200), 25c-35c, 4 days. **Gross:** $2,200. (Average, $4,000)

Week Ending Feb. 20:

"CARNIVAL" (Col.)
"GENTLEMEN ARE BORN" (Warners)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,500. (Average, $3,500)

Week Ending Feb. 21:

"BORDERTOWN" (Warners)
"EVERGREEN" (G. B.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $7,500)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

MPTOA AIR MAIL EDITION

VOL. 37. NO. 48 NEW YORK, WEDNESDAY, FEBRUARY 27, 1935 TEN CENTS

Kuykendall Takes Stand On Industry's Problems

New Censoring Bill Attacked At a Hearing

Industry's Leaders and Others Join Forces

ALBANY, Feb. 26.—A censorship bill imposing license fees and revised censorship was assailed today at a public hearing. A message to the committee on education written by the National Council on Freedom from Censorship, a unit of the American Civil Liberties Union, termed the bill "an outrageous piece of legislation." Speaking for this national organization of writers, editors, publishers and critics the council said: "We urge the committee to report the bill unfavorably. The bill would give us censorship in its most aggravated form."

The measure provides for annual license fees on exhibitors and distributors, for advertising matter and

(*Continued on page 2*)

Reports Persist on Deals for "U" Sale

Reports persist as to possible deals for the purchase of a controlling interest in Universal Pictures Corp., in spite of an emphatic denial issued yesterday in Hollywood by Carl Laemmle.

In his denial Laemmle said: "Twenty years ago on March 15 we

(*Continued on page 2*)

Local Independents Releasing 100 Films

Approximately 100 features are released this season by independent exchanges in this territory, it was computed yesterday by the local grievance board during the hearing of Leon Rosenblatt's complaint against Skouras Theatres, charging "unfair methods in obtaining film."

It was also stated that the numbers announced by the various exchanges average about 150, but every company fails to deliver the quotas promised.

Marcus to Seek New Extra Listing Plan

HOLLYWOOD, Feb. 26.—Eugene Marcus, counsel for local actors, is now en route to Washington for conferences with Compliance Director Sol A. Rosenblatt on behalf of the extras. It is believed he will demand a new plan for determining eligibility to the proposed re-registration list that has eliminated more than 5,000 extras.

Problems of Operation Up To Sessions

By GEORGE SCHUTZ
Editor of Better Theatres

NEW ORLEANS, Feb. 26.—The attention given the physical phases of theatre operation is probably the most distinguished features of the 1935 M. P. T. O. A. convention, principally because the theatre has been previously overwhelmed by those less tangible things called issues. The presence of the code among the current deliberations, the theatre, its appearance, its efficiency as a mechanism, has been at last remembered and is down on the schedule as important business.

The necessity of widespread remodelling, partly to overcome obsolescence and of a return to normal maintenance of theatres accounts for the notable position of the physical theatre at the convention agenda.

The morning meeting on Wednesday is entirely given over to the theatre building and its mechanical facilities and no previous M. P. T. O. A. convention has gone so far in acknowledging the essential participation of the engineer in the business of selling motion picture entertainment.

New Tennessee Tax Is Now Threatened

MEMPHIS, Feb. 26.—The threat of additional amusement taxes in Tennessee reared its head in the State Legislature yesterday.

Senator Moss, chairman of the

(*Continued on page 2*)

Praises Hays

New Orleans, Feb. 26.—In his annual report Ed Kuykendall came to the defense of Will H. Hays.

"At the risk of hearing the old worn out cry of subsidy," he said, "I want to pay my respects to Will H. Hays. There are a few exhibitors and others in this industry who think any exhibitor who is on speaking terms with the Hays office is damned.

"It has been my pleasure to meet with Hays on many occasions about problems confronting the entire industry. I have yet to find a single occasion wherein he has assumed anything but a fair attitude. His word is law; you can depend on that.

"Of course, I may have been out of accord with him on a few occasions, but I find him ready to go along with us on things that pertain to the best interests of the industry."

Big Booking Merger Stirs British Move

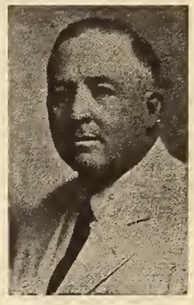
LONDON, Feb. 26.—All distributors, including every British company except Gaumont British, have agreed through Kinematograph Renters' Society, under the chairmanship of John Maxwell of British International, to invoke the existing resolution against booking combines.

It was reported last week that a

(*Continued on page 2*)

For 20% Cancellations, Copyright Revision, Code Changes

NEW ORLEANS, Feb. 26.—Warning his hearers that the convention would be no "petting party" and that criticism would be welcomed, Ed Kuykendall, in his annual report as president, dove vigorously into a discussion of industry problems.



Ed Kuykendall

"Let's try to find ways and means of getting them to the box-office," he admonished; "it cannot be done by merely cussing the other fellow."

Without mentioning Allied by name, Kuykendall made a bitter attack on those in the industry who "are continually encouraging those at Washington to attack us." He made a plea for

(*Continued on page 4*)

Revision Started On Copyright Bill

WASHINGTON, Feb. 26.—General revision of the State Department's copyright measure is being worked out in the light of the conferences held last week with representatives of the film and other interested industries.

The new draft of the bill will be submitted to those who participated in the conferences for comment before being sent to the Capitol. Officials who attended the meetings last week expressed themselves satisfied that definite progress had been made and that

(*Continued on page 2*)

Three Majors Sell 1935-'36 List Now

NEW ORLEANS, Feb. 26.—Without fanfare, it is understood Warners, RKO and Fox are quietly selling 1935-1936 product. This looks like a new high in advance selling activity, since the new season will not get under way until late August.

Paramount has sold in a number of

(*Continued on page 2*)

Aid from Outside Industry Is Reported by Wehrenberg

NEW ORLEANS, Feb. 26.—That films have been found by community leaders to be "not in general filthy and vile and an offense to the community," was the statement made in the report of the committee on public relations and community affairs of the M. P. T. O. A., presented to the convention today by Fred Wehrenberg, chairman of the group. The report added:

"The community leaders who were familiar, through long close association, with the exhibitors' problems and with something of industry problems in general were inclined to be sympathetic, to defend us and to refuse to view the motion picture landscape with pessimism. Many of these groups had made actual surveys of product.

(*Continued on page 4*)

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Purely Personal

SAM LIEBOWITZ, lawyer; ALEXANDER KAMINSKY, assistant district attorney, and JACK LAIT of King Features will speak at the next M. P. Club Forum on Tuesday.

•

LOUIS GELLER leaves for Miami shores next week. His annual vacation trek.

•

LOUIS PHILLIPS of Paramount is conferencing in St. Louis.

•

EDWARD H. PEPLE has sold his play, "The Littlest Rebel," to M-G-M.

•

MYRON SATTLER of Paramount has had a molar yanked. The rain yesterday didn't help any.

•

WILLARD McKAY returned from a week-end Miami vacation. He has a tan to show for his trek.

•

WILLIAM M. L. FISKE, 3rd, and REGINALD BAKER of A.T.P., London, leave for the coast Thursday for a two-week visit.

•

JOHN S. TAPERNOUX will be host at a private screening of a new French film, "Itto," on board the *Ile de France* tomorrow night.

•

PHILIP WYLIE and KATHRYN SCOLA have been signed by Paramount to work on the screenplay of "Guns," an original by E. E. PARAMORE, JR.

GEORGE SKOURAS is planning to vacation in Miami shortly, but not before he bests LOUIS WEBER, circuit attorney, in a game of handball. So far no luck.

•

CHARLES KOERNER, RKO theatre head in Boston, is in town for two days for home office conferences.

•

LOUIS WEINBERG of Columbia has returned from a Miami vacation. Ditto BILLY FERGUSON of M-G-M.

•

KATHRYN BRODY, authoress, has joined Columbia as a feature writer. She succeeds LEO FREEDMAN, who has been transferred to ED OLMSTEAD's department at the studio.

•

IRENE DUNNE and her husband, DR. FRANCIS GRIFFIN, are aboard the *Santa Rosa* on a cruise that will take them to New York via South America and the Panama Canal.

Quip of the Day

Candid Carrie says:

"I prefer the British-made pictures like 'David Copperfield' and 'The Little Minister'.

"You can always get in to see British pictures."

FRANK BUCK has been invited by the SULTAN OF JEHORE to aid in ridding the jungle of a man-eating tiger reported to be lurking within 30 miles of his present camp.

Big Booking Merger Stirs British Move

(*Continued from page* 1)

wave of circuit buying was imminent when it was revealed that G. B. had acquired a large holding in Union Cinema Co., Ltd., and that Arthur Jarratt, booking head for G. B., had joined the board to do the booking. It was also reported that 30 new houses were planned. The same company was also said to have bought an interest in Hyams' eight H. & G. houses with Jarratt also placed on the board of this circuit to do the booking. In addition, reports had it that this circuit and Gaumont and H. & G. will jointly build the 4,700-seat Kilburn at a cost of £350,000.

It now seems, however, that the recent Gaumont theatre acquisitions are booking arrangements with little or no financial investment as the company is understood to have no money for investments available, but rather very large floating debts which would prevent any policy of expansion where investment capital is necessary.

Gaumont British production is practically at a standstill at present and it appears that Jarratt has the burden of attempting to make extra profits on theatres to balance production outlay. Obviously this can only be done by reducing film hire and for that purpose an attempt seems to be under way to get tremendous booking strength, without investing money, to force down rentals.

Gaumont British believes, it is generally understood, that this move will ultimately result in the acquisition of so much booking strength that certain American companies can be forced to hand over their distribution on the grounds that tremendous sums can be saved.

Revision Started On Copyright Bill

(*Continued from page* 1)

the conflicting views on the legislation have been largely reconciled.

Rather tough sledding for the measure is seen in the House of Representatives where Congressman William I. Sirovich of New York, chairman of the Patents Committee, today said he would want to "know more about it" before his group approved the legislation. Representative Sirovich was not among those with whom department officials conferred prior to submitting their original bill to the Senate Foreign Relations Committee, apparently preferring to work in the upper House first because approval of the Senate is necessary for adherence of the United States to the International Convention.

Goldwyn Signs Niven

HOLLYWOOD, Feb. 26.—Before leaving here for New York yesterday, Samuel Goldwyn signed David Niven, English actor, to a seven-year contract.

Seymour Quits Warners

HOLLYWOOD, Feb. 26.—James Seymour, associate producer for Warners for the past two years, has resigned. Seymour only recently returned here from a honeymoon trip.

"Wings" $10,000 at Palace

"Wings in the Dark" tallied around $10,000 at the Palace last week.

New Tennessee Tax Is Now Threatened

(*Continued from page* 1)

joint legislative committee of both of the Tennessee houses on finance, ways and means, publicly announced: "We are putting under consideration a series of special taxes on chain stores, bank checks, soft drinks, cosmetics and the amusement public."

The hearings are due to start on Thursday morning and continue through Friday. The sub-committee delegated to investigate the new revenues is composed of Senator Davies of Nashville, chairman; Speaker Haynes, Senator Mosby of Somerville and Representatives Brown, Candler, Gilbert and Pope.

With many exhibitor leaders away at the convention and the need for immediate action here to avert the added tax burden, it is apparently imperative that much concern will be evident in show circles generally.

New Censoring Bill Attacked at Hearing

(*Continued from page* 1)

for reviewing the films. It also provides for stricter censorship of pictures and for state supervision of advertising and publicity material for all films which would be classified for adults, families or children.

Industry leaders were well represented at the hearing.

M-G-M Signs Oberon

HOLLYWOOD, Feb. 26.—Merle Oberon has been signed by M-G-M to appear with Ann Harding in "Flame Within."

Karl Freund has been signed by the company. He is a German director.

Three Majors Sell 1935-'36 List Now

(*Continued from page* 1)

instances out of town, the deals hinging on contracts also made for the current season's output.

Where exhibitors find they need product, but not all of the company's releases, arrangements are made whereby films released earlier in the season are omitted, but include all of 1935-36 releases. The new contracts are signed without titles, stars or other identifications, but call for 65 pictures. This has already happened in a number of upstate situations.

Seek New Maryland Fees

BALTIMORE, Feb. 26.—Senator John G. Callan has introduced a bill in the Senate at Annapolis calling for the doubling of the present license fees for theatres. The new bill would also add an additional tax to circuits. All houses charging more than five cents admission will be affected by the new bill.

Balcon Delays Trip

Michael Balcon has postponed his trip to the coast until the early part of next week. Arthur Lee, who will accompany him, has to clear up certain business matters pending until he can get away. The duo were to leave tomorrow.

Jack Warner to Coast

Jack Warner, vice-president in charge of production for Warners, is en route to the coast by boat. He will arrive there on March 11. Albert Warner is in Miami vacationing, while Harry M. Warner has reached Hollywood.

Reports Persist on Deals for "U" Sale

(*Continued from page* 1)

opened the largest studios in the world at Universal City. We have been far too successful and have learned far too much by experience there to dispose of this property on our anniversary or any other time."

At the present time, it is learned, three propositions have been made, the first having been an offer extended by a group headed by John Hay Whitney. It is understood that this represents the largest cash offer thus far advanced. David Selznick is associated with Whitney in the deal.

The second is one presently headed by Albert M. Greenfield of Philadelphia, with whom B. P. Schulberg is associated. The appearance of Greenfield in this negotiation lends credence to reports that William Fox is interested in the Universal deal because on many occasions and for many years Fox and Greenfield have been on intimate terms and have participated jointly in many deals.

The identity of the third group said to be interested in the purchase is not known at this time, however.

R. Schroeder Buried

BALTIMORE, Feb. 26.—Funeral services were held here today for Raphael Schroeder, 51, secretary of the Associated Theatres here. He died at his home yesterday from a heart attack. company. He is a German director.

GET USED TO SEEING IT IN THE

HEADLINES!

You'll see it often from now on!



EXTRA!
AS WE GO TO PRESS!

"After Office Hours" beats "Copperfield" in 16 out of 20 opening engagements!

Try this ad on the folks!

VARIETY

'OFFICE HOURS' BIG $28,000 IN WASH.

Washington, Feb. 19.

Phrase film fare really meant something last week to 2,000 patrons of downtown house who rolled out with the milkman to enjov 'coffee, donuts, toast and Gable.' Government typewriter-pounders, charwomen, wuxtry boys, and school kids showed up at 6 a.m. in dreary rain to see the Capital's first before-breakfast show. Ironically, film was 'After Office Hours.' But even government hours aren't that long.

Before feature went on, 100 gallons of coffee, 1,600 sinkers, 5,000 slabs of toast, and 15 gallons of cream had disappeared.

Everybody doing oke this week, with three Loew spots pulling in the shekels hand over fist. Top grosser is 'After Office Hours' at the Fox despite the fact that Everett Marshall had to cancel his stage appearance at the last minute because of laryingitis. 'David Copperfield' at the Palace will bust all records on its second week.

Fox turned the town upside down with a preview of 'After Office Hours,' preceded by coffee, doughnuts and toast, at 7:30 a. m. the day before opening. Stunt, ballyed as 'before office hours,' drew 2,300 customers and sent 'em all out as walking ads on the pic.

Estimates for This Week

Fox (Loew) (3,434; 25-35-60)—'After Office Hours' (MG) and vaude. Everett Marshall replaced at last minute on stage by Lita Grey Chaplin, which hurt. Sock campaign on pic, though is sending gross toward a beautiful $28,000.

Palace (Loew) (2,363; 25-35-60)—'David Copperfield' (MG). Busting high for repeat week with a probable $18,000. Last week same pic won a big $23,000.

Convention Settles Down to Business

Criticize, Is Kuykendall's Keynote Talk

(Continued from page 1)

a new deal on copyright fees; discussed block booking; came out for at least a 20 per cent cancellation privilege; made a plea for "fair clearance and zoning"; took up the problem of family nights; hit at fan magazines and their attitude toward the industry, and analyzed code problems.

"Taxes, legislation, unfair and discriminatory regulation are perhaps the biggest menace we have as an industry," he declared. "Those of you who have not been watching the activities of the various city, state and national law making bodies cannot in your wildest imagination appreciate what we are up against. Nearly every state has one or more bills aimed at our industry; many cities are contemplating additional levies upon us, and there are a large number of bills detrimental to us either already in committee or being held in abeyance by their sponsors at Washington. We must unite against the common enemy."

Turning to the need of organization activity, Kuykendall said: "There is no other industry that I can recall that has so completely muffed opportunities to efficiently defend itself by coordinated, cooperative effort—all working for the common good. And the one thing that disturbs me most is the attitude of those who live among us, derive a livelihood out of the industry, depend on it to protect their investments, yet are continually working with and aiding outsiders who dislike us for professional reasons and attack us at every possible excuse.

Invite Attack, He Says

"We have organizations in this industry that do this. They are continually encouraging those at Washington to attack us; they continue to aid and abet those professional reformers who for years have used the popularity of the motion picture as the one method of attack to get notoriety. They are today working in Washington to bring attacks upon us by members of Congress. They depend on their future by keeping dissension, hatred, and misunderstanding prevalent among us that they may be able to continue their demands upon misinformed theatre owners for funds to pay lawyers who are notoriously known for misinformation and have no actual interest in theatres. These lawyers are at this moment aiding and abetting in the drawing of various and sundry bills in Washington to beget government interference with our business. They are advising with well meaning, but misguided club leaders, men and women, trying to use their influence against us; they are deliberately misrepresenting the actual theatre owners they can speak for. Their so-called organization is pitifully small in actual theatre owner membership; yet they say they represent a large number of independent theatre owners.

"How this word independent has been abused! A theatre owner is not and cannot be independent of the producer, nor can the producer be independent of the theatre owner; we need each other. On both sides there have been violators of every rule of fair business and reason."

Kuykendall sharply criticized non-theatrical competition. He said it was "partly the fault of theatre management, because the theatre as an average is not properly encouraging friendly relations between the various organizations, particularly the aggressive ones like the American Legion." He advised members to "use discretion" in attacking some forms of non-theatrical competition.

In turning to block booking, Kuykendall described it as a method of "wholesale selling" and expressed the opinion that selling of individual pictures "would be of no help whatsoever to the exhibitor who is now complaining because of inability to get product, because the distributor would continue to sell the preferred customer, just as he now does.

"All of us who are informed also know that the pictures are now being sold on selective contracts in spots determined by buying power of the exhibitor, in many instances in groups of 10, 15 or 20. This is not through choice of the distributor, but through the strength of the exhibitor."

In expressing his views on cancellations Kuykendall said: "There are many who disagree with me on this, I know, but I am giving you my frank opinion, based on close contact with thousands of exhibitors along the line; and I am convinced that the real answer is a reasonable cancellation privilege in contracts. About 20 per cent cancellation is the real answer. It would relieve many exhibitors and give them a chance to operate at a profit, where as it now stands they are bound to take a loss on many objectionable pictures; and I warn you to remember what is objectionable in one community, may be acceptable in another. The present 10 per cent cancellation clause such as we now have has proven a dud. It would have been helpful had the distributor played fair, but he used every subterfuge to evade it."

After reviewing the recent Ascap agitation and the efforts to ward off increased fees, Kuykendall asked: "What is there to prevent their demanding a percentage of your daily receipts? How far will the present copyright laws permit them to go in charging us for the use of their music? When the copyright laws were written by Congress we had a silent screen. It was not a complete monopoly; now it is.

"What we are interested in now is having the proper authorities give us the legal right to say how much per seat they can charge us, similar to the so-much-per-record the graphophone people have; also an amendment to the copyright laws which will protect innocent infringers against the arbitrary $250 per performance penalty. This

(Continued on page 6)

Aid from Outside Industry Is Reported by Wehrenberg

(Continued from page 1)

They had been encouraged by exhibitors to express their judgment about pictures, and they had been taken into the family. These cooperating community leaders knew that even at the so-called worst period in pictures at least 75 per cent of all product was entirely unobjectionable from anybody's standpoint, and that much of the criticism of the remaining 25 per cent was a matter of opinion.

"On the other hand, they knew by actual contact with the exhibitor that he was as anxious as they to eliminate types of mistakes in pictures that were definitely offensive to reasonable and moderate-minded people."

The report declared that the efforts of the industry to avoid offending against good taste had created "a product which we can all agree is worthy of every one's support," adding that "it has great appeal to many in the community who have not previously been regular theatre-goers." The exhibitor was advised not to sit back now that the popularity of pictures has improved and expect patrons to flock to his theatre of their own accord, but to "take definite steps to see that the full appreciation of the quality of our product reaches and is understood by all elements in the community."

"It is a very short-sighted exhibitor indeed who merely says, 'Well, I hope that all the criticism has died down and that things will just rock along,'" the report continued. "What happened, starting with the criticism and continuing on through the present wide-spread praise of motion pictures, is that more Americans began to talk and think about motion pictures than had ever done so before. People, starting without any understanding of pictures at all and with no original idea except criticism, became theatre-conscious. We do not just want these people to let us alone. We want to cement and crystallize their aroused interest in motion pictures. The same energy and enthusiasm which thousands of people have used throwing brickbats at motion pictures can be utilized in friendship for our business if we can get those ex-critics to attend the theatre regularly and become deeply acquainted with the splendid service the motion picture today is rendering in the field of entertainment."

"More than ever before in the history of the motion picture, theatre public relations and community relations are vital and indispensable today," according to the report, which asserted that "the plain truth is that some of the best of the new pictures make money in those spots where real community relations exist and fail to make money where they are simply run through the projector with no support except routine advertising."

Levy Says All Groups Should Work Together

NEW ORLEANS, Feb. 26.—Regional associations must work together to achieve national progress, declared Edward G. Levy, acting secretary, reporting in behalf of Fred S. Meyer, who resigned some time ago.



Edward G. Levy

"By all pulling in the same direction and by a reasonable willingness to work with others," he said, "genuine progress can be made toward curing the wrongs and abuses of the business, toward increasing attendance and toward erecting an impregnable defense against unjustified and malicious attacks on motion pictures by professional reformers and other outsiders who have no understanding of our problems.

"No organization can take the place of energetic and aggressive individual effort in the management of your theatre, in buying, booking and merchandising motion picture attractions. M.P.T.O.A. does not attempt to do those things for you. But M.P.T.O.A. has succeeded (where others have failed) in making substantial progress towards bringing about fair trade practices, fairer exhibition contracts, home rule for the determination of controversies by local boards and sensible self-control within the industry.

"We ask all of the honest, representative local associations to band together on national matters, with a representative of their own choosing as a qualified director of the M.P.T.O.A., particularly those with a willingness to work with others for the good of the exhibitor and of the motion picture industry. We believe that the reputable and responsible theatre owners, both large and small, throughout the country are entitled to such an association not dominated by self-seeking professional exhibitor organizers nor controlled by the chronically unsuccessful, irresponsible and unscrupulous exhibitors. There is much work to be done that can only be accomplished by the organized effort of really representative exhibitors."

Dinner for Kuykendall

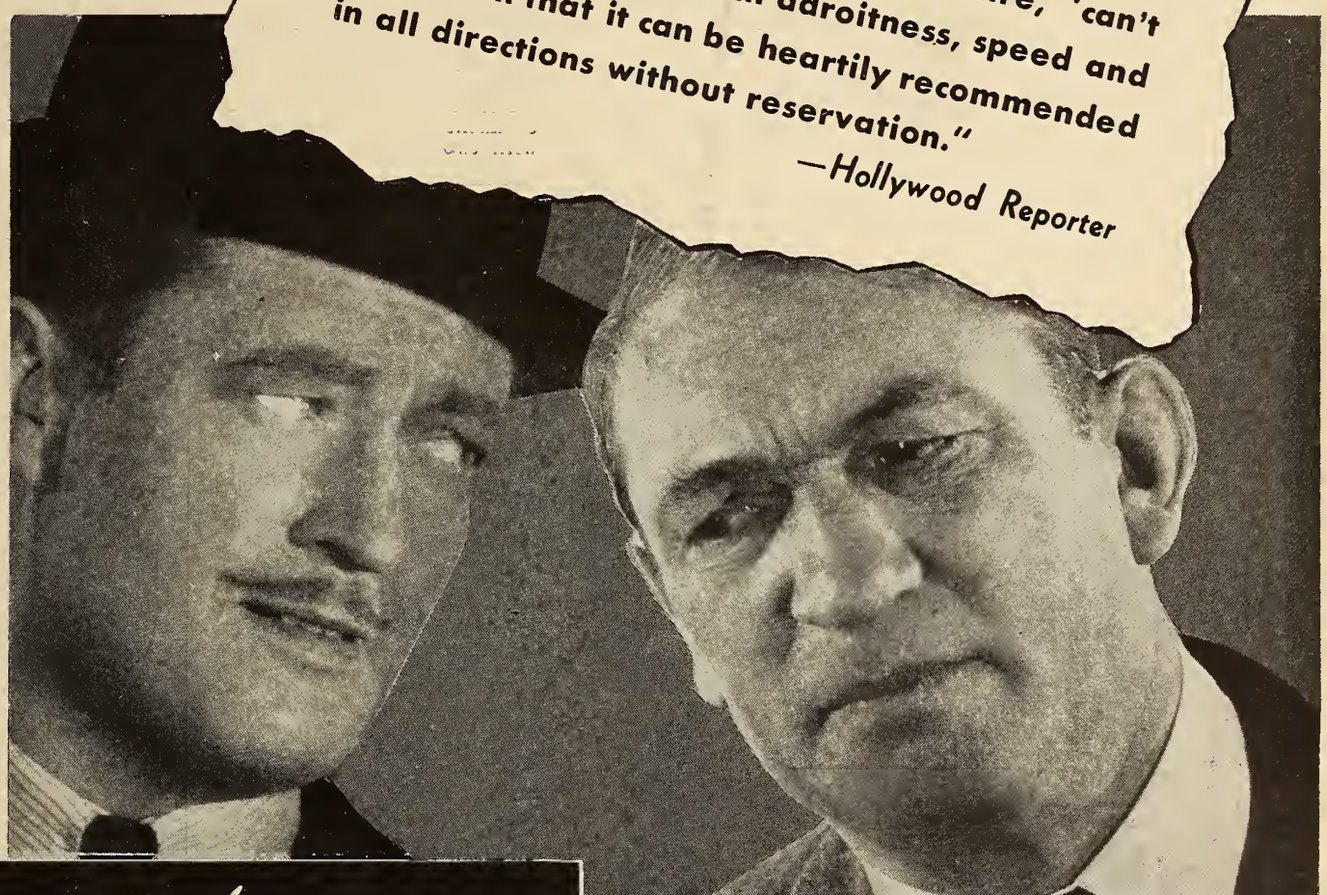
NEW ORLEANS, Feb. 26.—Members of the council of the local Association of Commerce will give a luncheon Thursday for Ed Kuykendall, president of the M. P. T. O. A.; Julian Brylawski, vice-president of the organization; Fred Wehrenberg and Ed Levy, M. P. T. O. A. general counsel.

Leaves for Opening

HOLLYWOOD, Feb. 26.—Jeanette McDonald leaves here tonight for New Orleans to attend the opening of "Naughty Marietta" there March 2.

"Top-notch direction—no, make it masterful—lifts this one easily and gracefully into the front rank of cash register clangers . . . every situation carrying a big label 'sure fire,' 'can't miss,' . . . done with such adroitness, speed and distinction that it can be heartily recommended in all directions without reservation."

—*Hollywood Reporter*



Now—They're Adventuring in Mystery

The GREAT HOTEL MURDER

EDMUND LOWE
VICTOR McLAGLEN
ROSEMARY AMES

MARY CARLISLE
HENRY O'NEILL
C. HENRY GORDON

Produced by John Stone

Directed by Eugene Forde. Screen play by Arthur Kober. Story by Vincent Starrett.

FOX

Kuykendall Frank on Industry Issues

(*Continued from page* 4)

should be a matter for the courts to decide and not arbitrarily set with no recourse in court.

"We are not particularly interested in dissolving Ascap as an organization, providing they can be controlled fairly. We are trying to with radio and the hotel owners' organization, not to cheat or take advantage, but merely to protect our future existence. There are many details concerning the copyright that you should know; get yourself acquainted with it."

Gives Clearance Views

Kuykendall outlined basic principles on clearance and zoning which, he said, the M.P.T.O.A. wants. They follow: "We believe in the following basic principles: proper and fair setting up of geographical zones, film rentals paid and admissions charged. We cannot possibly have clearance and zoning unless the admission price charged is considered. This has been one of the most controversial issues with which the Code Authority has had to treat. There is no such thing as a standard formula; each town and city is a problem unto itself. But if we are going to have any semblance of order in this business, we must all accept the theory of film rental paid and admission charged in working out clearance."

The M.P.T.O.A. still believes that premiums, giveaways, etc., are "harmful," Kuykendall declared. He also described duals as "destructive."

Family shows should not have a beautiful short with a sexy feature, and exhibitors should be careful in combining their features so that "condemnation" will not be brought down upon the industry by presenting the wrong attraction at a family show, he said.

He said he believed the code would continue to be "the law of the industry."

"It could be improved," he said, "and I think we should see to it that certain changes are made in it. Probably out of this convention will come a definite plan for the changes we should support as an organization."

Wednesday Program

The Wednesday program follows:

FORENOON

10:00 A.M. Business Session in The Gold Room, Mezzanine Floor, the Roosevelt Hotel, at 10:00 A.M. sharp.

10:05 A.M. Special Facilities in the Theatres for the Hard of Hearing Patron—Mrs. F. J. Block, Laurel, Miss., vice-president, American Federation of Organizations for the Hard of Hearing, Inc.

10:15 A.M. Technical Aspects of Theatre Operation—Herbert Griffin, S.M.P.E.

10:30 A.M. Modern Trends in Motion Picture Theatre Architecture—Robert Boller, American Institute of Architects, Kansas City, Mo.

10:50 A.M. New Values in Theatre Lighting—W. C. Brown, chief illuminating engineer, General Electric Co., Nela Park, Cleveland, O.

11:00 A.M. Mechanical Facilities of the Modern Theatre—J. T. Knight, Jr., Paramount Theatres Service Corp.

11:30 A.M. Adjourn.

NOON

12:10 P.M. Luncheon (12:10 P.M. sharp)—Young Men's Business Club of New Orleans—F. Edward Hebert, chairman, in honor of M.P.T.O.A. delegates, guests and stars—Tip Top Inn, the Roosevelt Hotel. Admission by ticket only. Tickets may be secured at registration desk.

AFTERNOON

2:00 P.M. Business Session in the Gold Room, 2:00 P.M. sharp.

2:05 P.M. Advertising and Selling Motion Picture Entertainment to the Community.

A discussion of new ideas in merchandising the new movies, use of advertising accessories and how the distributor can help the exhibitor to sell his show to the public. The following advertising executives have been invited to talk:

Herschel Stuart.....Columbia
Gordon S. White....Educational
Charles E. McCarthy.....Fox
Si Seadler.Metro-Goldwyn-Mayer
Edward Finney .....Monogram
S. Charles Einfeld
Warners-First National
Robert M. Gillham....Paramount
S. Barrett McCormick.....RKO
Paul Gulick.....Universal
Hal Horne.....United Artists

3:10 P.M. How to Market the Literary Type of Picture—E. C. Rhoden, general manager, Midwest Theatres, Kansas City.

3:25 P.M. The Theatre's End of the Better Films Bargain—Roy L. Smart, North Carolina Theatres, Inc., Charlotte, N. C.

3:45 P.M. My Experiences with Family Night Programs—M. A. Lightman, Malco Theatres, Inc., Memphis, Tenn.

4:00 P.M. How to Sell the Finer Pictures—Lupton A. Wilkinson, advertising advisory council, New York, N. Y.

4:30 P.M. Adjourn.

EVENING

7:30 P.M. "Ole Man River" Party and Cruise—On the Mississippi River Steamer "Capitol," foot of Canal St. Dining—dancing—refreshment facilities on board. Present tickets at gang plank. Tickets available at the registration desk.

Where the Sazeracs Flow

By RAMOS

NEW ORLEANS, Feb. 26.—The gang out of New York tumbled out of its special train early yesterday morning largely peeved because the accommodations weren't more de luxe.

* * *

The commissary department of the Southern Railway would have done a sizable business Saturday night and thereafter if a club car had been attached. There was (1) little or no ice, (2) no food, (3) no White Rock, (4) no ginger ale until Sunday. The rest of the prerequisites—in perfect order.

* * *

Yeoman's service was contributed by HAL YOUNG, egged on without much egging necessary by HERMAN ROBBINS and SAM DEMBOW, JR. From some undetermined point between Manhattan Transfer and Wilmington, telephone calls were made. The results included White Rock and, later, ham and cheese sandwiches, plus coffee. JULES LEVY thought the service was pediculous; he wanted cocoa.

* * *

FELIX F. FEIST, whose decision to make the trek was last minute, brought his cold with him to make certain he wouldn't be lonesome. Someone said the real reason for his going was to see that "Roberta," which plays the Orpheum here during convention week, didn't run away with "Naughty Marietta."

* * *

LEVY, sales manager to the bitter end, needed no persuasion at all to go into "Smoke Gets In Your Eyes," hit number from "Roberta." JOHN D. CLARK, CHARLIE MCCARTHY, GEORGE WEEKS, FRED JACKS, REG WILSON, HARRY THOMAS, ROBBINS and DEMBOW went atmospheric and cluttered their own drawing room with smoke, in billows, all for the sake of putting JULES in the proper singing frame of mind. It turned so contagious later and that portion of the goings-on degenerated so completely to a point where it ended in a quartet: LEVY, basso; ROBBINS, mezzo soprano; DEMBOW, tenor, and RED KANN, plain lousy.

* * *

CLARK, incidentally, made the train with a bruise on his forehead and a cherub on his cranium. His story: "I was traveling home from Asbury Park Friday night when my man hit a bump in the road; I hit the top of the car and the results are what you see." MCCARTHY, solemnly and officially, confirmed the details. Earlier reports that CLARK had left New York for the south late last week chalked up one error against MOTION PICTURE DAILY reporting.

Premium

New Orleans, Feb. 26.—Unconfirmed report has it National Screen Service will give every account running a trailer on a Warner picture a suit.

Herman Robbins won't comment whether it's to be with two pairs of pants.

Latest social organization formulated at a Southern wayside point between Charlotte and Concord, N. C., was "The Non-Shavers' Club." Its only obligation was not to shave between New York on Saturday night and New Orleans this morning. Charter members included CLARK, FEIST, NIZER, LEVY, ROBBINS and DEMBOW. JOHN said he couldn't be bothered, he was that jubilant over the $19,000 garnered by "One More Spring" at the Music Hall on Washington's Birthday. Reasons for others to join were identical: To give their maps a 35-hour rest from Gillettes and straight razors.

* * *

BILL BENTON, only representative from Upper New York State, left Saratoga with a fresh foot of snow under foot. Added to the three that carried over from earlier storms, the total of four presaged anything but healthy grosses at his Congress Theatre.

* * *

Scandal note, heard along the line: That, while MOE SILVER may have been transferred to Albany as Warner theatre district manager there, MRS. MOE would not go along; ditto on MRS. SCHLANGER whose TED will now headquarter in Philadelphia for the same circuit. Not so with MRS. IKE HOFFMAN, however. Fact he's back in New Haven is a cinch. They have always maintained their home there, anyway.

* * *

Trade press contingent aboard the New York special included ROY CHARTIER of *Variety* and JACK ALICOATE, CHARLES of the same family name and ARTHUR EDDY of the *Film Daily*.

Actual business:

EDDY to ALICOATE: "Any message for New York?"

ALICOATE to EDDY: "Just tell DON MERSEREAU to keep busy. That's the way I got my start."

* * *

CHARLES SEGALL, Philadelphia exhibitor, may go over to Miami from here. ROBBINS and DEMBOW, already committed to join their families there, are busy trying to get three more. That'll give them a special plane on a direct route.

Rosenblatt Leaves For MPTOA Session

WASHINGTON, Feb. 26.—Compliance Director Sol A. Rosenblatt tonight left for New Orleans, scheduled to arrive there Thursday morning in time to deliver an address before the M. P. T. O. A. convention.

Wilkinson to Visit L. A.

NEW ORLEANS, Feb. 26.—Lupton Wilkinson of the advertising advisory council of the Hays office, who is here, leaves for Los Angeles on Wednesday night following his address on "How to Sell the Finer Pictures" at a business session of the M. P. T. O. A. convention in the afternoon. He will spend several weeks there discussing the council's aims with studio publicity heads.

"Dictator" Seen in N. O.

NEW ORLEANS, Feb. 26.—Gaumont British screened "The Dictator" at the Orpheum here this morning with about 150 present. RKO-Radio will preview "Roberta" at 11:30 P. M. Wednesday at the same theatre.

BY DIRECT WIRE FROM

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BALABAN & KATZ CHICAGO

AGREE WITH YOU THAT INDUSTRY NEEDS GOLD DIGGERS OF 1935 AT PRESENT TIME BUT FOR PROTECTION OF THEATRES PLANNING TREMENDOUS ADVANCE CAMPAIGNS WE MUST HOLD TO PREVIOUS ANNOUNCEMENT OF INDEFINITE RELEASE DATE STOP WARNER BROS MUST AND WILL KEEP FAITH WITH THE HUNDREDS OF EXHIBITORS DEPENDING ON THIS PICTURE FOR THEIR CASH CLEANUP OF THE SEASON AND WE KNOW YOU WILL BE FIRST TO COMMEND SUCH A STAND STOP PLEASE ADVISE WHAT DATES YOU PREFER AND FURNISH OUTLINE OF CAMPAIGN PLANS AS THE SURVEY DETERMINING WHAT THEATRES CAN BEST SET UP GOLD DIGGERS NATIONALLY IN PRE-RELEASE RUNS WILL BE COMPLETED BY SMITH AND MYSELF IN A FEW DAYS AND FINAL ANNOUNCEMENT OF SELECTIONS WILL BE MADE THEN STOP THANKS FOR YOUR IMPATIENCE WE KNOW WHAT KIND OF AN ATTRACTION WEVE GOT WHEN A SHOWMAN LIKE JOHN BALABAN CANT WAIT

GRAD SEARS

"Copperfield" Big Holdover In Washington

WASHINGTON, Feb. 26.—"David Copperfield" continues to be the Capital's smash hit, taking in its second full week at Loew's Palace, $18,000—$3,500 above first week's par!

First in the week's new films was the premiere of "After Office Hours," which, at Loew's Fox, garnered a neat $26,500, or $6,000 above average. The week's total includes one special milkman's matinee at which some $700 was taken in at a 35-cent special admission.

Jack Benny proved to be the big attraction at the Earle with "Carnival" the screen fare, the combination taking $19,200.

Foreign films were started at the Belasco, under the management of Radin and Levine. Opening attraction was "Chapayev," which played to a special audience on Feb. 21 for one screening. The grind policy started Feb. 22.

"The Lives of a Bengal Lancer," playing a return engagement at Loew's Columbia, did a neat $6,000, or $2,900 over the average first run figure.

Total business for the period covered was $85,750, as against an average of $75,200.

Estimated takings, exclusive of tax, for the week ending Feb. 21:

"CHAPAYEV" (Amkino)
BELASCO—(720), 25c-65c, one performance. **Gross:** $350. (Tentative average, full week, $4,000)

"CARNIVAL" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Jack Benny, Mary Livingston, Three Pickens Sisters, The Danwills; Bryant, Rains & Young. **Gross:** $19,200. (Average, $17,600)

"THE LIVES OF A BENGAL LANCER" (Para.)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $6,000.

"AFTER OFFICE HOURS" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Lita Grey Chaplin, Stuart & Lash, Bernice O'Neill, Francis Wills Revue, Charlie Davis and orchestra, Sally Gay. **Gross:** $26,500. (Average, $20,500)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $18,000. (Average, first week, $14,500)

"THE FIRST WORLD WAR" (Fox)
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $4,700. (Average, $4,100)

"THE GOOD FAIRY" (Univ.)
RKO-KEITH'S—(1,836), 25c-55c, 9 days. **Gross:** $11,000. (Average, 7 days, $11,400)

Monogram Signs Foster

HOLLYWOOD, Feb. 26.—Monogram was unable to borrow Richard Cromwell from Columbia for the lead in "The Hoosier Schoolmaster" and Norman Foster was signed up for the role. Charlotte Henry has the feminine lead, the balance of the cast consisting of Dorothy Libaire, Otis Harlan, Sarah Padden, Russell Simpson, William V. Mong, Wallace Reid, Jr., Fred Kohler, Jr., and Tommy Bupp.

Protest Russian Films

DES MOINES, Feb. 26.—Protests have been sent to producers and the local code board on the showing of Russian films at the First Unitarian Church here. No action has been taken, but the films are being shown regularly in evening programs at the church.

Takes for Mid-February Higher Than in January

During the second week of January grosses emerged slightly from the slump into which they fell early in January. The take for 136 theatres in 22 key cities for the week ending Feb. 14-15 was $1,381,960. This was $49,545 better than the previous week.

The low point of the recent slump was during the week ending Jan. 24-25 when the total take in 138 theatres reporting went down to $1,251,130.

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18		
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960

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Comparative weekly totals:	Week Ending Feb. 14-15 No. Theatres	Gross	Week Ending Feb. 7-8 No. Theatres	Gross
Boston	6	$85,000	6	$75,000
Buffalo	5	42,200	5	60,200
Chicago	8	143,000	8	133,000
Cleveland	6	61,700	5	44,200
Denver	5	25,250	5	24,000
Detroit	6	61,400	6	59,800
Indianapolis	5	24,500	5	20,500
Kansas City	5	32,600	5	39,200
Los Angeles	10	85,000	10	73,790
Minneapolis	7	27,200	7	23,500
Montreal	4	39,000	4	38,000
New York	10	267,060	10	273,075
Oklahoma City	4	16,900	4	14,000
Omaha	3	25,200	3	22,800
Philadelphia	10	110,800	10	111,500
Pittsburgh	5	54,400	5	51,050
Portland	6	30,900	6	31,100
Providence	6	41,550	6	41,400
San Francisco	7	77,500	7	74,250
St. Paul	5	18,000	5	18,000
Seattle	7	37,100	7	38,750
Washington	6	75,700	6	65,300
	136	$1,381,960	135	$1,332,415

Youngclaus Gets House

LINCOLN, Feb. 26.—William Youngclaus, who became famous as the Madison, Neb., theatre operator who outlawed protection through the courts, has picked up the Empress, Grand Island, Neb. Action came after his deal for the Rex, Albion, Neb., fell through and the house was grabbed off by Central States. This is one of A. H. Blank's key towns. Opening has been set for March 1.

Montreal Duals Spread

MONTREAL, Feb. 26.—Following the dropping of vaudeville at Loew's, Manager J. C. Adams has gone to double features. Only one single feature house, His Majesty's, is left. It was this city which started the double film idea in the Dominion back in the silent days.

Reopens, Closes Quickly

COLUMBUS, Feb. 26.—Neth's Hartman, which recently reopened with pictures, was relighted and reshuttered within a few days. Opening with "Evergreen," the picture was pulled when it failed to draw on the first day. "Power" was substituted, but this also was cancelled when it proved unsuccessful after a few days. Neth has no further plans for the house at present.

Sanders Goes to Lincoln

LINCOLN, Feb. 26.—Johnny Sanders, former manager of Westland's Pueblo in Pueblo, Col., has been moved here to run the Kiva for the same organization. He will be under City Manager Milton Overman.

"Carnival" Is Detroit High With $15,900

DETROIT, Feb. 26.—There was little to get excited about among the downtown first runs last week. "Carnival," helped by Mr. and Mrs. Dionne at the Fox, took $15,900, but this was only $900 over normal.

The only other bright spot was the United Artists where "David Copperfield" held up to $10,100 in its second week.

Total first-run business was $57,200. Average is $65,000.

Estimated takings for the week ending Feb. 22:

"I'VE BEEN AROUND" (Univ.)
"BABOONA" (Fox)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000)

"CARNIVAL" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Mr. and Mrs. Dionne and five acts vaudeville. **Gross:** $15,900. (Average, $15,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"THE BAND PLAYS ON" (M-G-M) (Second run)
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $3,200. (Average, $10,000)

"DEVIL DOGS OF THE AIR" (Warners)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Six acts of vaudeville. **Gross:** $19,600. (Average, $20,000)

"MAYBE IT'S LOVE" (F. N.)
"RED HOT TIRES" (F. N.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 3rd week. **Gross:** $10,000. (Average, $10,000)

"Good Fairy" Gets $7,300 in Buffalo

BUFFALO, Feb. 26.—In a week of snow, ice and high winds "The Good Fairy" took top honors for a straight film draw here by going $800 over normal for a total of $7,300 at the Lafayette.

The only other attraction to top average was "One More Spring," with a stage show headed by Mae Questel, at the Buffalo. The take here was $14,800, over the line by $500.

Total first run business was $43,000. Average is $42,800.

Estimated takings for the week ending Feb. 22:

"ONE MORE SPRING" (Fox)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Mae Questel; Mary Belett and Gil Lamb; Pete, Peaches & Duke; Loyalta's Arabian Stallions; Kate Smith audition winners; High Hatters and Alene McKenna. **Gross:** $14,800. (Average, $14,300)

"CHARLIE CHAN IN PARIS" (Fox)
"RED HOT TIRES" (Warners)
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,000. (Average, $6,000)

"THE NIGHT IS YOUNG" (M-G-M)
"SOCIETY DOCTOR" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 6 days. **Gross:** $6,900. (Average, $8,000)

"DEVIL DOGS OF THE AIR" (Warners)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

"THE GOOD FAIRY" (Univ.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,300. (Average, $6,500)

Rename Dover Theatre

DOVER, N. H., Feb. 26.—What was formerly the Orpheum here is now the State. The theatre is now controlled by Fred Couture.

Change "Vampire" Title

HOLLYWOOD, Feb. 26.—M-G-M has switched the title of "Vampires of Prague" to "Mark of the Vampire."



YOUR EYES..YOUR EARS..
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WORLD PREMIERE SHOWING
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"Will do sensational business," says Spyro
proud of," says Jerome Kern . . . . "It's in th
wires M. A. Lightman . . . . "It deserves th
R. E. Griffith, of the Griffith Circuit, to Bo

ORLEANS

ELEVEN





..YOUR HEART..
WILL BELONG TO

RTA



'O MEMBERS OF THE
ORPHEUM THEATRE

N OF MUSICAL ROMANCES,
IRE, GINGER ROGERS

★ ★

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ag — left them yelling for more,"
orks — women will rave," wires
'Donnell, of the Interstate Circuit

JEROME KERN'S
miracle musical stage success . . . screened in a sunburst of song!

with
RANDOLPH SCOTT
HELEN WESTLEY
VICTOR VARCONI
CLAIRE DODD

From the play "Roberta." Book and lyrics by Otto Harbach. Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

RKO-RADIO PICTURE

"Honeymoon," Show $25,000 Boston Smash

BOSTON, Feb. 26.—Warm weather interrupted by occasional snow and rain, failed to interfere with grosses last week. They were good all along the line, with Keith's Memorial grabbing a big $25,000, over normal by $13,000, on "Murder on a Honeymoon" and a stage revue, "Casino de Paree."

"Biography of a Bachelor Girl" and "Mills of the Gods" ran $2,000 over par for a total of $12,000 at Loew's State. "Devil Dogs of the Air," helped by Polly Moran and a revue, was $6,000 up on a total of $28,000 at the Metropolitan.

Total first run business was $87,500. Average is $65,000.

Estimated takings for the week ending Feb. 22:

"THE WOMAN IN RED" (Warners)
"CHARLIE CHAN IN PARIS" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)
"MURDER ON A HONEYMOON" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. Stage: "Casino de Paree" Revue. **Gross:** $25,000. (Average, $12,000)
"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"MILLS OF THE GODS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $12,000. (Average, $10,000)
"DEVIL DOGS OF THE AIR" (Warners)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Polly Moran and big revue. **Gross:** $28,000. (Average, $22,000)
"THE WOMAN IN RED" (Warners)
"CHARLIE CHAN IN PARIS" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,500. (Average, $5,500)
"STRANGE WIVES" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Bowery Music Hall Follies. **Gross:** $11,000. (Average, $11,000)

"Bachelor" Pulls $10,000, Montreal

MONTREAL, Feb. 26.—Local first runs found themselves in an unsettled state last week. The Palace continued closed for overhauling and the Imperial was dark for the week, pending reopening with new policy and Loew's was inaugurating an exclusive film fare, vaudeville having been dropped.

The lead-off for the week was the Capitol with $10,000 for "Biography of a Bachelor Girl" and "Maybe It's Love," while, with a new scale of prices, Loew's made $8,500 with "Wings in the Dark" and "One Hour Late." The repeat of "Broadway Bill" brought $6,500 to the Princess. His Majesty's roadshowed "The Shepherd of the Seven Hills" for a take of $5,000.

Total first run business was $30,500 Average is $31,000.

Estimated takings for the week ending Feb. 23:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"MAYBE IT'S LOVE" (F. N.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)
"SHEPHERD OF THE SEVEN HILLS" (Faith)
HIS MAJESTY'S—(1,700), 35c-50c-60c, 7 days. **Gross:** $5,000. (Average, $5,000)
"WINGS IN THE DARK" (Para.)
"ONE HOUR LATE" (Para.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, (New prices), 7 days. **Gross:** $8,500. (Previous average, $10,500)
"BROADWAY BILL" (Col.)
"AMONG THE MISSING" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,500. First week: $8,500. (Average, $6,000)

"Copperfield" Seattle High For 2nd Week

SEATTLE, Feb. 26.—"David Copperfield" was such a strong draw during its second week that it was held for a third at the Fifth Avenue. The $8,600 take topped a normal first week by $1,600.

"Broadway Bill" stood the strain in a big way for its third week at the Liberty, going to $6,800, and it was held for a fourth stanza. All others were below par.

Total first run business was $39,450. Average is $37,000.

Estimated takings for the week ending Feb. 22:

"DEVIL DOGS OF THE AIR" (Warners)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,650. (Average, $4,000)
"DAVID COPPERFIELD" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,600. (Average, $7,000)
"BROADWAY BILL" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 3rd week, 7 days. **Gross:** $6,800. (Average, $4,000)
"CLIVE OF INDIA" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (Second week of extended run from Music Hall.) **Gross:** $3,300. (Average, $4,000)
"THE GOOD FAIRY" (Univ.)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,900. (Average, $6,500)
"MYSTERY OF EDWIN DROOD" (Universal)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headlined by Pinkie Lee & Co. **Gross:** $5,300. (Average, $5,500)
"CHARLIE CHAN IN PARIS" (Fox)
"BABOONA" (Fox)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headlined by Huston Ray. **Gross:** $5,900. (Average, $6,000)

"Pressure," Show Top in Providence

PROVIDENCE, Feb. 26.—Best gross for the week was chalked up by Fay's which caught $9,000 with "Under Pressure" on the screen and a sepia revue, "Harlem Express," with the engaging radio star, Jimmie Lunceford. Both the RKO Albee and Majestic were well over their average quotas.

Loew's, despite the excellence of the bill, found "Sequoia" and "Society Doctor" good only for $9,300, under par by $3,000. The Strand went over by $500 with "Wings in the Dark" and "Evergreen."

Total first run business was $42,800. Average is $40,500.

Estimated takings for the week ending Feb. 21:

"SEQUOIA" (M-G-M)
"SOCIETY DOCTOR" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,300. (Average, $12,000)
"DEVIL DOGS OF THE AIR" (Warners)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,900. (Average, $7,000)
"UNDER PRESSURE" (Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Harlem Express" revue. **Gross:** $9,000. (Average, $7,000)
"WINGS IN THE DARK" (Para.)
"EVERGREEN" (Gaumont-British)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500)
"THE SCARLET PIMPERNEL" (U. A.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Keller Sisters and Lynch heading vaudeville. **Gross:** $8,500. (Average, $7,000)
"I'VE BEEN AROUND" (Univ.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

Mickey in a Jam

London, Feb. 26.—Mickey Mouse has gotten himself into a jam—a sweet, sticky one. One of the biggest manufacturers of preserves and other sweets in England is now getting out a Mickey Mouse marmalade.

And at the same time Mickey is in highbrow company at the Leicester Galleries where an exhibition of how Disney makes his cartoons is on.

"Gambling" Is Draw, $5,600, In Cleveland

CLEVELAND, Feb. 26.—"Gambling" did the best comparative business of the week by topping normal $1,500 for a total of $5,600 at the Circle. Grosses took a tumble all along the line.

"Sweet Music" was $1,500 up on a take of $7,500 at Warners' Hippodrome. "Under Pressure" and "The Gilded Lily" was slightly better than par.

Total first run business was $39,000. Average is $36,000.

Estimated takings for the week ending Feb. 22:

"UNDER PRESSURE" (Fox)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,400. (Average, $3,000)
"SWEET MUSIC" (Warner)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $7,500. (Average, $6,000)
"ONE MORE SPRING" (Fox)
RKO PALACE—(3,100), 30c-35c-42c, 8 days. **Gross:** $8,200. (Average, $10,000)
"THE GILDED LILY" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $10,500. (Average, $10,000)
"THE PRESIDENT VANISHES" (Para.)
LOEW'S STILLMAN — (1,900), 20c-30c-40c, 7 days. **Gross:** $3,800. (Average, $4,000)
"GAMBLING" (Fox)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage Show. **Gross:** $5,600. (Average, $3,000)

"Woman in Red" Is Oklahoma City Hit

OKLAHOMA CITY, Feb. 26.—"Woman in Red" was the big attraction of the week here. It ran $800 over par for a take of $2,800 at the Capitol.

"Red Hot Tires," helped by a stage show, grabbed $2,500 in four days at the Liberty. This is normal for a full week. The only other par attraction in town was "Clive of India" which reached a normal $4,000 at the Midwest.

Total first run business was $13,100. Average is $13,500.

Estimated takings for the week ending Feb. 23:

"LITTLE MINISTER" (Radio)
WARNER — (1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,000. (Average, $5,000)
"CLIVE OF INDIA" (U. A.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000)
"WOMAN IN RED" (F. N.)
CAPITOL — (1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,800. (Average, $2,000)
"RED HOT TIRES" (Warners)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,500. (Average week, $2,500)
"SECRET OF THE CHATEAU" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,500)

"Chan," Show Pull $16,000 In Pittsburgh

PITTSBURGH, Feb. 26.—The price war continued to dip grosses here last week, with the best business going to the Alvin, where a radio revue with Molasses 'n' January and Mary Small, was responsible for a big $16,000, rather than the picture, "Charlie Chan in Paris." This was the biggest take the Alvin has had since the first of the year.

At the Penn, "The Gilded Lily" and Jimmy Durante in person proved a disappointing combination, gathering only around $15,000, while the second week of "Devil Dogs of the Air" was pretty weak at the Stanley, getting about $10,000. The aviation picture, however, had a new stage show headed by Phil Harris and Leah Ray.

Things were pretty brutal in the two straight picture houses, with the Warner doing only $3,900 with "Great Expectations" and "Red Hot Tires," and the Fulton running up a weak $3,200 with "Society Doctor."

Total grosses in five first runs were $48,100. Average is $56,000.

Estimated takings for the week ending Feb. 21:

CHARLIE CHAN IN PARIS" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Mary Small, Molasses 'n' January, Bobby Gilbert. Jumping Jack Miller, Jack Rubin, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $16,000. (Average, $10,000)
"SOCIETY DOCTOR" (M-G-M)
FULTON—(1,750), 15c-25c, 6 days. **Gross:** $3,200. (Average, $4,000)
"THE GILDED LILY" (Para.)
PENN—(3,300), 25c-40c, 6 days. Stage: Jimmy Durante, Buster West and Lucille Page, Arthur LeFleur, Grace Johnson, Rimacs Havana band. **Gross:** $15,000. (Average, $19,000).
"DEVIL DOGS OF THE AIR" (Warners)
STANLEY—(3,600), 25c-40c, 6 days, 2nd week. Stage (new show): Phil Harris, Leah Ray, Fred Sanborn, Lou Duthers and Jean and Joan, Four Barons. **Gross:** $10,000. (Average, $18,000)
"GREAT EXPECTATIONS" (Univ.)
"RED HOT TIRES" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $3,900. (Average, $5,000)

"Spring," $7,500, Indianapolis Wow

INDIANAPOLIS, Feb. 26.—"One More Spring" went into the smash hit class at the Apollo on a take of $7,500 at the Apollo. This is three times the average for the house.

"Devil Dogs of the Air" was the only other strong draw in town. The take at the Lyric, with the help of a stage show headed by Eddie Peabody, hit $10,000, over the line by $3,000.

Total first run business was $29,500. Average is $25,000.

Estimated takings for the week ending Feb. 23:

"ONE MORE SPRING" (Fox
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $7,500. (Average, $2,500)
"BEST MAN WINS" (Col.)
"GILDED LILY" (Para.)
(Second Run)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)
"GOOD FAIRY" (Univ.)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)
"DEVIL DOGS OF THE AIR" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. Stage: Eddie Peabody. **Gross:** $10,000. (Average, $7,000)
"SEQUOIA" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,500)

●●● FIRST 3 DAYS' BUSINESS SMASHES ALL RECORDS AT N.Y. ROXY SINCE "THE INVISIBLE MAN"!

●●● FIRST 3 DAYS' BUSINESS EVEN BIGGER THAN "IMITATION OF LIFE"!

●●● UNIVERSAL'S

"NIGHT LIFE OF THE GODS"!

Production Drops; 38 Features Going

HOLLYWOOD, Feb. 26.—Production receded to normal last week with a total of 38 features and five shorts before the cameras as compared to the previous week's 43 features and six shorts. During the three past weeks the total has been above normal for this time of the year. Twenty-one features and 12 shorts are in the final stages of preparation with 40 features and 20 shorts in the cutting rooms.

Warners have taken the lead away from Paramount with seven features before the cameras, two preparing and 10 editing; Radio has six, three and two; Fox, five, five and two; Paramount, four, one and six; M-G-M, three, four and nine; Century, three, zero and zero; Columbia, three, two and four; Universal, two, zero and two. The independent group shows five, four and six.

In the short subject division Roach reports one before the cameras, one preparing and three editing. Radio has one, zero and two; M-G-M, zero, five and six; Universal, zero, one and one; Columbia, zero, three and three; while the independents have three, two and five.

[From yesterday's late edition]

Mayer Gets Rialto Without Paramount

When Arthur Mayer reopens the remodeled Rialto, which closes some time in April for demolition and reconstruction, Paramount will not have an interest in the operation. This will mark the first time in 17 years that the company has not had a hand in the management of the theatre. Under the new plans the house will seat from 600 to 800.

Paramount has operated the Rialto since 1918 when the Gerry Estate bought the structure from Kuhn, Loeb & Co., and leased it to the company. Oscar Hammerstein originally built the theatre in 1899, when it was known as the Victoria. In 1915 Crawford Livingston and Felix Kahn of Kuhn, Loeb & Co., purchased the property and installed Samuel L. (Roxy) Rothafel as operator.

Chapel Lease Row Ended

NEW HAVEN, Feb. 26.—Harry Shaw, manager of the Chapel, has settled the controversy over the Colleve St. entrance to the house by signing a new 10-year lease with the owners of the property.

The College St. entrance was closed Feb. 9 following the opening of a Chapel St. promenade. For the present the Chapel St. side will again be used for exit.

Dentist Is Made Censor

BALTIMORE, Feb. 26.—Dr. Ben Paul Sandy, Republican dentist here, has been appointed to succeed Bernard Gough, Democrat, as chairman of the Maryland censor board by Gov. Harry Nice.

He will visit the censors' offices before he takes up his duties May 1.

Gets Poultney House

PITTSFIELD, N. H., Feb. 26.—W. Whitton has acquired the Star and is operating it on a film policy.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

[From yesterday's late edition]

"Laddie"

(Radio)

HOLLYWOOD, Feb. 25.—Were Gene Stratton Porter alive today she would thrill to Radio's picturization of the famous novel in which her characters are recreated. Being a simple tale penetrating the sympathetic emotions, "Laddie" is wholesome, Grade A entertainment which should send box-office grosses zooming. The direction, performances and photography blend into a harmonizing whole, achieving the utmost in production responsiveness.

The story deals with simple country folk centralizing on the romance between Laddie, portrayed by John Beal, and Gloria Stuart. The lad is a heartwarming son of the soil and the girl is a tender lass of aristocratic English lineage. The dramatic conflict features the social clash of the two families and the harsh opposition of Miss Stuart's father (Donald Crisp) to her marriage with Beal. Playing a featured role in the lives of the two families is Virginia Weidler, the little sister, whose innocent, childish contrivings finally weld a bond of understanding between Miss Stuart's family and her own, and also resulting in Crisp's forgiving his disowned son (William Bakewell) involved in espionage trouble in England.

The picture uncovers little Miss Weidler as one of the finest child performers on the screen. The portrayals of Beal, Miss Stuart, Crisp, Dorothy Peterson and Willard Robertson are human and of the highest calibre. George Steven's direction is splendid from every angle. Ray Harris' and Dorothy Yost's screenplay is a finished piece, retaining all the Porter flavor. Harold Wenstrom's photography is superb.

Being mass entertainment, this should gross plenty in all spots. No Production Seal. Running time, 70 minutes. "G".

"In-Yeah"

(Ace Attractions, Inc.)

HOLLYWOOD, Feb. 26.—"In-Yeah" is an imaginative tale of the Borneo jungle, filmed in the Sarawak region of North Western Borneo,

The fantastic story revolves around In-Yaah, a white woman and teresting shots of jungle reptiles and animals in action, plus intriguing native dances all containing a certain element of suspense, production and performances are hardly of highest grade.

The entire cast was selected at the locale of filming.

The fantastic story revolves around In-Yeah, a white woman and ruler of a tribe of Dyaaks. Through Gayne Whitman's narration, she tells her story to a couple of adventurers. Her mother was kidnapped by a drunken planter and his native boys and her father killed. Her mother finaly goes mad and flees to the jungle, where she enlists the aid of wild animals and reptiles to wreak vengeance on the planter, not content until her victims are all dead. This brings the mother and daughter to the Dyaak tribe, where In-Y0aah becomes the white queen. The subsequent romance of one of the adventurers and In-Yaah fails to be convincing.

The amount of business this one does will depend entirely on heavy exploitation. C. Sharpe Minor did the musical score and dialogue.

No code seal. Running time, 76 minutes. No code certificate. "G."

[From yesterday's late edition]

Sale of "Ziegfeld" Is Confirmed by "U"

HOLLYWOOD, Feb. 25.—Universal has formally confirmed reports of the sale of "The Great Ziegfeld" to M-G-M. It was explained that disagreements over policy on the production and the cost, which was estimated at $1,250,000, plus the fact that three postponements had been necessary, had caused the sale. The postponements were due to the fact that M-G-M could not arrange for release of William Powell, who will be loaned to Universal for another film.

M-G-M agrees to take over William Anthony McGuire's staff, to pay for Universal's expenditures to date and to take care of the company's exhibitor contracts.

Stop Free Car Rides At Alton, Illinois

ST. LOUIS, Feb. 26.—The grievance board has ordered a stop to free transportation furnished by the Grand and Princess theatres at Alton, Ill., under an arrangement with the Illinois Terminal Transportation Co.

The complaint was made by Joe Presberger, operator of the Upper Fulton, on the ground that this was reduced admissions.

Advertising by S. E. Pertle of Jerseyville, Ill., in the Jerseyville newspapers on coming attractions has been ordered stopped by the clearance and zoning board. The complaint was brought by Publix Great States, Altonville, on the ground that the Jerseyville papers circulate in Altonville. Pertle was told to advertise after the runs at Altonville.

Bank Nights Help, Says FWC Official

Fox West Coast is in favor of bank nights, but has been forced by code decisions to stop the practice in about 25 of 30 houses along the west coast. In all instances where bank nights have prevailed, the houses have made money, F.W.C. officials say.

In defending an overbuying complaint against the American and Ventura, Ventura, Cal., Charles Buckley, attorney for F.W.C., stated recently:

"The bank night is the most constructive thing that has hit the industry in years. It has made a lot of money for us in individual houses and after a check it has been found to be a money maker for the circuit. A lot of houses which were in the red changed colors on the books after we adopted this policy.

"I regret very much its discontinuance," Buckley said. "There is a test suit in the Federal courts and we hope the court upsets the ruling that bank night is a lottery."

Mrs. Jenne Dodge of the Mission, Ventura, charged that because she had filed a bank night complaint and won a decision against the American and Ventura, F.W.C. was trying to deprive her of getting product. Mrs. Dodge declared that with the exception of one or two companies she could not buy second run product from major companies. F.W.C. having tied it up with all companies except Fox and Paramount, which flatly refuse to sell her, she said, because of prior run percentage contracts. Buckley denied F.W.C. had conspired with the exchanges to stop selling the Mission. He also laughed off the charge of retaliation, claiming that the pictures were bought before the bank night case had been filed.

The appeal committee, comprising F. Thomas Murray, A. W. Smith, Jr., and Henry Sussman, has met to recommend a decision to Campi, which meets tomorrow to hand down a number of appeal determinations.

Stars' Absence Irks Convention Leaders

NEW ORLEANS, Feb. 26.—M. P. T. O. A. leaders here are disappointed over Paramount's and M-G-M's refusal to allow Bing Crosby and Wallace Beery to appear at their convention now in session here. Declaring they believe studios issued orders along the above lines, leaders say they know of no other reason for this move on the part of the studios.

HOLLYWOOD, Feb. 26.—W. C. Fields and Bing Crosby, who were scheduled for personal appearances at the M. P. T. O. A. convention in New Orleans in connection with the preview of their Paramount picture "Mississippi," were recalled at the last minute due to the inability of Crosby to arrange for his broadcasting plus immediate preparation on his next film, according to studio officials. M-G-M officials stated that Beery never planned to attend the meet and is busy now working on "China Seas."

Boston Vaudeville Cut

BOSTON, Feb. 26.—The Globe, managed by Ben Stein, has halved its recently adopted vaudeville policy using straight pictures the last of the week.

The Leading Daily Newspaper of the Motion Picture Industry

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Kuykendall Takes Stand On Industry's Problems

ITO Attacks Campi; Gives Code Approval

"Nothing Finer in 12 Years," Says Yamins

COLUMBUS, Feb. 26.—An attack on Code Authority mitigated by a defense of the code itself highlighted the first day's session of the second annual convention of the I.T.O. of Ohio, which opened here today with national officers of Allied States in attendance. The session was made an occasion by some of the latter for caustic comments on the M.P.T.O.A., concurrently in convention at New Orleans.

Nathan Yamins, introduced at the session as the "only independent exhibitor member of Code Authority,"

(*Continued on page 11*)

Reports Persist on Deals for "U" Sale

Reports persist as to possible deals for the purchase of a controlling interest in Universal Pictures Corp., but there is an emphatic denial issued yesterday in Hollywood by Carl Laemmle.

In his denial Laemmle said: "Twenty years ago on March 15 we

(*Continued on page 2*)

Comerford Condition Continues Unchanged

WASHINGTON, Feb. 26.—There has been no material change in the condition of M. E. Comerford, it was stated late today at the Emergency Hospital in a bulletin issued by Dr. Walter A. Bloedorn.

Comerford has shown some slight improvement since he was stricken Friday night.

Van Dyke Scores Hit

New Orleans, Feb. 26.—W. S. Van Dyke, ace M-G-M director, made a hit at the opening session of the M. P. T. O. A. convention today when he said Hollywood owed much to exhibitors.

"If it weren't for you," he said, "I would be back driving a truck. How you sell some of the tripe we give you, I don't know. I would have loved to have seen the faces of the men who had to sell 'Laughing Boy.'"

New Censoring Bill Attacked At a Hearing

ALBANY, Feb. 26.—A censorship bill imposing license fees and revised censorship was assailed today at a public hearing. A message to the committee on education written by the National Council on Freedom from Censorship, a unit of the American Civil Liberties Union, termed the bill "an outrageous piece of legislation." Speaking for this national organization of writers, editors, publishers and critics the council said: "We urge the committee to report the bill unfavorably. The bill would give us censorship in its most aggravated form."

The measure provides for annual license fees on exhibitors and distributors, for advertising matter and

(*Continued on page 2*)

Botsford Named as Herzbrun Assistant

HOLLYWOOD, Feb. 26.—A. M. Botsford, heretofore functioning as head of the Paramount story board, and later general utility executive assistant to Emanuel Cohen, has been given the official title of executive assistant to Henry Herzbrun.

Bogart Rogers, heretofore an associate of Botsford in handling all stories and writers, has been assigned as head of the writing department. This is the first move to establish a more definite operating organization within the studio.

Praises Hays

New Orleans, Feb. 26.—In his annual report Ed Kuykendall came to the defense of Will H. Hays.

"At the risk of hearing the old worn out cry of subsidy," he said, "I want to pay my respects to Will H. Hays. There are a few exhibitors and others in this industry who think any exhibitor who is on speaking terms with the Hays office is damned.

"It has been my pleasure to meet with Hays on many occasions about problems confronting the entire industry. I have yet to find a single occasion wherein he has assumed anything but a fair attitude. His word is law; you can depend on that.

"Of course, I may have been out of accord with him on a few occasions, but I find him ready to go along with us on things that pertain to the best interests of the industry."

Big Booking Merger Stirs British Move

LONDON, Feb. 26.—All distributors, including every British company except Gaumont British, have agreed through Kinematograph Renters' Society, under the chairmanship of John Maxwell of British International, to invoke the existing resolution against booking combines.

It was reported last week that a

(*Continued on page 2*)

For 20% Cancellations, Copyright Revision, Code Changes

By RED KANN

NEW ORLEANS, Feb. 26.—Warning his hearers that the convention would be no "petting party" and that criticism would be welcomed, Ed Kuykendall, in his annual report as president, dove vigorously into a discussion of industry problems.



Ed Kuykendall

"Let's try to find ways and means of getting them to the box-office," he admonished; "it cannot be done by merely cussing the other fellow."

Without mentioning Allied by name, Kuykendall made a bitter attack on those in the industry who "are continually encouraging those at Washington to attack us." He made a plea for

(*Continued on page 4*)

Revision Started On Copyright Bill

WASHINGTON, Feb. 26.—General revision of the State Department's copyright measure is being worked out in the light of the conferences held last week with representatives of the film and other interested industries.

The new draft of the bill will be submitted to those who participated in the conferences for comment before being sent to the Capitol. Officials who attended the meetings last week expressed themselves satisfied that definite progress had been made and that

(*Continued on page 2*)

Attacks on Code Feature Opening Session of MPTOA

NEW ORLEANS, Feb. 26.—Despite the fact that it is not clear exactly what the M. P. T. O. A. can do about it, attacks on the code at the opening session of the 15th annual convention this afternoon ranged from demands that exhibitors scrap it to insistence that changes more sympathetic to their requirements be made.

Not that this was unexpected, for it was not. Developments came faster, however, than they were looked for. This attitude of insurgency was led principally by Jack Miller of Chicago, who had struck out for open floor discussion of problems as against the original plan to sidetrack wrang-

(*Continued on page 4*)

Explanation

New Orleans, Feb. 26.—"What comes out of those Campi meetings in New York anyway?" inquired a convention delegate.

"The executives who go in," replied one who's been at them.

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Purely Personal

ISABEL DAWN'S and BOYCE DEGAW'S original story "Leave It To Us" has been acquired by Warners as a possible vehicle for JOAN BLONDELL.

•

LOUIS GELLER leaves for Miami shores next week. His annual vacation trek.

•

LOUIS PHILLIPS of Paramount is conferencing in St. Louis.

•

EDWARD H. PEPLE has sold his play, "The Littlest Rebel," to M-G-M.

•

MYRON SATTLER of Paramount has had a molar yanked. The rain yesterday didn't help any.

•

WILLARD MCKAY returned from a week-end Miami vacation. He has a tan to show for his trek.

•

WILLIAM M. L. FISKE, 3rd, and REGINALD BAKER of A.T.P., London, leave for the coast Thursday for a two-week visit.

•

JOHN S. TAPERNOUX will be host at a private screening of a new French film, "Itto," on board the *Ile de France* tomorrow night.

•

PHILIP WYLIE and KATHRYN SCOLA have been signed by Paramount to work on the screenplay of "Guns," an original by E. E. PARAMORE, JR.

GEORGE SKOURAS is planning to vacation in Miami shortly, but not before he bests LOUIS WEBER, circuit attorney, in a game of handball. So far no luck.

•

CHARLES KOERNER, RKO theatre head in Boston, is in town for two days for home office conferences.

•

LOUIS WEINBERG of Columbia has returned from a Miami vacation. Ditto BILLY FERGUSON of M-G-M.

•

KATHRYN BRODY, authoress, has joined Columbia as a feature writer. She succeeds LEO FREEDMAN, who has been transferred to ED OLMSTEAD'S department at the studio.

•

IRENE DUNNE and her husband, DR. FRANCIS GRIFFIN, are aboard the *Santa Rosa* on a cruise that will take them to New York via South America and the Panama Canal.

Quip of the Day

Candid Carrie says:

"I prefer the British-made pictures like 'David Copperfield' and 'The Little Minister'.

"You can always get in to see British pictures."

FRANK BUCK has been invited by the SULTAN OF JEHORE to aid in ridding the jungle of a man-eating tiger reported to be lurking within 30 miles of his present camp.

Big Booking Merger Stirs British Move

(*Continued from page* 1)

wave of circuit buying was imminent when it was revealed that G. B. had acquired a large holding in Union Cinema Co., Ltd., and that Arthur Jarratt, booking head for G. B., had joined the board to do the booking. It was also reported that 30 new houses were planned. The same company was also said to have bought an interest in Hyams' eight H. & G. houses with Jarratt also placed on the board of this circuit to do the booking. In addition, reports had it that this circuit and Gaumont and H. & G. will jointly build the 4,700-seat Kilburn at a cost of £350,000.

It now seems, however, that the recent Gaumont theatre acquisitions are booking arrangements with little or no financial investment as the company is understood to have no money for investments available, but rather very large floating debts which would prevent any policy of expansion where investment capital is necessary.

Gaumont British production is practically at a standstill at present and it appears that Jarratt has the burden of attempting to make extra profits on theatres to balance production outlay. Obviously this can only be done by reducing film hire and for that purpose an attempt seems to be under way to get tremendous booking strength, without investing money, to force down rentals.

Revision Started On Copyright Bill

(*Continued from page* 1)

the conflicting views on the legislation have been largely reconciled.

Rather tough sledding for the measure is seen in the House of Representatives where Congressman William I. Sirovich of New York, chairman of the Patents Committee, today said he would want to "know more about it" before his group approved the legislation. Representative Sirovich was not among those with whom department officials conferred prior to submitting their original bill to the Senate Foreign Relations Committee, apparently preferring to work in the upper House first because approval of the Senate is necessary for adherence of the United States to the International Convention.

Goldwyn Signs Niven

HOLLYWOOD, Feb. 26.—Before leaving here for New York yesterday, Samuel Goldwyn signed David Niven, English actor, to a seven-year contract.

Seymour Quits Warners

HOLLYWOOD, Feb. 26.—James Seymour, associate producer for Warners for the past two years, has resigned. Seymour only recently returned here from a honeymoon trip.

"Wings" $10,000 at Palace

"Wings in the Dark" tallied around $10,000 at the Palace last week.

New Censoring Bill Attacked at Hearing

(*Continued from page* 1)

for reviewing the films. It also provides for stricter censorship of pictures and for state supervision of advertising and publicity material for all films which would be classified for adults, families or children.

Industry leaders were well represented at the hearing.

The industry's delegation opposing the bill was headed by Charles L. O'Reilly, president of the T. O. C. C. of N. Y., who served as chairman for the group and after voicing the objections of his organization introduced other opponents of the measure. Among these were C. C. Pettijohn of the M. P. P. D. A. and former Senator J. Henry Walters, now associated with RKO.

They were preceded on the stand by spokesmen for newspaper publishers, headed by Marlin E. Pew, editor of *Editor and Publisher*, and by representatives of labor unions allied with the publishing industry, all of whom opposed the measure as being detrimental to their interests. No one rose to defend the bill when Senator Feld, chairman of the Senate committee on education, asked to hear from its proponents.

William T. Powers of the Skouras circuit was with the contingent from New York.

M-G-M Signs Oberon

HOLLYWOOD, Feb. 26.—Merle Oberon has been signed by M-G-M to appear with Ann Harding in "Flame Within."

Karl Freund has been signed by the company. He is a German director.

Three Majors Sell 1935-'36 List Now

NEW ORLEANS, Feb. 26.—Without fanfare, it is understood Warners, RKO and Fox are quietly selling 1935-1936 product. This looks like a new high in advance selling activity, since the new season will not get under way until late August.

Paramount has sold in a number of instances out of town, the deals hinging on contracts also made for the current season's output.

Where exhibitors find they need product, but not all of the company's releases, arrangements are made whereby films released earlier in the season are omitted, but include all of 1935-36 releases. The new contracts are signed without titles, stars or other identifications, but call for 65 pictures. This has already happened in a number of upstate situations.

Local Independents Releasing 100 Films

Approximately 100 features are released this season by independent exchanges in this territory, it was computed yesterday by the local grievance board during the hearing of Leon Rosenblatt's complaint against Skouras Theatres, charging "unfair methods in obtaining film."

Balcon Delays Trip

Michael Balcon has postponed his trip to the coast until the early part of next week. Arthur Lee, who will accompany him, has to clear up certain business matters pending until he can get away. The duo were to leave tomorrow.

Reports Persist on Deals for "U" Sale

(*Continued from page* 1)

opened the largest studios in the world at Universal City. We have been far too successful and have learned far too much by experience there to dispose of this property on our anniversary or any other time."

At the present time, it is learned, three propositions have been made, the first having been an offer extended by a group headed by John Hay Whitney. It is understood that this represented the largest cash offer thus far advanced, but that the deal has fallen through.

The second is one presently headed by Albert M. Greenfield of Philadelphia, with whom B. P. Schulberg is associated. The appearance of Greenfield in this negotiation tends to lend credence to reports that William Fox is interested in a possible Universal deal because on many occasions and for many years Fox and Greenfield have been on intimate terms and have participated jointly in many deals.

The identity of the third group said to be interested in the purchase is not revealed at this time, however.

And the president of Universal said that "Universal, like Old Man River, it just keeps rolling along."

HOLLYWOOD, Feb. 26.—Despite rumors continuing here that Warners is interested in buying Universal, H. M. Warner denied today that his company was interested in the deal.

R. Schroeder Buried

BALTIMORE, Feb. 26.—Funeral services were held here today for Raphael Schroeder, 51, secretary of the Associated Theatres here. He died at his home yesterday from a heart attack. company. He is a German director.

GET USED TO SEEING IT IN THE

HEADLINES!

You'll see it often from now on!



EXTRA! AS WE GO TO PRESS!

"After Office Hours" beats "Copperfield" in 16 out of 20 opening engagements!

Try this ad on the folks!

VARIETY

'OFFICE HOURS' BIG $28,000 IN WASH.

Washington, Feb. 19.

Phrase film fare really meant something last week to 2,000 patrons of downtown house who rolled out with the milkman to enjoy 'coffee, donuts, toast and Gable.' Government typewriter-pounders, charwomen, wuxtry boys, and school kids showed up at 6 a.m. in dreary rain to see the Capital's first before-breakfast show. Ironically, film was 'After Office Hours.' But even government hours aren't that long.

Before feature went on, 100 gallons of coffee, 1,600 sinkers, 5,000 slabs of toast, and 15 gallons of cream had disappeared.

Everybody doing oke this week, with three Loew spots pulling in the shekels hand over fist. Top grosser is 'After Office Hours' at the Fox despite the fact that Everett Marshall had to cancel his stage appearance at the last minute because of laryingitis. 'David Copperfield' at the Palace will bust all records on its second week.

Fox turned the town upside down with a preview of 'After Office Hours,' preceded by coffee, doughnuts and toast, at 7:30 a. m. the day before opening. Stunt, ballyed as 'before office hours,' drew 2,300 customers and sent 'em all out as walking ads on the pic.

Estimates for This Week

Fox (Loew) (3,434; 25-35-60)—'After Office Hours' (MG) and vaude. Everett Marshall replaced at last minute on stage by Lita Grey Chaplin, which hurt. Sock campaign on pic, though is sending gross toward a beautiful $28,000.

Palace (Loew) (2,363; 25-35-60)—'David Copperfield' (MG). Busting high for repeat week with a probable $18,000. Last week same pic won a big $23,000.

Convention Settles Down to Business

Criticize, Is Kuykendall's Keynote Talk

(Continued from page 1)

a new deal on copyright fees; discussed block booking; came out for at least a 20 per cent cancellation privilege; made a plea for "fair clearance and zoning"; took up the problem of family nights; hit at fan magazines and their attitude toward the industry, and analyzed code problems.

"Taxes, legislation, unfair and discriminatory regulation are perhaps the biggest menace we have as an industry," he declared. "Those of you who have not been watching the activities of the various city, state and national law making bodies cannot in your wildest imagination appreciate what we are up against. Nearly every state has one or more bills aimed at our industry; many cities are contemplating additional levies upon us, and there are a large number of bills detrimental to us either already in committee or being held in abeyance by their sponsors at Washington. We must unite against the common enemy."

Turning to the need of organization activity, Kuykendall said: "There is no other industry that I can recall that has so completely muffed opportunities to efficiently defend itself by coordinated, cooperative effort—all working for the common good. And the one thing that disturbs me most is the attitude of those who live among us, derive a livelihood out of the industry, depend on it to protect their investments, yet are continually working with and aiding outsiders who dislike us for professional reasons and attack us at every possible excuse.

Invite Attack, He Says

"We have organizations in this industry that do this. They are continually encouraging those at Washington to attack us; they continue to aid and abet those professional reformers who for years have used the popularity of the motion picture as the one method of attack to get notoriety. They are today working in Washington to bring attacks upon us by members of Congress. They depend on their future by keeping dissension, hatred, and misunderstanding prevalent among us that they may be able to continue their demands upon misinformed theatre owners for funds to pay lawyers who are notoriously known for misinformation and have no actual interest in theatres. These lawyers are at this moment aiding and abetting in the drawing of various and sundry bills in Washington to beget government interference with our business. They are advising with well meaning, but misguided club leaders, men and women, trying to use their influence against us; they are deliberately misrepresenting the actual theatre owners they can speak for. Their so-called organization is pitifully small in actual theatre owner membership; yet they say they represent a large number of independent theatre owners.

"How this word independent has been abused! A theatre owner is not and cannot be independent of the producer, nor can the producer be independent of the theatre owner; we need each other. On both sides there have been violators of every rule of fair business and reason."

Kuykendall sharply criticized non-theatrical competition. He said it was "partly the fault of theatre management, because the theatre as an average is not properly encouraging friendly relations between the various organizations, particularly the aggressive ones like the American Legion." He advised members to "use discretion" in attacking some forms of non-theatrical competition.

In turning to block booking, Kuykendall described it as a method of "wholesale selling" and expressed the opinion that selling of individual pictures "would be of no help whatsoever to the exhibitor who is now complaining because of inability to get product, because the distributor would continue to sell the preferred customer, just as he now does.

"All of us who are informed also know that the pictures are now being sold on selective contracts in spots determined by buying power of the exhibitor, in many instances in groups of 10, 15 or 20. This is not through choice of the distributor, but through the strength of the exhibitor."

In expressing his views on cancellations Kuykendall said: "There are many who disagree with me on this, I know, but I am giving you my frank opinion, based on close contact with thousands of exhibitors along the line; and I am convinced that the real answer is a reasonable cancellation privilege in contracts. About 20 per cent cancellation is the real answer. It would relieve many exhibitors and give them a chance to operate at a profit, where as it now stands they are bound to take a loss on many objectionable pictures; and I warn you to remember what is objectionable in one community, may be acceptable in another. The present 10 per cent cancellation clause such as we now have has proven a dud. It would have been helpful had the distributor played fair, but he used every subterfuge to evade it."

After reviewing the recent Ascap agitation and the efforts to ward off increased fees, Kuykendall asked: "What is there to prevent their demanding a percentage of your daily receipts? How far will the present copyright laws permit them to go in charging us for the use of their music? When the copyright laws were written by Congress we had a silent screen. It was not a complete monopoly; now it is.

"What we are interested in now is having the proper authorities give us the legal right to say how much per seat they can charge us, similar to the so-much-per-record the graphophone people have; also an amendment to the copyright laws which will protect innocent infringers against the arbitrary $250 per performance penalty. This

(Continued on page 6)

Attacks on Code Feature Opening Session of MPTOA

(Continued from page 1)

ling into committee rooms first and perhaps on the convention floor later. This made necessary a drastic change in convention routine for the first day, which was to have been confined to reports of various chairmen.

Miller, who is always a fire-eater, was in form.

"We have been resoluted to death at other conventions and we've had open discussions in the past when everybody was running for a train," he said. "I was interested in your speech," he said, turning to Kuykendall, "even though I can't agree with you on some points.

"What has the code done for us nationally? I thought when you wrote it we were going places, and now I've discovered if you go those places you'll do it so long you won't have time to run your theatres. We wrote the code with the most intelligent men in this business, if that means anything, and I don't know that it does. We were promised that if we took care of labor, we'd be allowed to run our own business. It hasn't happened.

"Let's call the code off. Let's not change it, but give it back to those Indians we worked with in Washington."

Others picked up the same topic, but before Miller had finished he took exception to Kuykendall's remarks made in his annual address to the effect that producers never set out to do anything but their best in production.

"I say they make pictures bad," he continued. "They might not turn them out like sausage, but they come through as a lot of bologney, anyway."

Ben Berinstein, Los Angeles, immediately came to Miller's support. He charged the code could not apply in blanket to all sections because each had its own problems. He viewed the code difficulty in the light of its local boards, which, he said, were not functioning in some instances, while in others "deals had been made." He came out for scrapping of the code in its entirety, with the exception of the labor clauses which, he asserted, had to be kept because they were part of a bargain made.

"Campi," he said, "has been dallying on clearance and on dual bills and the result of that is we now have 11 theatres in Los Angeles which are running triples. It won't take long before these spread to San Francisco and then the rest of the country."

Kuykendall at this point declared he had never said privately or publicly that he wanted the code.

"It was handed to us by the Government, which told us we had to have it. I say, therefore, let's abide by it or change it," he went on.

Morgan A. Walsh of San Fran-

(Continued on page 11)

Levy Says All Groups Should Work Together

New Orleans, Feb. 26.—Regional associations must work together to achieve national progress, declared Edward G. Levy, acting secretary, reporting in behalf of Fred S. Meyer, who resigned some time ago.



Edward G. Levy

"By all pulling in the same direction and by a reasonable willingness to work with others," he said, "genuine progress can be made toward curing the wrongs and abuses of the business, toward increasing attendance and toward erecting an impregnable defense against unjustified and malicious attacks on motion pictures by professional reformers and other outsiders who have no understanding of our problems.

"No organization can take the place of energetic and aggressive individual effort in the management of your theatre, in buying, booking and merchandising motion picture attractions. M.P.T.O.A. does not attempt to do those things for you. But M.P.T.O.A. has succeeded (where others have failed) in making substantial progress towards bringing about fair trade practices, fairer exhibition contracts, home rule for the determination of controversies by local boards and sensible self-control within the industry.

"We ask all of the honest, representative local associations to band together on national matters, with a representative of their own choosing as a qualified director of the M.P.T.O.A., particularly those with a willingness to work with others for the good of the exhibitor and of the motion picture industry. We believe that the reputable and responsible theatre owners, both large and small, throughout the country are entitled to such an association not dominated by self-seeking professional exhibitor organizers nor controlled by the chronically unsuccessful, irresponsible and unscrupulous exhibitors. There is much work to be done that can only be accomplished by the organized effort of really representative exhibitors."

Dinner for Kuykendall

New Orleans, Feb. 26.—Members of the council of the local Association of Commerce will give a luncheon Thursday for Ed Kuykendall, president of the M. P. T. O. A.; Julian Brylawski, vice-president of the organization; Fred Wehrenberg and Ed Levy, M. P. T. O. A. general counsel.

Leaves for Opening

Hollywood, Feb. 26.—Jeanette McDonald leaves here tonight for New Orleans to attend the opening of "Naughty Marietta" there March 2.

"Top-notch direction—no, make it masterful—lifts this one easily and gracefully into the front rank of cash register clangers . . . every situation carrying a big label 'sure fire,' 'can't miss,' . . . done with such adroitness, speed and distinction that it can be heartily recommended in all directions without reservation."

—*Hollywood Reporter*



Now—They're Adventuring in Mystery

The

GREAT HOTEL MURDER

EDMUND LOWE
VICTOR McLAGLEN
ROSEMARY AMES

MARY CARLISLE
HENRY O'NEILL
C. HENRY GORDON

Produced by John Stone

Directed by Eugene Forde. Screen play by Arthur Kober. Story by Vincent Starrett.

FOX

Kuykendall Frank on Industry Issues

(*Continued from page 4*)

should be a matter for the courts to decide and not arbitrarily set with no recourse in court.

"We are not particularly interested in dissolving Ascap as an organization, providing they can be controlled fairly. We are trying to with radio and the hotel owners' organization, not to cheat or take advantage, but merely to protect our future existence. There are many details concerning the copyright that you should know; get yourself acquainted with it."

Gives Clearance Views

Kuykendall outlined basic principles on clearance and zoning which, he said, the M.P.T.O.A. wants. They follow: "We believe in the following basic principles: proper and fair setting up of geographical zones, film rentals paid and admissions charged. We cannot possibly have clearance and zoning unless the admission price charged is considered. This has been one of the most controversial issues with which the Code Authority has had to treat. There is no such thing as a standard formula; each town and city is a problem unto itself. But if we are going to have any semblance of order in this business, we must all accept the theory of film rental paid and admission charged in working out clearance."

The M.P.T.O.A. still believes that premiums, giveaways, etc., are "harmful," Kuykendall declared. He also described duals as "destructive."

Family shows should not have a beautiful short with a sexy feature, and exhibitors should be careful in combining their features so that "condemnation" will not be brought down upon the industry by presenting the wrong attraction at a family show, he said.

He said he believed the code would continue to be "the law of the industry."

"It could be improved," he said, "and I think we should see to it that certain changes are made in it. Probably out of this convention will come a definite plan for the changes we should support as an organization."

Rosenblatt Leaves For MPTOA Session

WASHINGTON, Feb. 26.—Compliance Director Sol A. Rosenblatt tonight left for New Orleans, scheduled to arrive there Thursday morning in time to deliver an address before the M. P. T. O. A. convention.

Wilkinson to Visit L. A.

NEW ORLEANS, Feb. 26.—Lupton Wilkinson of the advertising advisory council of the Hays office, who is here, leaves for Los Angeles on Wednesday night following his address on "How to Sell the Finer Pictures" at a business session of the M. P. T. O. A. convention in the afternoon.

He will succeed Jack Lewis as director of public relations for the Hays office on the coast.

MPTOA Will Brave Chill

NEW ORLEANS, Feb. 26.—Despite a drastic drop in temperature, the M. P. T. O. A. will go through with a boat ride tomorrow night on the Mississippi.

Where the Sazeracs Flow

By RAMOS

NEW ORLEANS, Feb. 26.—The gang out of New York tumbled out of its special train early yesterday morning largely peeved because the accommodations weren't more de luxe.

* * *

The commissary department of the Southern Railway would have done a sizable business Saturday night and thereafter if a club car had been attached. There was (1) little or no ice, (2) no food, (3) no White Rock, (4) no ginger ale until Sunday. The rest of the prerequisites—in perfect order.

* * *

Yeoman's service was contributed by HAL YOUNG, egged on without much egging necessary by HERMAN ROBBINS and SAM DEMBOW, JR. From some undetermined point between Manhattan Transfer and Wilmington, telephone calls were made. The results included White Rock and, later, ham and cheese sandwiches, plus coffee. JULES LEVY thought the service was pediculous; he wanted cocoa.

* * *

FELIX F. FEIST, whose decision to make the trek was last minute, brought his cold with him to make certain he wouldn't be lonesome. Someone said the real reason for his going was to see that "Roberta," which plays the Orpheum here during convention week, didn't run away with "Naughty Marietta."

* * *

LEVY, sales manager to the bitter end, needed no persuasion at all to go into "Smoke Gets In Your Eyes," hit number from "Roberta." JOHN D. CLARK, CHARLIE MCCARTHY, GEORGE WEEKS, FRED JACKS, REG WILSON, HARRY THOMAS, ROBBINS and DEMBOW went atmospheric and cluttered their own drawing room with smoke, in billows, all for the sake of putting JULES in the proper singing frame of mind. It turned so contagious later and that portion of the goings-on degenerated so completely to a point where it ended in a quartet: LEVY, basso; ROBBINS, mezzo soprano; DEMBOW, tenor, and RED KANN, plain lousy.

* * *

CLARK, incidentally, made the train with a bruise on his forehead and a cherub on his cranium. His story: "I was traveling home from Asbury Park Friday night when my man hit a bump in the road; I hit the top of the car and the results are what you see." MCCARTHY, solemnly and officially, confirmed the details. Earlier reports that CLARK had left New York for the south late last week chalked up one error against MOTION PICTURE DAILY reporting.

Premium

New Orleans, Feb. 26.—Unconfirmed report has it National Screen Service will give every account running a trailer on a Warner picture a suit.

Herman Robbins won't comment whether it's to be with two pairs of pants.

Latest social organization formulated at a Southern wayside point between Charlotte and Concord, N. C., was "The Non-Shavers' Club." Its only obligation was not to shave between New York on Saturday night and New Orleans this morning. Charter members included CLARK, FEIST, NIZER, LEVY, ROBBINS and DEMBOW. JOHN said he couldn't be bothered, he was that jubilant over the $19,000 garnered by "One More Spring" at the Music Hall on Washington's Birthday. Reasons for others to join were identical: To give their maps a 35-hour rest from Gillettes and straight razors.

* * *

BILL BENTON, only representative from Upper New York State, left Saratoga with a fresh foot of snow under foot. Added to the three that carried over from earlier storms, the total of four presaged anything but healthy grosses at his Congress Theatre.

* * *

Scandal note, heard along the line: That, while MOE SILVER may have been transferred to Albany as Warner theatre district manager there, MRS. MOE would not go along; ditto on MRS. SCHLANGER whose TED will now headquarter in Philadelphia for the same circuit. Not so with MRS. IKE HOFFMAN, however. Fact he's back in New Haven is a cinch. They have always maintained their home there, anyway.

* * *

Trade press contingent aboard the New York special included ROY CHARTIER of *Variety* and JACK ALICOATE, CHARLES of the same family name and ARTHUR EDDY of the *Film Daily*.

Actual business:

EDDY to ALICOATE: "Any message for New York?"

ALICOATE to EDDY: "Just tell DON MERSEREAU to keep busy. That's the way I got my start."

* * *

CHARLES SEGALL, Philadelphia exhibitor, may go over to Miami from here. ROBBINS and DEMBOW, already committed to join their families there, are busy trying to get three more. That'll give them a special plane on a direct route.

Set "Diggers" Dates

Following the setting of the world premiere of "Gold Diggers of 1935" for the Saenger, New Orleans, coincident with the M. P. T. O. A. convention there, Warners are following it with two other special engagements in the south; one at the Community, Miami, March 1, and the other at the Florida, St. Petersburg, March 2.

Discuss NRA Probe Merger in Capital

WASHINGTON, Feb. 26.—Possibilities of merging the two proposed NRA investigations were under consideration today in the Senate.

Expense funds of $5,000 each have been approved for inquiries by both the Finance Committee and the King sub-committee. Administration leaders in the Senate are anxious to block the King group, if possible, because one of its members is Senator Borah of Idaho, enemy of the NRA and its counsel is Lowell Mason, who conducted the interrogations for the Darrow Review Board.

Suggestions have been made that but one inquiry be conducted. If the Finance Committee makes the investigation it will be less productive of fireworks and more favorable to the Recovery Administration. However, tentative suggestions that the investigation be left to the Finance Committee were opposed by Senator McCarran of Nevada, co-author of the Nye-McCarran resolution. Later developments indicated that Senators Nye and McCarran had formed a coalition with Senator King of Utah with a view to having the investigation conducted by a selected committee of which, probably, either Nye or Borah would be a member.

Wall Street

Small Losses on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	38⅞	38	38	.....
Consolidated	5¾	5¾	5¾	.....
Consolidated Film pfd (½v)	19⅛	18⅞	19	.....
Eastman (5) 122½		120½	121	—1½
Fox Film "A".. 10		9¾	9¾	— ¼
Loew's, Inc. (2).. 35½		34½	34½	— ⅝
Loew's, Inc., pfd (6½) 104⅛		104	104	— ¼
Paramount Publix	3¼	3⅛	3⅛	.....
Pathe Exchange.. 1		⅞	⅞	— ⅛
Pathe "A" 14		13⅝	13⅝	— ⅜
RKO	1⅝	1½	1½	— ⅛
Warner Bros. ...	3⅜	3	3	— ¼
Warner Bros. pfd	19⅛	18¼	18¼	—1¼

Technicolor Off ½ on Curb

	High	Low	Close	Net Change
Technicolor 16		15½	15½	— ½
Trans-Lux (.10k).	2⅞	2⅞	2⅞	— ⅛

Para. B'way. Bonds Down 2½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40..	7⅛	7⅛	7⅛	.....
General Theatre Equip. 6s '40 ctf	7¼	7¼	7¼	.....
Keith B. F. 6s '46	69	68⅛	68⅛	—1⅝
Loew's 6s '41 ww deb rights 105		104¾	104¾	— ¼
Paramount B'way 5½s '51	46½	46½	46½	—2½
Paramount F. L. 6s '47	69	69	69	.....
Paramount Publix 5½s '50	69	68¾	69	— ⅛
Pathe 7s '37 ww..103		103	103	+ ½
RKO 6s '41 pp..	30	30	30	.....
Warner Bros. 6s '39 wd.....	52	52	52	—1

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 26)

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1225

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This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

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NEWCOMB CARLTON, PRESIDENT — J. C. WILLEVER, FIRST VICE-PRESIDENT

SIGNS
DL = Day Letter
NM = Night Message
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NLT = Cable Night Letter
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10NY K 71DL

CHICAGO ILLS FEB 21 1935

GRAD SEARS

WARNER BROS PICTURES INC NY

WAS GREATLY DISAPPOINTED TO LEARN FROM YOUR LOCAL EXCHANGE THAT YOUR COMPANY PLANS TO SET BACK RELEASE DATE OF GOLD DIGGERS OF 1935 WHICH IS NOW SCHEDULED FOR MARCH SIXTEENTH STOP GOLD DIGGERS PRODUCTIONS EACH YEAR HAVE ALWAYS BEEN OUTSTANDING BOX OFFICE ATTRACTIONS WHICH INDUSTRY GREATLY NEEDS AT THIS TIME AND I URGE YOU TO USE YOUR INFLUENCE TO DO EVERY-THING POSSIBLE TO RELEASE GOLD DIGGERS MARCH SIXTEENTH AS PLANNED OR EARLIER PLEASE ADVISE

JOHN BALABAN

PATRONS ARE REQUESTED TO FAVOR THE COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

Postal Telegraph
(THE MACKAY SYSTEM)
ALL AMERICA CABLES
TELEGRAMS CABLEGRAMS RADIOGRAMS
COMMERCIAL CABLES

CLASS OF SERVICE DESIRED

DOMESTIC		CABLE	
TELEGRAM		FULL RATE	
DAY LETTER		DEFERRED	
NIGHT MESSAGE		NIGHT CABLE LETTER	
NIGHT LETTER		WEEK-END CABLE LETTER	

Patrons should check class of service desired, otherwise message will be transmitted as a full-rate communication

RECEIVER'S NUMBER

CHECK

TIME FILED

STANDARD TIME

Send the following Message, subject to the terms on back hereof, which are hereby agreed to

Form 1

322CH KFV 137DL

NEWYORK NY FEB 25 1935

JOHN BALABAN

BALABAN & KATZ CHICAGO

AGREE WITH YOU THAT INDUSTRY NEEDS GOLD DIGGERS OF 1935 AT PRESENT TIME BUT FOR PROTECTION OF THEATRES PLANNING TREMENDOUS ADVANCE CAMPAIGNS WE MUST HOLD TO PREVIOUS ANNOUNCEMENT OF INDEFINITE RELEASE DATE STOP WARNER BROS MUST AND WILL KEEP FAITH WITH THE HUNDREDS OF EXHIBITORS DEPENDING ON THIS PICTURE FOR THEIR CASH CLEANUP OF THE SEASON AND WE KNOW YOU WILL BE FIRST TO COMMEND SUCH A STAND STOP PLEASE ADVISE WHAT DATES YOU PREFER AND FURNISH OUTLINE OF CAMPAIGN PLANS AS THE SURVEY DETERMINING WHAT THEATRES CAN BEST SET UP GOLD DIGGERS NATIONALLY IN PRE-RELEASE RUNS WILL BE COMPLETED BY SMITH AND MYSELF IN A FEW DAYS AND FINAL ANNOUNCEMENT OF SELECTIONS WILL BE MADE THEN STOP THANKS FOR YOUR IMPATIENCE WE KNOW WHAT KIND OF AN ATTRACTION WEVE GOT WHEN A SHOWMAN LIKE JOHN BALABAN CANT WAIT

GRAD SEARS

ITO Attacks Campi; Gives Code Approval

(Continued from page 1)

led the criticism of that body, interspersed with praise of the code.

"The code is good in theory but not in practice," Yamins said. "Yet, despite the fact that it contains many things which are not justified and omits others which are, nothing finer than the code has come out of Washington in the past 12 years."

He denounced what he described as the presence of seven members of the Hays organization on Code Authority and an unnamed eighth who he charged was paid by Hays, and declared that, as a result, the independent exhibitor "hadn't a chance" against the affiliated one on any appeal to Code Authority. He scored the "injustice" of 10 per cent cancellation with distributors "switching product of a low allocation into the highest allocation."

Yamins, an Allied vice-president, said the organization was committed to changing the membership of Code Authority. Digressing, he said that he had received an indirect invitation to attend the M.P.T.O.A. New Orleans convention, but came here instead. He offered an apology to the meeting for having been a member of the board and of the executive committee of M.P.T.O.A. when it was organized here in 1927, and for again serving in 1928, when, he said, control of the rival organization passed from independents to affiliated theatres.

Samuelson a Speaker

Sidney Samuelson, Allied president, predicted that the rollcall at Allied's national convention at Atlanta in May would find exhibitor units in all 48 states organized and ready for an affiliation of an Allied character. He said that plans would be perfected within the next few weeks for the display of Allied insignia at boxoffices for the identification of independent operation, and that the move would have a practical value as the public was alert to the fact that independents "are the victims, not the cause, of the evils the public complains of."

Like Yamins, Samuelson digressed to toss a barb in the general direction of New Orleans.

"There are more exhibitors in number and ability at this convention than there are in New Orleans," he said. He quoted an article from MOTION PICTURE DAILY which stated that no one from this territory was attending the New Orleans meeting because this was recognized as Allied ground and remarked that the New York delegation to the south was composed of distributors and accessory representatives. He predicted that if the Ohio organization maintained its present aggressive policies state exhibitors would eventually be relieved of the admission tax in its entirety.

The meeting, at which 238 theatres were represented, voted to place Allied on the state organization's payroll for monthly compensation for past and future services. The annual banquet is being held tonight.

Attacks on Code Feature Opening Session of MPTOA

(Continued from page 4)

cisco charged the 10 per cent cancellation clause is a "producer trick pulled out of the bag" and asserted it had broken down to a point where 36 anti-block booking bills were under consideration in various state legislatures.

"This comes out of the 10 per cent cancellation clause," he said.

"Los Angeles convention banners called for clean pictures," he went on. "We met the producers on the matter and nothing came of it, yet one church later launched a Legion of Decency campaign and got results."

Setup Called "Phony"

The cancellation setup, he said, was "phony" because it was predicated on an exhibitor's right to eliminate when public protest had been launched in his town.

"An exhibitor would invite censorship in his own town," he said, "and distributors knew it."

Maintaining that just as the public took charge of the clean films situation, so it would again through the anti-block booking legislation unless something is done from within. He cited the growth of the M. P. Research Council throughout the nation as proof that this movement is a "revolt against Boss Tweed and Boise Penrose tactics."

"Therefore, I say," he continued, "that unless there is unconditional surrender by Campi in favor of real local autonomy we ought to throw out the code."

Western New York, as represented by Jules Michael of Buffalo, was another territory dissatisfied with the code regime. He declared his section has been working for seven years for reasonable cancellation privileges and reasonable clearances.

"We got behind the code and are paying our share with the idea that we would get relief, which we are not. I'm telling you now I propose introducing a resolution later asking President Roosevelt to permit us to return to our own business methods when the code runs out June 30," he concluded.

Michigan, as represented by the Butterfield circuit through Joe Denison of Monroe, continued in the same strain.

"We are much dissatisfied with the code," he began. "We want changes or we want it kicked out."

McLeod Next to Speak

Harry S. McLeod, president of Gulf States Theatre Owners' Ass'n with headquarters in New Orleans, followed. Expressing his dissatisfaction, he asserted the code had done nothing for him except to stop up his weekly payroll at the St. Charles Theatres.

Dubbing himself as "another of the suckers who sweated in Washington," Robert B. Wilby of Valatanga Theatres, one of the southeast's most powerful circuits, declared himself as not for an end of the code, because, he said, all should work for better operation. He said he was dubious as to whether a code of fair competition could be worked out for the industry.

His slant on dissatisfaction rampant in exhibitor ranks over the code traces back to the original conception of Code Authority, his point being that high executives now on Campi had never planned to attend more than the first couple of sessions, anyway.

Exhibitors, on appeal, he continued, now find themselves talking to an appeals committee, which in turn reports its findings to Campi, when the code, according to Wilby, provides it is Campi which is supposed to hear them.

"Distributors got out with the best trade they could make," he continued. "It's no secret that the 10 per cent cancellation clause came as a reward for exhibitors who had determined to walk out."

Distributors, he charged, had deliberately cluttered up the cancellation right by instructions to their exchange men and the purpose was to see that theatre men shouldn't get it.

Pizor Demands Code Policy

Efforts by A. Julian Brylawski, Washington, to bring other matters to the convention floor on the theory the impending talk by Compliance Director Sol A. Rosenblatt would tend to clarify the code atmosphere were challenged by Lewen Pizor, Philadelphia, who took the stand that the convention should formulate its code policy and give it to Rosenblatt, rather than listen to him on the code. Brylawski, who does considerable lobbying in Washington, told conventioneers seven anti-block booking bills had been introduced in Congress and more were expected. He said it was important to his work that the convention express its attitude on this type of legislation and at the same time be put on record in defense of current sales methods in blocks.

The day's festivities closed with the president's reception at the Tip Top Inn atop the Roosevelt and other social activities.

Late tonight Pizor, Miller, Emanuel, Wehrenberg and Kuykendall were in conference with Felix Feist in an effort to have him use his influence with Loew officials in New York to call off that circuit's contemplated theatre building program in Chicago as reported in yesterday's MOTION PICTURE DAILY.

Visitors Take Bows

New Orleans, Feb. 26.—Ed Kuykendall this afternoon at the opening session of the M. P. T. O. A., called on the following to take bows:

Jay Emanuel, Felix Feist, Louis Nizer, James Clarke, president of National Film Carriers, who, incidentally, postponed a scheduled meeting of his own today until tomorrow; Ben Schlyen, publisher and editor of *Box-Office;* Charles E. Lewis, editor of *Showman's Trade Review;* Arthur Eddy, *Film Daily,* who was jocularly described as "mostly inaccurate" in his reporting, and Red Kann, editor of *Motion Picture Daily,* who was "more or less favorably known, but mostly less."

Problems of Operation Up To Sessions

By GEORGE SCHUTZ
Editor of Better Theatres

NEW ORLEANS, Feb. 26.—The attention given the physical phases of theatre operation is probably the most distinguished features of the 1935 M. P. T. O. A. convention, principally because the theatre has been previously overwhelmed by those less tangible things called issues. The presence of the code among the current deliberations, the theatre, its appearance, its efficiency as a mechanism, has been at last remembered and is down on the schedule as important business.

The morning meeting on Wednesday is entirely given over to the theatre building and its mechanical facilities and no previous M. P. T. O. A. convention has gone so far in acknowledging the essential participation of the engineer in the business of selling motion picture entertainment.

This session will bring the S. M. P. E. into the deliberations of an owners' convention for the first time through a paper by Homer G. Tasker, the new president of the industry's chief technical organization. Unable to be present himself, Tasker has arranged to have Herbert Griffin, sales manager for the International Projector Corp. and S. M. P. E. committeeman, read his paper on "Theatre Operation as Fundamentally an Engineering Function."

Architecture Discussed

Modern trends in theatre architecture will be discussed by Robert O. Boller of Kansas City, prominent theatre architect. J. T. Knight, Jr., of Paramount Theatres Service Corp., will talk on mechanical facilities, while W. C. Brown of the General Electric Research Department at Nela Park will describe late developments in theatre lighting.

Something of an innovation in theatre facilities by which the talking picture may recoup the loss of patrons with impaired hearing will be discussed by Mrs. F. J. Block of Laurel, Miss., of the American Federation of Organizations for the Hard of Hearing.

In addition, this convention has arranged for an exhibition of equipment adjoining the auditorium where the business sessions are being held. More than a dozen companies have displays. Some of them represent quite recent developmental work. The RCA Photophone exhibit includes a demonstration of a new speaker arrangement which provides for a special horn and baffle unitl for all frequencies less than 100 cycles. Nothing, however, is disclosed concerning this company's development of double track recording and reproduction.

Other equipment exhibits are by LeRoy Sound Equipment Co. of Rochester, Webster Electric Co. of Racine, Wis., and Operadio Mfg. Co. of St. Charles, Ill., makers of amplifiers; Projection Optics Co. of New York, lenses; American Seating Co., Erpi, International Projector Corp., National Carbon Co., National Screen Service, and Railway Express Agency.



YOUR EYES..YOUR EARS..
AND YOUR APPLAUSE

ROBE

WORLD PREMIERE SHOWING
M. P. T. O. A. CONVENTION AT

RKO-RADIO'S PRESENTATION OF THE QUI

STARRING **IRENE DUNNE, FRED AST**

★ ★

"Will do sensational business," says Spyros
proud of," says Jerome Kern . . . . "It's in the
wires M. A. Lightman . . . . "It deserves the
R. E. Griffith, of the Griffith Circuit, to Bob

ORLEANS

ELEVEN





..YOUR HEART..
WILL BELONG TO

RITA



TO MEMBERS OF THE ORPHEUM THEATRE

N OF MUSICAL ROMANCES,

AIRE, GINGER ROGERS

★ ★

Skouras . . . . "Something to be bag — left them yelling for more," works — women will rave," wires O'Donnell, of the Interstate Circuit

JEROME KERN'S

miracle musical stage success . . . screened in a sunburst of song!

with

RANDOLPH SCOTT
HELEN WESTLEY
VICTOR VARCONI
CLAIRE DODD

From the play "Roberta." Book and lyrics by Otto Harbach. Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

RKO-RADIO PICTURE

"Honeymoon," Show $25,000 Boston Smash

BOSTON, Feb. 26.—Warm weather interrupted by occasional snow and rain, failed to interfere with grosses last week. They were good all along the line, with Keith's Memorial grabbing a big $25,000, over normal by $13,000, on "Murder on a Honeymoon" and a stage revue, "Casino de Paree."

"Biography of a Bachelor Girl" and "Mills of the Gods" ran $2,000 over par for a total of $12,000 at Loew's State. "Devil Dogs of the Air," helped by Polly Moran and a revue, was $6,000 up on a total of $28,000 at the Metropolitan.

Total first run business was $87,500. Average is $65,000.

Estimated takings for the week ending Feb. 22:

"THE WOMAN IN RED" (Warners)
"CHARLIE CHAN IN PARIS" (Fox)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

"MURDER ON A HONEYMOON" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. Stage: "Casino de Paree" Revue. **Gross:** $25,000. (Average, $12,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"MILLS OF THE GODS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $12,000. (Average, $10,000)

"DEVIL DOGS OF THE AIR" (Warners)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Polly Moran and big revue. **Gross:** $28,000. (Average, $22,000)

"THE WOMAN IN RED" (Warners)
"CHARLIE CHAN IN PARIS" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $6,500. (Average, $5,500)

"STRANGE WIVES" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Bowery Music Hall Follies. **Gross:** $11,000. (Average, $11,000)

"Bachelor" Pulls $10,000, Montreal

MONTREAL, Feb. 26.—Local first runs found themselves in an unsettled state last week. The Palace continued closed for overhauling and the Imperial was dark for the week, pending reopening with new policy and Loew's was inaugurating an exclusive film fare, vaudeville having been dropped.

The lead-off for the week was the Capitol with $10,000 for "Biography of a Bachelor Girl" and "Maybe It's Love," while, with a new scale of prices, Loew's made $8,500 with "Wings in the Dark" and "One Hour Late." The repeat of "Broadway Bill" brought $6,500 to the Princess. His Majesty's roadshowed "The Shepherd of the Seven Hills" for a take of $5,000.

Total first run business was $30,500 Average is $31,000.

Estimated takings for the week ending Feb. 23:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"MAYBE IT'S LOVE" (F. N.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

"SHEPHERD OF THE SEVEN HILLS" (Faith)
HIS MAJESTY'S—(1,700), 35c-50c-60c, 7 days. **Gross:** $5,000. (Average, $5,000)

"WINGS IN THE DARK" (Para.)
"ONE HOUR LATE" (Para.)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, (New prices), 7 days. **Gross:** $8,500. (Previous average, $10,500)

"BROADWAY BILL" (Col.)
"AMONG THE MISSING" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $6,500. First week: $8,500. (Average, $6,000)

"Copperfield" Seattle High For 2nd Week

SEATTLE, Feb. 26.—"David Copperfield" was such a strong draw during its second week that it was held for a third at the Fifth Avenue. The $8,600 take topped a normal first week by $1,600.

"Broadway Bill" stood the strain in a big way for its third week at the Liberty, going to $6,800, and it was held for a fourth stanza. All others were below par.

Total first run business was $39,450. Average is $37,000.

Estimated takings for the week ending Feb. 22:

"DEVIL DOGS OF THE AIR" (Warners)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,650. (Average, $4,000)

"DAVID COPPERFIELD" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,600. (Average, $7,000)

"BROADWAY BILL" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 3rd week, 7 days. **Gross:** $6,800. (Average, $4,000)

"CLIVE OF INDIA" (U. A.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (Second week of extended run from Music Hall.) **Gross:** $3,300. (Average, $4,000)

"THE GOOD FAIRY" (Univ.)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,900. (Average, $6,500)

"MYSTERY OF EDWIN DROOD" (Universal)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headlined by Pinkie Lee & Co. **Gross:** $5,300. (Average, $5,500)

"CHARLIE CHAN IN PARIS" (Fox)
"BABOONA" (Fox)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headlined by Huston Ray. **Gross:** $5,900. (Average, $6,000)

"Pressure," Show Top in Providence

PROVIDENCE, Feb. 26.—Best gross for the week was chalked up by Fay's which caught $9,000 with "Under Pressure" on the screen and a sepia revue, "Harlem Express," with the engaging radio star, Jimmie Lunceford. Both the RKO Albee and Majestic were well over their average quotas.

Loew's, despite the excellence of the bill, found "Sequoia" and "Society Doctor" good only for $9,300, under par by $3,000. The Strand went over by $500 with "Wings in the Dark" and "Evergreen."

Total first run business was $42,800. Average is $40,500.

Estimated takings for the week ending Feb. 21:

"SEQUOIA" (M-G-M)
"SOCIETY DOCTOR" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,300. (Average, $12,000)

"DEVIL DOGS OF THE AIR" (Warners)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,900. (Average, $7,000)

"UNDER PRESSURE" (Fox)
FAYS—(1,600), 15c-40c, 7 days. Stage: "Harlem Express" revue. **Gross:** $9,000. (Average, $7,000)

"WINGS IN THE DARK" (Para.)
"EVERGREEN" (Gaumont-British)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500)

"THE SCARLET PIMPERNEL" (U. A.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Keller Sisters and Lynch heading vaudeville. **Gross:** $8,500. (Average, $7,000)

"I'VE BEEN AROUND" (Univ.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

Mickey in a Jam

London, Feb. 26.—Mickey Mouse has gotten himself into a jam—a sweet, sticky one. One of the biggest manufacturers of preserves and other sweets in England is now getting out a Mickey Mouse marmalade.

And at the same time Mickey is in highbrow company at the Leicester Galleries where an exhibition of how Disney makes his cartoons is on.

"Gambling" Is Draw, $5,600, In Cleveland

CLEVELAND, Feb. 26.—"Gambling" did the best comparative business of the week by topping normal $1,500 for a total of $5,600 at the Circle. Grosses took a tumble all along the line.

"Sweet Music" was $1,500 up on a take of $7,500 at Warners' Hippodrome. "Under Pressure" and "The Gilded Lily" was slightly better than par.

Total first run business was $39,000. Average is $36,000.

Estimated takings for the week ending Feb. 22:

"UNDER PRESSURE" (Fox)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,400. (Average, $3,000)

"SWEET MUSIC" (Warner)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $7,500. (Average, $6,000)

"ONE MORE SPRING" (Fox)
RKO PALACE—(3,100), 30c-35c-42c, 8 days. **Gross:** $8,200. (Average, $10,000)

"THE GILDED LILY" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $10,500. (Average, $10,000)

"THE PRESIDENT VANISHES" (Para.)
LOEW'S STILLMAN — (1,900), 20c-30c-40c, 7 days. **Gross:** $3,800. (Average, $4,000)

"GAMBLING" (Fox)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage Show. **Gross:** $5,600. (Average, $3,000)

"Woman in Red" Is Oklahoma City Hit

OKLAHOMA CITY, Feb. 26.—"Woman in Red" was the big attraction of the week here. It ran $800 over par for a take of $2,800 at the Capitol.

"Red Hot Tires," helped by a stage show, grabbed $2,500 in four days at the Liberty. This is normal for a full week. The only other par attraction in town was "Clive of India" which reached a normal $4,000 at the Midwest.

Total first run business was $13,100. Average is $13,500.

Estimated takings for the week ending Feb. 23:

"LITTLE MINISTER" (Radio)
WARNER — (1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,000. (Average, $5,000)

"CLIVE OF INDIA" (U. A.)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000)

"WOMAN IN RED" (F. N.)
CAPITOL — (1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,800. (Average, $2,000)

"RED HOT TIRES" (Warners)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,500. (Average week, $2,500)

"SECRET OF THE CHATEAU" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,500)

"Chan," Show Pull $16,000 In Pittsburgh

PITTSBURGH, Feb. 26.—The price war continued to dip grosses here last week, with the best business going to the Alvin, where a radio revue with Molasses 'n' January and Mary Small, was responsible for a big $16,000, rather than the picture, "Charlie Chan in Paris." This was the biggest take the Alvin has had since the first of the year.

At the Penn, "The Gilded Lily" and Jimmy Durante in person proved a disappointing combination, gathering only around $15,000, while the second week of "Devil Dogs of the Air" was pretty weak at the Stanley, getting about $10,000. The aviation picture, however, had a new stage show headed by Phil Harris and Leah Ray.

Things were pretty brutal in the two straight picture houses, with the Warner doing only $3,900 with "Great Expectations" and "Red Hot Tires," and the Fulton running up a weak $3.200 with "Society Doctor."

Total grosses in five first runs were $48,100. Average is $56,000.

Estimated takings for the week ending Feb. 21:

CHARLIE CHAN IN PARIS" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Mary Small, Molasses 'n' January, Bobby Gilbert, Jumping Jack Miller, Jack Rubin, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $16,000. (Average, $10,000)

"SOCIETY DOCTOR" (M-G-M)
FULTON—(1,750), 15c-25c, 6 days. **Gross:** $3,200. (Average, $4,000)

"THE GILDED LILY" (Para.)
PENN—(3,300), 25c-40c, 6 days. Stage: Jimmy Durante, Buster West and Lucille Page, Arthur LeFleur, Grace Johnson, Rimacs Havana band. **Gross:** $15,000. (Average, $19,000)

"DEVIL DOGS OF THE AIR" (Warners)
STANLEY—(3,600), 25c-40c, 6 days, 2nd week. Stage (new show): Phil Harris, Leah Ray, Fred Sanborn, Lou Duthers and Jean and Joan, Four Barons. **Gross:** $10,000. (Average, $18,000)

"GREAT EXPECTATIONS" (Univ.)
"RED HOT TIRES" (Warners)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $3,900. (Average, $5,000)

"Spring," $7,500, Indianapolis Wow

INDIANAPOLIS, Feb. 26.—"One More Spring" went into the smash hit class at the Apollo on a take of $7,500 at the Apollo. This is three times the average for the house.

"Devil Dogs of the Air" was the only other strong draw in town. The take at the Lyric, with the help of a stage show headed by Eddie Peabody, hit $10,000, over the line by $3,000.

Total first run business was $29,500. Average is $25,000.

Estimated takings for the week ending Feb. 23:

"ONE MORE SPRING" (Fox
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $7,500. (Average, $2,500)

"BEST MAN WINS" (Col.)
"GILDED LILY" (Para.)
(Second Run)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)

"GOOD FAIRY" (Univ.)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,000)

"DEVIL DOGS OF THE AIR" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. Stage: Eddie Peabody. **Gross:** $10,000. (Average, $7,000)

"SEQUOIA" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,500)

●●● FIRST 3 DAYS' BUSINESS SMASHES ALL RECORDS AT N.Y. ROXY SINCE "THE INVISIBLE MAN"!

●●● FIRST 3 DAYS' BUSINESS EVEN BIGGER THAN "IMITATION OF LIFE"!

●●● UNIVERSAL'S

"NIGHT LIFE OF THE GODS"!

Production Drops; 38 Features Going

HOLLYWOOD, Feb. 26.—Production receded to normal last week with a total of 38 features and five shorts before the cameras as compared to the previous week's 43 features and six shorts. During the three past weeks the total has been above normal for this time of the year. Twenty-one features and 12 shorts are in the final stages of preparation with 40 features and 20 shorts in the cutting rooms.

Warners have taken the lead away from Paramount with seven features before the cameras, two preparing and 10 editing; Radio has six, three and two; Fox, five, five and two; Paramount, four, one and six; M-G-M, three, four and nine; Century, three, zero and zero; Columbia, three, two and four; Universal, two, zero and two. The independent group shows five, four and six.

In the short subject division Roach reports one before the cameras, one preparing and three editing. Radio has one, zero and two; M-G-M, zero, five and six; Universal, zero, one and one; Columbia, zero, three and three; while the independents have three, two and five.

M. P. Club Listens To Hauptmann Tales

Legal and newspaper angles on the Bruno Hauptmann trial were narrated yesterday at the M. P. Club Forum by Sam Liebowitz, criminal lawyer; Alexander Kaminsky, assistant district attorney, and Jack Lait, writer and editor of King Features.

George Givot acted as master of ceremonies and the session was broadcast over WMCA with A. L. Alexander announcing.

Chapel Lease Row Ended

NEW HAVEN, Feb. 26.—Harry Shaw, manager of the Chapel, has settled the controversy over the Colleve St. entrance to the house by signing a new 10-year lease with the owners of the property.

The College St. entrance was closed Feb. 9 following the opening of a Chapel St. promenade. For the present the Chapel St. side will again be used for exit.

Dentist Is Made Censor

BALTIMORE, Feb. 26.—Dr. Ben Paul Sandy, Republican dentist here, has been appointed to succeed Bernard Gough, Democrat, as chairman of the Maryland censor board by Gov. Harry Nice.

He will visit the censors' offices before he takes up his duties May 1.

Justin In Sick Bay

Sidney Justin of Paramount, Max Fellerman of RKO and Eugene Picker of Loew's were in the sick bay yesterday, all three being confined to their homes with colds.

Van Praag Returns

Morton Van Praag has returned from a three-week trip to the coast where he closed a deal with Fox West Coast and subsidiary units for National Screen's trailers.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Love in Bloom"

(Paramount)

HOLLYWOOD, Feb. 26.—Seemingly produced as average entertainment with the characters hardly believable and the situations outmoded, this seems slated for dual bills.

Dixie Lee, daughter of J. C. Nugent, a carnival owner, has left the show and gone to the city to earn an honest living. In a boarding house she meets Joe Morrison, a composer. Both are flat broke. After a struggle the pair land jobs in a music store at $10 per week for the two.

The carnival meanwhile goes bankrupt with Nugent in jail. So Burns and Allen set out for the city in a calliope to get Miss Lee back. Nugent also arrives as the girl is about to marry Morrison and the romance is broken by the drunken pater, who humiliates the daughter. Eventually everything is straightened out but not until the audience has been carried through much familiar territory.

Several musical sequences are effective, particularly one in the music store, where Morrison sings. Several comedy sequences by Burns and Allen score. Benny Baker plays a bit good for laughs. One particular number by Gordon and Revel is plugged throughout the picture. That also helps.

Miss Lee, giving real promise in personality and song, is retarded by the general situations. The supporting roles are carried well, with Lee Kohlmar, as the music store proprietor, and Jack Mulhall, as a beggar, outstanding.

Elliott Nugent directed. Benjamin Glazer produced.

Production Code Seal No. 584. Running time, 71 minutes. "G."

"In-Yeah"

(Ace Attractions, Inc.)

HOLLYWOOD, Feb. 26.—"In-Yeah" is an imaginative tale of the Borneo jungle, filmed in the Sarawak region of North Western Borneo,

The fantastic story revolves around In-Yaah, a white woman and teresting shots of jungle reptiles and animals in action, plus intriguing native dances all containing a certain element of suspense, production and performances are hardly of highest grade.

The entire cast was selected at the locale of filming.

The fantastic story revolves around In-Yeah, a white woman and ruler of a tribe of Dyaaks. Through Gayne Whitman's narration, she tells her story to a couple of adventurers. Her mother was kidnapped by a drunken planter and his native boys and her father killed. Her mother finaly goes mad and flees to the jungle, where she enlists the aid of wild animals and reptiles to wreak vengeance on the planter, not content until her victims are all dead. This brings the mother and daughter to the Dyaak tribe, where In-Y0aah becomes the white queen. The subsequent romance of one of the adventurers and In-Yaah fails to be convincing.

The amount of business this one does will depend entirely on heavy exploitation. C. Sharpe Minor did the musical score and dialogue.

No code seal. Running time, 76 minutes. No code certificate. "G."

Government Amends RCA Trust Action

WILMINGTON, Feb. 26.—A new amendment to the government's anti-trust action against RCA which asks the court to set aside certain international radio communication contracts that had been made by RCA, or its subsidiary, RCA Communications, Inc., was filed here today.

The amended petition asks for a decision either that the contracting parties involved are not fully bound by the contracts or that the contracts are invalid. The trial will probably be held in June.

Capitol Sets Five Films

"Biography of a Bachelor Girl" goes into the Capitol Friday, following "Sequoia." "After Office Hours," "West Point of the Air," "Vanessa" and "The Casino Murder Case" follow in the order named.

To Examine Extra List

W. Ray Johnston, Harold S. Bareford and J. Robert Rubin, the Campi production committee, will meet this morning to examine the registration list recommended by the standing committee on extras in Hollywood before Code Authority acts on it tomorrow. The list contains 1,004 names. S. R. Kent, also a member of the committee, is in Florida on a vacation.

Leo, the Lion, Passes

After 15 years of service for M-G-M, Leo, the Lion, is dead. He passed away Monday at the Philadelphia Zoo at the age of 20, succumbing to heart disease.

Leo has toured the U. S., Canada and Mexico for M-G-M. Arrangements for disposition of the animal have not yet been completed. The company is now on the hunt for a successor.

Bank Nights Help, Says FWC Official

Fox West Coast is in favor of bank nights, but has been forced by code decisions to stop the practice in about 25 of 30 houses along the west coast. In all instances where bank nights have prevailed, the houses have made money, F.W.C. officials say.

In defending an overbuying complaint against the American and Ventura, Ventura, Cal., Charles Buckley, attorney for F.W.C., stated recently:

"The bank night is the most constructive thing that has hit the industry in years. It has made a lot of money for us in individual houses and after a check it has been found to be a money maker for the circuit. A lot of houses which were in the red changed colors on the books after we adopted this policy.

"I regret very much its discontinuance," Buckley said. "There is a test suit in the Federal courts and we hope the court upsets the ruling that bank night is a lottery."

Mrs. Jenne Dodge of the Mission, Ventura, charged that because she had filed a bank night complaint and won a decision against the American and Ventura, F.W.C. was trying to deprive her of getting product. Mrs. Dodge declared that with the exception of one or two companies she could not buy second run product from major companies. F.W.C. having tied it up with all companies except Fox and Paramount, which flatly refuse to sell her, she said, because of prior run percentage contracts. Buckley denied F.W.C. had conspired with the exchanges to stop selling the Mission. He also laughed off the charge of retaliation, claiming that the pictures were bought before the bank night case had been filed.

The appeal committee, comprising F. Thomas Murray, A. W. Smith, Jr., and Henry Sussman, has met to recommend a decision to Campi, which meets tomorrow to hand down a number of appeal determinations.

Stars' Absence Irks Convention Leaders

NEW ORLEANS, Feb. 26.—M. P. T. O. A. leaders here are disappointed over Paramount's and M-G-M's refusal to allow Bing Crosby and Wallace Beery to appear at their convention now in session here. Declaring they believe studios issued orders along the above lines, leaders say they know of no other reason for this move on the part of the studios.

HOLLYWOOD, Feb. 26.—W. C. Fields and Bing Crosby, who were scheduled for personal appearances at the M. P. T. O. A. convention in New Orleans in connection with the preview of their Paramount picture "Mississippi," were recalled at the last minute due to the inability of Crosby to arrange for his broadcasting plus immediate preparation on his next film, according to studio officials. M-G-M officials stated that Beery never planned to attend the meet and is busy now working on "China Seas."

"Naughty" Premiere Off

NEW ORLEANS, Feb. 26.—World premiere of "Naughty Marietta" at the State has been cancelled by M-G-M.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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MPTOA Code Discussion Believed Strategic Move

Ohio Governor Assures Probe Into Industry

Promises Action on Any Complaints by ITO

COLUMBUS, Feb. 27.—Threats of a state investigation of the industry were made by Gov. Martin L. Davey last night at the banquet which marked the end of the first day's session of the Independent Theatre Owners of Ohio.

"If the present New York and Hollywood practices continues," he said, "and the I. T. O. brings them to my attention, I will personally appoint a Senatorial or a special legislative committee to make a thorough investigation of the situation in Ohio."

John W. Bricker, state attorney general, also one of the speakers, echoed the Governor's sentiments.

"Monopolistic practices are crushing the small business man," he declared, "and are destroying state and national liberty. This must cease. Small business contributes proportionately to the

(*Continued on page 3*)

Allied Code Policy Awaits Convention

WASHINGTON, Feb. 27.—In outlining the policy to be adopted at the Allied convention in Atlanta in May, the organization's board of directors asserts decision as to what course to follow regarding the code will be left wholly up to each regional unit. Its latest bulletin makes it emphatic that

(*Continued on page 3*)

St. Louis Cases to Come Up on March 4

ST. LOUIS, Feb. 27.—U. S. District Judge Charles B. Davis has set March 4 as the date for arraignment of major companies and their officers under indictment on charges of violating the

(*Continued on page 3*)

NIRA Defense Issue In Suit at Chicago

CHICAGO, Feb. 27.—Whether the code and the N.I.R.A. offer sources of remedy which outlaw equity action under the Sherman anti-trust laws and Clayton Act formed the basis of opening arguments as the first day's hearing in the suits filed by James Roden of the Astor and Jack Rubin of Public

(*Continued on page 12*)

It Happened Last Night for Columbia at Academy Show

HOLLYWOOD, Feb. 27.—Columbia stole the Academy show tonight by taking five different honors in the annual awards with "It Happened One Night."

Claudette Colbert was declared the best actress of the year and Clark Gable the best actor, both taking the spotlight for their work in the Columbia picture, which, incidentally, was also voted the best film of the year.



Clark Gable



Claudette Colbert

Frank Capra took the plum for best direction, with "It Happened One Night," the picture which brought him the award. Robert Riskin, who adapted the same film, took ace honors for the best adaptation.

Oliver H. P. Garrett and Joseph L. Mankiewicz walked off with the prize for the best original with "Manhattan Melodrama," an M-G-M release. John Waters, who assisted in the direction of "Viva Villa," won the title of the best assistant director. This also is an M-G-M picture.

Not satisfied with the five awards, Columbia came through with a

(*Continued on page 12*)

U. A. Circuit Will Get Fox Met—Goldwyn

KANSAS CITY, Feb. 27.—Although the impression has been that Joseph M. Schenck was negotiating for Fox Met as an individual, Samuel Goldwyn, during a train stopover here tonight on his way east, told MOTION PICTURE DAILY that United Artists Theatres Corp. is planning to take over the circuit and operate the theatres itself.

Both Goldwyn and Herbert Bayard Swope, the latter chairman of the board of K-A-O, who is accompanying the U.A. producer, scouted reports that a deal is being made by Schenck individually and that eventually Fox

(*Continued on page 3*)

Loew Chicago Plan Seen as Serious Move

NEW ORLEANS, Feb. 27.—Indicating that plans by Loew to invade Chicago with a number of its own theatres are more than threats by the circuit to get into line exhibitors who refuse to do business with M-G-M in the Windy City because of the company's percentage demands, M. P. T. O. A. leaders last night held a secret conclave with Felix Feist, general sales manager of M-G-M, in an attempt to stay the Chicago program.

Attending the surreptitious session, in addition to Feist, were Ed Kuykendall, Jack Miller, Fred Wehrenberg, Lewen Pizor and Jay Emanuel. The exhibitor leaders are understood

(*Continued on page 2*)

Thought Intended to Get More Cancellations, Playdate Deal

By RED KANN

NEW ORLEANS, Feb. 27.—M.-P.T.O.A. leaders know they cannot walk out on the code and are using speeches about scrapping the NRA document as a trading leverage to sweeten their own situation either through complete elimination of those code clauses found objectionable, or wholesale revision.

The strategy, such as it is, traces back to widespread disgruntlement with which the code and its operations are met on all sides here. Verbal excoriation of it developed Monday when Jack Miller, Robert B. Wilby, Morgan Walsh, Jules H. Michael and others said their pieces.

The mere fact that the M.P.T.O.A. may determine it wants to return to its own business methods without benefit of the NRA is seen as carrying no weight in Washington. Even if the association should vote for codeless operation, which is remote, the expected extension of the NRA for two additional years, as requested of Congress by the President, is regarded as stamping with complete improb-

(*Continued on page 4*)

Fireworks Expected To Feature Closing

NEW ORLEANS, Feb. 27.—The closing session of the convention tomorrow is expected to witness whatever fireworks the M.P.T.O.A. cohorts are prepared to set off.

Compliance Director Sol A. Rosenblatt is due here in the morning to deliver his address on the code. Tonight's indications are he will be told plenty from the convention floor. The resolutions committee, among others, will report, as well, with indications that a crossfire of open discussion will flare across the convention hall.

Huffman-RKO Bury Hatchet in Denver

DENVER, Feb. 27.—RKO and Harry Huffman have buried the hatchet and RKO will get possession of the Orpheum on March 15. Following

(*Continued on page 3*)

MOTION PICTURE DAILY
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Exodus of Warners' Theatre Help Starts

General exodus of home office employes of the Warner theatre department starts this week with the shifting of operations to the field. About 100 will be affected by the transfer.

Lester Kreiger, formerly buyer for New York state, Ohio and Wisconsin, has been moved to Chicago where he will work under James Coston, in charge of the Windy City group. Nat Fellman, assistant to Moe Silver, continues in that capacity at the Albany division.

Closing of the Mastbaum, Philadelphia, is definitely set for tonight, Warner home office executives stated yesterday. Reports earlier in the week had the cessation of operations down for March 2.

Harry Hoyt to Produce

HOLLYWOOD, Feb. 27.—Harry Hoyt has entered the independent production field and will make a series of eight features for the state right market. The new company will be known as Eagle Prod. with headquarters at the International studios. Arthur Beck is associated with Hoyt and will have charge of distribution.

Open New Spain Office

Phil Reisman, vice-president of RKO Export Corp., has opened a branch sales office in Seville, Spain. This makes the fourth office being operated by his company in that country. Robert Trillo is in charge.

Purely Personal

HOWARD S. CULLMAN, trustee for the Roxy, finds that his tobacco business is comparable with the theatre. During the last year, the Tobacco & Allied Stocks, Inc., of which he is vice-president and secretary, showed a 40 per cent increase in business.

•

SID WEISS is walking around town with his head up in the clouds these days. Last Wednesday he and LUCILLE ENGLE, who last appeared on Broadway in "Fine and Dandy," were married. Congratulate them at the Gorham Hotel.

•

RUDOLPH SANDERS, operator of the Sanders and Globe in Brooklyn, sailed yesterday for an extended vacation in Palestine. His son will be in charge of the two theatres while Sanders is away.

Quip of the Day

Lesser criticism:
"'The Captain Hates the Sea'. Columbia's jam of the ocean."

AL MERTZ, Radio short subject sales manager, now in Chicago on the last lap of a trip to several of the company's midwest exchanges, is due back within a few days.

•

ROYER, the Fox studio fashion expert, left the coast by plane last night and is due here today. He is coming to lecture at the Metropolitan Museum of Fine Arts.

•

JOHN HAY WHITNEY is back in town enthusing over "Becky Sharp," his new Technicolor production for Radio release.

•

"PINKY" TOMLIN, who appeared in "Times Square Lady" for M-G-M, arrives today from the coast.

•

HOWARD DIETZ is back from the coast, but that New Orleans convention is off.

•

ROBERT BENCHLEY has been signed by M-G-M. He will appear in "China Seas."

•

TED LEWIS and his band have been signed by M-G-M for "Rise and Shine."

•

MORT SPRING is enroute to Jamaica. He returns March 7.

NAT SPINGOLD was guest of honor at a welcome home luncheon yesterday at the Tavern. Among those who welcomed him back home from Florida were LOU JACKER, JOE MCCONVILLE, MAX COHN, JACK COHN, BILL JAFEE, LOUIS ZABRANO, JEAN COHEN, FRANK SPICKER, NAT COHN, IRVING WORMSER and ABE SCHNEIDER.

•

BASIL RATHBONE and FREDDIE BARTHOLOMEW leave for the coast Monday to appear in "Anna Karenina" with GRETA GARBO.

•

LEO JAFFE of Columbia is at home these days nursing a bad eye. An umbrella stabbed him in the subway the other morning.

•

FIFI DORSAY has completed work on her second two-reeler, "Better Than Gold," at the Brooklyn Vitaphone studios.

•

MAXWELL ANDERSON, having completed the adaptation of "So Red the Rose" for Paramount, is on his way east.

•

P. A. POWERS, president of Celebrity Pictures, has returned from a six-week stay at Palm Beach.

•

SAM RINZLER is back from his vacation down south. He has a swell tan to show for it.

•

LEON GORDON'S original story, "The Age of Indiscretion," has been acquired by M-G-M.

•

A. H. SCHWARTZ leaves for Key West and Miami on March 6. More vacation stuff.

•

CLAUDETTE COLBERT is en route here from Hollywood and scheduled to arrive Friday.

•

JACK BUCHANAN will arrive here from England for a short visit next week.

•

KITTY CARLISLE has added Chicago to her itinerary of personal appearance stops.

•

ABE LEFF and LOUIS MEYERS return from their southern vacation on March 8th.

•

WILLIAM SCULLY returns from Miami in about a week.

•

MYRNA LOY has called off her trip to New York.

35 Appeals Up Today

In addition to passing on the registration list of extras in Hollywood, Campi will act on 35 appeals today. The production committee yesterday discussed the extras' list, which contains 1,004 names.

The Los Angeles clearance and zoning board will meet within the next few days to set a date when the approved schedule goes into effect.

A. M. P. A. Meets Today

A regular luncheon meeting of the A. M. P. A. will be held today at the M. P. Club, beginning at 12:45 P. M. Committees in charge of the Naked Truth Dinner, to be held April 27, will make reports on their work to date.

Franklin on Coast

HOLLYWOOD, Feb. 27.—Harold B. Franklin arrived here yesterday from New York. He stated that he was here on a visit and denied that he has anything to do with any First Division deals.

"Marietta" Is Redated

NEW ORLEANS, Feb. 27.—"Naughty Marietta" will open at the State on March 8. The original date was March 2.

Change "Blind Road"

The new title of Select's "Blind Road" is now "The People's Enemy."

Loew Chicago Plan Seen as Serious Move

(*Continued from page 1*)

to have urged Feist to use his influence with Loew officials in New York to call off the contemplated theatre building program.

Feist is understood to have told the conferees that the matter was out of his hands and a decision to withdraw or proceed rests with the theatre department in New York.

Possibility that some kind of an agreement might be reached that would end the threat of Loew's building in Chicago disappeared this morning when a proposed meeting between Felix Feist for M-G-M and Jack Miller, Lewen Pizor and Jay Emanuel for exhibitors, was called off. It is understood that the next move will be in Chicago when Miller returns there shortly.

It was Louis Nizer who first approached Emanuel with a suggestion that the latter attempt to get Miller together with Feist.

Efforts to reach Joe Vogel yesterday were unavailing. He was in conferences the greater part of the morning with Loew officials from Cleveland. However, it was learned that Feist had not communicated with Vogel on the Chicago matter before noon.

Loew's plans to build from eight to 10 theatres in the Windy City are in answer to refusal by Essaness and Schoenadt circuits to accept M-G-M's percentage terms. These circuits buy through booking combines maintained by Aaron Saperstein.

Approximately 100 important Chicago theatres have turned down M-G-M because of the percentage and preferred playing time demands, it is stated, costing the distributor from $6,000 to $7,000 weekly.

Five representatives, including Louis K. Sidney, have been in the Windy City on the venture during the past few weeks. Harry Moskowitz, in charge of construction for the circuit, has been looking over the Chicago sites. He left for Atlanta last night on a swing of several cities in which Chicago is believed to be included. He shortly leaves for South America, where Loew's will continue its theatre expansion program.

New Saenger Units Formed in Delaware

DOVER, Del., Feb. 27.—Three theatre and amusement companies, Saenger Theatres Corp., Saenger Realty Corp. and J. E. Rose, Inc., have been incorporated here.

Saenger Theatres listed capital stock of 148,000 shares, no par value. Saenger Realty filed to conduct listed 2,000 shares, no par value. J. E. Rose, Inc., filed to operate theatres, playhouses, amusement parks and dancing pavilions, listing 500 shares, no par Chiago.

Aylesworth Due Today

M. H. Aylesworth, RKO president, is due in New York today. He left the coast by plane yesterday.

Ohio Governor Assures Probe Into Industry

(*Continued from page* 1)

liberty and happiness of all and we must and will protect the small operator for the good of all concerned."

Abram F. Myers, general counsel for Allied, complimented the unit for its cohesion. In discussing the NRA, Myers said:

"I consider President Roosevelt's recommendations as to the NRA to be conflicting in many particulars. It may interest you to know there is now a draft in Washington, although rough, making it mandatory for Campi to conform to Allied recommendations. Allied will be called upon for recommendations as well as experience. There is a big battle ahead of us."

All incumbent officers were re-elected for another year at the closing session today of the organization's second annual convention.

The officers are: Martin G. Smith, Toledo, president; Sam E. Lind, Zanesville, and Elmer Shard, Cincinnati, vice-presidents; Moe Horwitz, Cleveland, treasurer, and P. J. Wood, secretary. Directors who were reelected are Henry Greenberger and John Kalafat, Cleveland; J. Real Neth and Max Stern, Columbus; F. Wesley Huss, Jr., Cincinnati; John A. Schwalm, Hamilton; R. Earl Myers, Chillicothe; L. F. Erick, Martins Ferry; Nat Charnas, Toledo, and Henry Bieberson, Delaware. New directors elected are John Perkas, Elyria, and Harold Bernstein, Cincinnati.

Allied Code Policy Awaits Convention

(*Continued from page* 1)

Allied will make no effort to advise its various groups as to whether they should at this time openly renounce the code and refuse to continue payment of assessments.

The bulletin says the board of directors is "unanimous" in demanding a new code setup as suggested in a resolution adopted by it at the New Orleans meeting in December, which called for "an evenly balanced Code Authority and evenly balanced local boards and a new code to be formulated by the new Code Authority." Allied will also ask for support of the board of directors' plans "to sponsor an investigation of the negotiation, writing and administration of the code."

In line with its demand for "a code which squares with American ideals of fair play," the board, according to the bulletin, is intent on getting the whole Allied membership to support legislation to put an end to compulsory block booking.

A proposal to increase this year's budget will also be laid before the convention.

Product deals and tieups as well will be before the convention for consideration, the attitude of the board here being that national and regional organizations stand to profit by greater use of these means of exploitation.

Hollywood Personals

Hollywood, Feb. 27.—Sam Ruman, property man at Radio, made an assistant to Charles Vidor on "Strangers All." . . . Lloyd Nolan reports to Warners for work in "The Farrell Case." . . . Mary Astor recovering from appendicitis threat.

Olivia de Haviland dashes from "Midsummer Night's Dream" to "Alibi Ike" at Warners. Claire Dodd loaned to Paramount for "The Glass Key" . . . Fred Keating, Hazel Forbes, Evelyn Brent, Arthur Alesworth and Erik Rhodes cast in "Nitwits" with Wheeler and Woolsey.

Tom Cushing finishes "Rose of the Rancho" script for Paramount . . . Helen Gahagan reports at Radio for work in "She." . . . Production of "Secret Lives" delayed at Fox by illness of Herbert Mundin and Gilbert Roland.

Paul Sloane and Victor Mansfield sell "Rise and Shine" to M-G-M. . . An original by Robert Harris and Aben Kandel, "Murder on 42nd St.", goes to Universal.

Control Corp. Files Chrysler Corp. Suit

Charging Chrysler Corp. with failure to supply it with air conditioning equipment in accordance with an asserted agreement as its distribution agent, Control Corp. of America has begun an action for $125,000 damages against Chrysler, F. B. Warren, president of Control Corp., reports.

The action alleges that Control Corp. expended $62,000 in the promotion of Chrysler equipment and, after contacting "a great number" of theatres, was unable to obtain equipment or the necessary data for installations. Warren stated that, as a result, he had been compelled to withdraw his company from active participation in theatre air conditioning. The suit was filed, he said, after weeks of unsuccessful negotiations with Chrysler officials in an effort to obtain reimbursement for damages said to be in excess of $125,000. Arthur S. Friend, attorney, is representing Control Corp.

Legion to Classify Short Subjects Soon

KANSAS CITY, Feb. 27.—Short subjects are to be classified by the Legion of Decency in a manner similar to the ratings now given to features, revealed the Rev. George McDonald, S. J., of St. Louis at a meeting of the Leavenworth Diocesan Council of the Kansas State Sodality Union.

Father McDonald is an associate of Father D. J. Lord, St. Louis priest, who is nationally active in the "decency campaign."

Production of objectionable films has declined from 15 per cent to four and a half per cent, according to a report by Emmet Blaes of Wichita, Kan., state chairman of the Knights of Columbus committee cooperating with the clergy in the film movement.

Campi Men Dismiss Burr-Maynard Case

HOLLYWOOD, Feb. 27.—A special committee appointed by Campi to hear the case of C. C. Burr against Ken Maynard and the Small, Landau Agency charging violation of optional services Burr had with Maynard, was dismissed by the committee on the grounds that Burr did not furnish a contract and a bond before the last day that the option expired. Two days later Small sold Maynard to Darmour for a series of pictures he is now producing for Columbia.

The attorney for Burr will appeal the case to Rosenblatt.

Utah Gets Proposal For 10% Ticket Tax

SALT LAKE CITY, Feb. 27.—A proposal to increase the state amusement tax to 10 per cent from the present two per cent is contained in a bill calling for extending the scope of the sales tax, which was introduced in the House by Rep. Joseph W. Jensen.

In addition to the amusement tax increase, the sales tax of two per cent would be applied to additional items, with the revenue derived in excess of the $2,000,000 per year now allotted to emergency relief, being applied to a teachers' retirement and disability benefit fund.

Huffman-RKO Bury Hatchet in Denver

(*Continued from page* 1)

presentation of a redemption check to the sheriff for $427,311, Huffman refused to vacate and threatened to force RKO to court action.

Cliff Work division manager for RKO, left for San Francisco after the settlement with Huffman. Floyd Maxwell, former manager of the RKO Theatre at Portland, Ore., will manage the RKO, when RKO takes it over.

Exhibitors Believe McCall Bill Doomed

Local exhibitors, returning yesterday from Albany where they opposed the McCall Bill before the Committee on Public Education on Tuesday, believe that the bill will be killed in committee.

Industry members attending included C. C. Pettijohn of the Hays office, former Senator Henry J. Walters of RKO, William T. Powers of the Skouras circuit, Charles L. O'Reilly and Sam Sonin of the T. O. C. C., and Bernard Barr and M. Nelson of the I. T. O. A.

The bill provides for censorship on all advertising and a license fee from distributors and exhibitors.

To Detroit on "Time"

Fred McConnell, Charles Stillman, Daniel Longwell and Amos Hiatt leave for Detroit over the week-end to meet Harry H. Thomas and Ralph Rolan, the latter vice-president in charge of advertising and promotion for "The March of Time" for informal sales discussions on "The March of Time."

Thomas and Rolan are in New Orleans attending the M. P. T. O. A. convention and from there they will go to the automobile city.

U. A. Circuit Will Get Fox Met–Goldwyn

(*Continued from page* 1)

Met would come under the Loew banner.

"It would not be to the best interests either of the industry or Loew's to have it so," commented Swope on the reported Loew angle of the deal.

Goldwyn denied that Music Hall interests in New York were to take over the New York Rivoli and operate it. He said the deal involving the two houses merely calls for U.A. product and a split between the Rivoli and the Music Hall, with final details as to product allocation yet to be worked out between the two, presumably in the east.

Goldwyn said that he had not yet decided whether he would go to Europe on this trip.

Hal Horne Going to Coast for 6 Weeks

Hal Horne next week will temporarily shift his activities to the coast where he will remain for about six weeks. Accompanied by his wife and Herbert Jaediker and his wife, Horne leaves tomorrow for the west to make his headquarters at the U. A. studio in Hollywood.

While on the coast Horne will map out advertising campaigns on a number of the current season's products, including "Les Miserables."

St. Louis Cases to Come Up on March 4

(*Continued from page* 1)

Sherman anti-trust law and Clayton Act.

The defendants are: Three Warner units—Warner Bros. Pictures, Inc., Vitaphone Corp. and Warner Bros. Circuit Management Corp.; General Theatrical Enterprises, Inc.; Paramount Pictures Distributing Co., Paramount Pictures Distributing Corp., and Harry M. Warner, Herman Starr, Abel Cary Thomas, Gradwell Sears, George J. Schaefer and Ned E. Depinet.

It is expected a trial date will be set, although there may be some delay due to the recent advancement of U. S. District Judge C. B. Faris to the U. S. Circuit Court of Appeals bench. Unless another district judge is confirmed soon by the U. S. Senate, the calendar may be disturbed.

Academy at Fox Plant

HOLLYWOOD, Feb. 27.—The Academy of M. P. Arts and Sciences will sponsor a special meet at Fox Hills studios tomorrow night for the purpose of familiarizing all studio executives, business and unit managers, casting directors and assistant directors with detailed contents of the new actor-studio basic contract, which has five years to run starting March 1.

Topeka Best Closed

TOPEKA, Feb. 27.—The Best here is closed for repairs following a fire originating in the booth.

Code Discussion Seen Strategic Move

MPTOA Code Talk Is Seen As Strategy

(*Continued from page* 1)

ability the granting of exemptions merely to one branch of one industry.

What the M.P.T.O.A. leaders, led principally by Miller, are doing is to whip up the issue, back it by resolutions, and erect a foundation on which it will stand later in carrying out a plan to get increased cancellations and perhaps curtailment of distributor insistence on preferred playing time. Little doubt exists about the burn-up which prevails over the latter situation.

Exhibitors assert Saturday and Sunday are their bread and butter days and they see no reason why they should be compelled to play what distributors designate they must on percentage terms. The distributor attitude is, of course, the reverse, the stand being their better product should have an advantage of playing percentage on these days when it has the best chance of getting the biggest possible gross.

Robert Boller, Kansas City architect, aided by drawings, gave an interesting talk on trends in theatre architecture and cited the relative merits of various types of buildings as well as decorative and furnishing materials.

Another speaker was Mrs. F. J. Block, vice-president of the American Federation of Organizations for the Hard of Hearing, who spoke on "Special Facilities in Theatres for the Hard of Hearing."

Vincent Expresses Views

In the absence of Walter Vincent, national treasurer, Edward G. Levy, acting secretary, read a communication from him in which he complimented Kuykendall on his administration, again voiced his opposition to duals, sanctioned block booking and hit score charges. He also took a stand in favor of a 25 per cent cancellation privilige.

The morning session was followed by a luncheon tendered by the Young Men's Business Club with all conventioneers invited. The afternoon session got going with an address abetted by models and slides from W. C. Brown, chief illuminating engineer of General Electric, who made the trip especially from Nela Park, Cleveland, to address the delegates. He traced the growth of luminous fronts and said he did not view as remote the gradual adoption of luminous ticket booths for theatres. He warned exhibitors of pitfalls in air conditioning.

J. T. Knight, Jr., of the Paramount Theatre Service Corp. gave an interesting talk on how to fully utilize the mechanical facilities in existing theatres and finished with a plea for organization of a Motion Picture Institute of Engineering so that the industry would not be so completely dependent on outside technical skill to furnish its mechanical progress.

Charles E. McCarthy, S. Charles Einfeld and Robert Gillham, as representatives of the advertising departments of major companies, constituted the next group of speakers. McCarthy urged upon the delegates proper advertising protection for current stars and pointed out such protection was necessary since the industry combined had so few drawing cards. Einfeld scored exhibitors for failing to take advantage of advertising counsel available to them in New York and urged closer cooperation between theatremen and their local newspapers on the theory both were indispensable in the American economic and social scheme.

Gillham exhorted exhibitors to forward suggestions on advertising and tieups to New York and declared the men in the field could do a real job in providing guidance to advertising departments of all the major producers. Roy L. Smart, division manager of North Carolina Theatres, with headquarters in Charlotte, explained interestingly and at length how his company, though a seven-point program, had turned critics of films in his territory into friends and counselled exhibitors elsewhere to do likewise.

Covering a part of the same ground, M. A. Lightman, Memphis, explained how cooperative efforts with the Better Films group in his city had proven commercially profitable. He also declared that exhibitors must make up their minds to classify pictures so that the public will know what to expect, and added that while the industry could not go beyond that it must, at least, go that far.

Lupton A. Wilkinson of the Advertising Advisory Council of the Hays organization, stated that a cross section of national opinion proved that the public wanted clean pictures and different types of films. He asserted that exhibitors can sell them if they get behind the new product and inform patrons what it is about.

Tonight was "Ol' Man River Night" with practically the entire contingent parading down to the waterfront for a cruise on the Capitol. Red flannels and other temperature protectors were in order, but the conventioneers just had to see the river by moonlight, if any.

Following the Mississippi River junket many conventioneers repaired to the Orpheum for a midnight preview of "Roberta."

Where the Sazeracs Flow

By RAMOS

NEW ORLEANS, Feb. 27.—New York executives will be interested in learning that the Yost Amusement Co. is in the throes of expansion and several new members are about to be added to the board.

* * *

This and that seen and noted aboard the special out of New York: How SAM DEMBOW kidded LOUIS NIZER on the latter's code book; how GEORGE AARONS of the Pennsylvania M.P.T.O., who drove down from Philadelphia, broke down at Opelika, Ala., of all places, and chatted with the gang while the conductor awaited train orders; how the vocalizers sang "Carry Me Back to Ol' Virginny" as the special sped through Virginia, "Under the Carolina Moon" through North and South C. and "Stars Fell on Alabama" through that state.

* * *

This choo-choo assumed real proportions as it dug deeper into the south. Washington saw one car added; Charlotte, a second, and Atlanta, a third. The D.C. contingent included W. P. and MRS. HERBST of the Circle, SIDNEY B. LUST, A. JULIAN and MRS. BRYLAWSKI, and LOU ZION, who is associated with NATHAN STIEFEL at the Palace. LOUIS BERNHEIMER set forth earlier and took in Miami first. By car went BEN LUST, who is in the supply business in that city; FRANK STORTY, associated with BERNHEIMER, and C. B. and MRS. TWYMANN, who operate the Jefferson at Charlottesville, Va.

* * *

The Charlotte bunch included WALTER and MRS. GRIFFITH; the Atlanta crowd, BOB and MRS. WILBY, HARRY BALLANCE of FOX, JOHN EZELL of Universal.

* * *

The engineering service, Southern Railway style, left much to be desired. Occupants of the cab were torn by much indecision which reflected itself in agonizing starts and spurts.

Every time Messrs. DEMBOW, ROBBINS, CLARK, NIZER and others began to hum "Smoke Gets In Your Eyes," JULES ("ROBERTA") LEVY would pick up where they left off. "It's alright," said DEMBOW, "that's about all the plug the picture will get."

Follow Up

New Orleans, Feb. 27.—"National Screen's plan to give away a suit with every account running a Warner trailer will come in handy because Metro's selling plans for next season will leave exhibitors in short pants," remarked a convention wit today.

Observation while traveling through Georgia by LOUIS NIZER:

"Looks as if the Chic Sale circuit is the biggest in these parts."

* * *

Collaboration on a wire to OSCAR MORGAN and DAVE PRINCE at Atlanta failed to result in the delivery of bottled goods. They had already left for the convention by auto.

* * *

DAVE PALFREYMAN is now in the dead center of a rest period. Theatre contact for the Hays organization, he had a helluva time last week whipping final arrangements into shape. An unlucky break kept ED KUYKENDALL off the scene of action, what with the flu to combat. This added to PALFREYMAN's burdens, but makes his current sigh of relief all the more welcome.

* * *

SOL GORDON of the Jefferson Amusement Co., big East Texas chain, has his son here. JULIUS finished his college training a few months ago and is now actively in his father's business.

* * *

Forty-two make up the Northern California contingent. This is ahead of expectations by about 30.

* * *

The local Film Row turned out en masse to greet the arrivals. Little will be done by way of routine exchange business this week.

* * *

LOU NIZER was worried about accommodations. That is, until FELIX FEIST moved him into his suite.

* * *

HELEN O'TOOLE, recording secretary of the M.P.T.O.A., expects the usual rush, plus headaches, plus demands for advance copies of reports by trade paper men.

Increases in Cancellation Behind Talks

Smaller Lobbies Are Urged by Architect

NEW ORLEANS, Feb. 27.—Reduction in area devoted to lobbies, more space for foyers and increasing stage openings by 25 per cent to allow a setback of screens for the purpose of avoiding distortion are modern architectural trends in theatres, as Robert Boller, noted Kansas City theatre architect, sees them.

In his address to the M. P. T. O. A. convention today he gave it as his opinion that smaller lobbies to allow larger foyers were wise, even at the sacrifice of space usually devoted to shops.

Reduction of balcony tilt was another piece of advice he offered in the belief that steepness current generally today has been responsible for many accidents through stumbling.

Lowered ceilings resulting in lowered projection booths he cited as important aids to projection. His address then took up the relative merits of stone, terra cotta and stucco for theatre exteriors, citing that each had its value.

It's Col. Kuykendall

NEW ORLEANS, Feb. 27.—Ed Kuykendall is not only M.P.T.O.A. president now but a Kentucky Colonel as well. Jack Alicoate brought the appointment and parchment from New York for presentation.

Van Dyke-Mannix Wed

NEW ORLEANS, Feb. 27.—W. S. Van Dyke yesterday was married to Ruth E. Mannix, actress and niece of Eddie Mannix, M-G-M executive.

It tops

GEORGE WHITE'S 1935 SCANDALS



"MIRTH-MUSICAL"—That's the only word for this *different* show!

SURPRISE TOPS SURPRISE



JAMES DUNN—Irrepressible spirit of romance!



BENNY RUBIN—The prince of laughter!



ALICE FAYE—Again she torch-sings to your heart!



ED SPARKS—Poker-face and all!

GEORGE WHITE'S



ELEANOR POWELL—World's greatest feminine tap-dancer!



LYDA ROBERTI—Broadway's pet!

★ 10 SCINTILLATING STARS ★ 30 BEAUTY CONTEST WINNERS

★ 7 BLAZING SPECTACLES ★ 6 TUNEFUL SONG HITS ★ 187 LAUGHS

...as the genius who made Broadway famous surpasses his most dazzling show!



GEORGE WHITE—Himself!



ARLINE JUDGE—Spectacular and beautiful!

1935 SCANDALS

with

ALICE FAYE
JAMES DUNN
NED SPARKS
LYDA ROBERTI
CLIFF EDWARDS
ARLINE JUDGE
ELEANOR POWELL
BENNY RUBIN
EMMA DUNN
GEORGE WHITE



CLIFF EDWARDS—The inimitable "Ukelele Ike"!



EMMA DUNN—With the mirth that made her famous!

Entire production conceived, produced and directed by George White

Screen play by Jack Yellen, [illegible] Patterson, McNutt • Based on [illegible] and Gladys [illegible]

★ 200 GORGEOUS SCAN-DOLLS ★ 1000 COLORFUL COSTUMES

★ 1440 REASONS WHY IT'S THE BEST SHOW YOU'VE EVER SEEN!

Already

ITS TUNES ARE RINGING ROUND THE WORLD

Even before the picture opens . . . the catchy and swing, melody and rhythm have made the song-and-dance hits of "George White's 1935 Scandals" the most sought-after by radio's greatest orchestra leaders. Already Rudy Vallee, Fred Waring, Paul Whiteman, Ted Fiorito, Abe Lyman and many others have featured them in their broadcasts, set the nation swaying and humming to these tunes. A billion-dollar song-plug that's plugging the picture for you!

LISTEN IN TO:

"According to the Moonlight"

"It's an Old Southern Custom"

"Hunkadola"

"Oh, I Didn't Know You'd Get That Way"

"I Was Born Too Late"

"I Got Shoes—You Got Shoesies"

Songs by: Jack Yellen, Cliff Friend
Joseph Meyer, Herb Magidson



It's 365 TIMES BETTER than the sensational "GEORGE WHITE'S SCANDALS" of a year ago!

Program to End Criticism Offered

Smart Tells How to Make New Friends

NEW ORLEANS, Feb. 27.—Exhibitors must consider their obligation to further better films and can turn critics into friends if they get on the job, Roy L. Smart, division manager of North Carolina Theatres, Inc., stated before the M.P.T.O.A. convention this afternoon. He was one of the speakers in a day devoted to merchandising and discussion of methods of improving grosses.

Criticism in his circuit's towns is at a low ebb today, he said, as a result of the launching and successful culmination of a seven-point program, the highlights of which follow:

1. Sale of films on a basis of audience suitability and breakdown into types suitable for adults, families and children. Parrents' and teachers' associations were lined up for this.
2. Advertising pressure or increase of budgets on types of pictures like "Little Women" and extra space directed at special audiences with types like "Berkeley Square."
3. Elimination of nude cutouts and horizontal clinches in advertising.

Questionable Scenes Out

4. Self-imposed circuit editing of product to eliminate sequences held objectionable, but with no publicizing to the public.
5. Booking shorts to go with family type of pictures and editing trailers shown on such programs.
6. Cultivation of more friendly public opinion. The circuit managers conferred with local editors and garnered editorial support for worthwhile pictures. A publicity campaign based on material supplied by distributors on types of pictures and checkup with critics with advice sought through the mail on what improvements may have been overlooked.
7. Criticism gathered by theatre managers followed by remedial action where criticism made improvements feasible.

M. A. Lightman followed Smart and touched on more or less the same ground.

"Exhibitors hurl bombs at Hollywood, but how many worry about our own problems?" he asked. "I tell you the fellow least responsible for advancement in this industry is the exhibitor."

He told how he had turned over his Linden and Circle in Memphis to a Better Films group for Friday night family shows with a subsequent rise in the night's average gross from $60 to $148. Lightman took the stand for classification of product, pointing out that exhibitors must advise parents about types although a decision as to whether or not they should allow children to attend was for the head of the family to determine.

"Mass confusion at theatres is the result of much of our trouble," he remarked. He opposed any effort to narrow producers and argued that films should have the same right to reproduce life on the screen as newspapers.

Lupton A. Wilkinson of the Advertising Advisory Council of the Hays office was the last speaker. His interviews with 128 publishers and several hundred prominent figures throughout the country had convinced him that wholesome films and pictures removed from the routine were in demand from the public, he said.

Quoting a recent statement in MOTION PICTURE DAILY by Winfield Sheehan, production head of Fox, that a cycle of wholesome and human stories was next in line, Wilkinson asserted his travels had proved the point.

"Exhibitors first must believe in pictures they are getting, then go out and do something about it. 'With Byrd at the South Pole' recently played its eleventh return engagement in Memphis where there are no more highbrows than in any other city or country. Lightman, however, found the people to whom that type appealed and so cashed in."

Knight Favors Formation Of a Technical Institute

NEW ORLEANS, Feb. 27.—Declaring that the history of the industry demonstrates that all technical improvements have come from outside engineering sources, J. T. Knight, Jr., of Paramount Theatres Service Corp., New York, offered for M. P. T. O. A. consideration the idea of fostering a Motion Picture Institute of Engineering, in his convention address here today.

"It would be a progressive step," Knight said.

This speaker's address was one of several at the second day's session which was devoid of fireworks, as conventions of other years have known them, but was part of a full day devoted to constructive talks on various angles and methods of improving theatre grosses with the available factors at hand. Knight spoke at length, and engrossingly, on theatre air conditioning, declaring that the subject was full of pitfalls because of the mechanical intricacies involved. He said that in this instance, as in other phases of equipment purchases, there were few circuit heads in the country sufficiently experienced to make a proper decision.

The air conditioning industry, he continued, was lined up for a "killing" and, as a result, the field is full of inexperienced groups endeavoring to palm off equipment on theatre men. Knight said the problem chiefly was an engineering one and added that instances of over-engineering, rather than under-engineering, were rife throughout the exhibition industry. His advice to the conventioneers was to proceed slowly and deal only with reputable concerns.

He predicted a possible setback for theatres through incompetent air conditioning in the restaurant and department store field. He said the public would be made wary through contracting colds in those establishments. Knight warned exhibitors against four types of conditioning equipment, namely, air washing, the unit system, high velocity systems which shoot air through like a gun, and inadequate re-circulation systems. He predicted a more general use of automatic heating controls, which would reduce engineering manpower, and pointed out that the use of filtered air results in less theatre dirt and so reduces costs for cleaners.

Duals Cut Quality, Vincent Tells Meet

NEW ORLEANS, Feb. 27.—Widespread use of duals has resulted in several majors, which he did not name, making many pictures which they know will not hold up on single bills, but are salable on double programs, declared Walter Vincent, M.P.T.O.A. treasurer, in a letter to Ed Kuykendall which was read today by Edward G. Levy in Vincent's absence.

Vincent is on a Caribbean cruise for his health.

Duals, he wrote, lower the quality and up the quantity and therefore are deleterious to the best interest of the industry. Vincent also went on record for 25 per cent cancellation privileges, asserting in this connection that star values and film types varied in different sections of the nation. He expressed himself in favor of continued selling in blocks on the theory that neither the exhibitor nor the producer can exist without it.

Producers are making too many pictures, he continued, and this is why they do not make all good films. He chided the M.P.T.O.A. on its score charge inaction.

Asks Closer SMPE, Exhibitor Contacts

NEW ORLEANS, Feb. 27.—A closer alliance between exhibitors and the Society of M. P. Engineers for the improvement of technical service in the theatre and the easier solution of its engineering problems was urged by Homer G. Tasker, S. M. P. E. president, in a paper read by Herbert Griffin of International Projector Corp. at today's session of the M. P. T. O. A. convention.

Describing the theatre as a factory, run by engineering equipment and turning out a product of engineering, Tasker stressed the relation to the box-office of properly functioning sound, projection, lighting and ventilating equipment. He urged more frequent meetings of exhibitors with engineers for the exchange of theatre engineering ideas.

Ad Men Urge Theatres to Use Service

NEW ORLEANS, Feb. 27.—Advertising managers of two major companies today urged M. P. T. O. A. men to take more interest in theatre advertising while a third said exhibitors are in a position to help by sending recommendations to New York for future guidance.

Charles E. McCarthy of Fox and S. Charles Einfeld of Warner-First National viewed advertising as an individual theatre problem, but urged exhibitors to protect the too few real stars of the industry by according them proper advertising.

Einfeld made an interesting point in declaring that advertising men at large figured in every deal made no matter in what industry, stating it was part of an unwritten understanding that they had to contribute their efforts to make such a deal successful. He deplored exhibitors' attitude that product deals merely called for distributors to ship cans of film and accessories such as stills and paper, adding that theatremen fail to realize or take advantage of service awaiting them from distributors along advertising lines.

Few to New York for Aid

"Exhibitors who had come to New York for counsel or aid were rare," Einfeld declared, citing as exceptions Ed Fay of Providence and Walter Immerman, in charge of the B. & K. Loop theatres in Chicago. "These men didn't always take advice offered, but at least were alive enough to seek other ideas," he said.

"Call for such help. We'll be glad to furnish it," he added.

Einfeld also urged exhibitors to cultivate managing editors of local newspapers, arguing that the theatre and newspaper were integral industries and could do much for each other.

Robert H. Gillham of Paramount went into reverse, declaring that the assembled exhibitors could do considerable to counsel advertising men by criticizing pressbooks and tieups effected for them.

NSS Films Delegates

NEW ORLEANS, Feb. 27.—National Screen Service is filming all comers at a studio set up off the M.P.T.O.A. convention hall here. Exhibitors and others are saying anything they like into the "mike," but many are giving addresses on subject matter which they can use on their own screens upon returning to their home towns.

RCA Reports Big Gain

Radio Corp. of America reports a net profit of $4,249,263 for 1934 after full dividend requirements on the Class A preferred. This equals $3.27 a share on the Class B preferred, and compares with a net loss of $562,094 in 1933.

"Good Fairy," "Mystery Man" Top in Frisco

San Francisco, Feb. 27.—The Orpheum led the first advance in box-office takings in months here by going to $10,500 with "The Good Fairy" and "Mystery Man" on the screen. This take is over average by $1,500.

"Devil Dogs of the Air" was the only other first run to top par. It grabbed $8,500 at the St. Francis.

Total first run business was $78,500. Average is $82,000.

Estimated takings:

Week Ending Feb. 19:

"CAPTAIN HURRICANE" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: band. **Gross:** $12,500. (Average, $13,000)

Week Ending Feb. 20:

"WINNING TICKET" (M-G-M)
"SCHOOL FOR GIRLS" (Liberty)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $7,500. (Average, $10,000)

Week Ending Feb. 21:

"GOOD FAIRY" (Univ.)
"MYSTERY MAN" (Monogram)
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days. **Gross:** $10,500. (Average, $9,000)
"DEVIL DOGS OF THE AIR" (Warners)
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,000)
"CLIVE OF INDIA" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 2nd week. **Gross:** $7,500. (Average, $8,000)

Week Ending Feb. 22:

"WINGS IN THE DARK" (Para.)
"THE BAND PLAYS ON" (M-G-M)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $10,500. (Average, $11,000)
"ONE MORE SPRING" (Fox)
WARFIELD — (2,700), 25c-35c-55c-65c, 7 days. Stage: band. **Gross:** $21,500. (Average, $23,000)

U. S. Films Lead in Argentine Theatres

Washington, Feb. 27.—The dominant position held in Argentina by American films is revealed in a report to the U. S. Department of Commerce from its Buenos Aires office. Of the 477 films released in that country during 1934, 353 were of American origin. Of the American, 341 were produced by the major companies.

In point of number, German films ranked second with 32 features; France, third, 26; Spanish, 22; British, 14; and Italian, four.

Argentina ranks after the United Kingdom as the most important foreign outlet for American films, having taken approximately 15,000,000 feet in 1934. For the most part, American pictures are shown in Argentina with Spanish title superimposed.

Argentina has developed local production, with six companies in operation. During 1934, these companies produced six features and it is reported that eight are now in production.

Of the approximately 1,500 theatres in Argentina, 600 are wired. The better class houses in Buenos Aires, it is pointed out, are comparable in luxury and convenience to the best in the United States.

In the face of import restrictions and other difficulties, American films have been able to maintain their dominant position in Greece, according to a report from Commercial Attache K. L. Rankin, in Athens.

"Talking" Is Los Angeles' Top, $20,000

Los Angeles, Feb. 27.—In a week of grosses that held to about the same level as the previous week "The Whole Town's Talking" grabbed $20,000, over normal by $2,000, at the Paramount.

"Sweet Music" made an excellent showing at the RKO Hillstreet by hitting $8,500, but it was weak at Warners' Hollywood, where the $9,000 gross was $5,000 under par.

"The Good Fairy" was strong at $4,200 at Pantages.

Total first run business was $78,928. Average is $91,200.

Estimated takings for the week ending Feb. 27:

"CLIVE OF INDIA" (U. A.)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $10,700. (Average, $12,500)
"THE UNFINISHED SYMPHONY" (G. B.)
FILMARTE—(800), 40c-55c, 6 days. **Gross:** $2,250. (Average, $2,750)
"THE IRON DUKE" (G. B.)
4 STAR—(900), 30c-55c, 2nd week, 7 days. **Gross:** $3,100. (Average, $3,250)
"CLIVE OF INDIA" (U. A.)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $11,550. (Average, $14,000)
"THE WHOLE TOWN'S TALKING" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Patricia Bowman, Rube Wolf and his orchestra. **Gross** $20,000. (Average, $18,000)
"SWEET MUSIC" (Warners)
RKO-HILLSTREET — (2,700), 25c-65c, 6 days. **Gross:** $8,500. (Average, $8,000)
"HIGH SCHOOL GIRL" (Foy)
"SUDAN" (Foy)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's "Crazy Show No. 4" with Shaw & Lee, Jay Clarke. **Gross:** $2,728. (Average, $3,500)
"SWEET MUSIC" (Warners)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 6 days. **Gross:** $9,000. (Average, $14,000)
"CARNIVAL" (Col.)
"MAYBE IT'S LOVE" (Warners)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $6,900. (Average, $12,000)
"THE GOOD FAIRY" (Univ.)
PANTAGES—(5,000), 25c-40c, 2nd week, 7 days. **Gross:** $4,200. (Average, $3,200)

American Pictures Up in Switzerland

Washington, Feb. 27.—American pictures showed a gain in Switzerland over German pictures last year, according to a report here from the American consulate-general of Zurich. The number of German films imported has remained constant, but the receipts from American pictures were greater, it was pointed out in the report.

Although French pictures are well received in French Switzerland, their drawing power is negligible in other sections of the country, and exhibitors have shown a marked preference for either American or German product.

Loses Clearance Case

Pittsburgh, Feb. 27.—Peter M. Pegadiotes, operating the Colonial and Capitol, Farrell, Pa., has lost his fight to get a cut in the 28 days' clearance which Warners' Columbia, Sharon, Pa., has over his houses. Pegadiotes wanted a cut to 14 days, but the clearance and zoning board decided the present 28 days was equitable.

Evens Gets Ideas

St. Louis, Feb. 27.—Harold W. Evens, Loew's State manager, agreed to address the Junior Ad Club recently on advertising problems.

Then he returned to thinking up ideas for exploiting "Sequoia" and decided his audience ought to be able to help him. He screened the picture before his address and then called upon those present for suggestions.

The campaign is all laid out now.

Split Bills Draw Big in Lincoln

Lincoln, Feb. 27.—The Orpheum, splitting a week with "Gentlemen Are Born" and "Secret Bride," with stage shows both halves, was in the hard money class last week with $3,900, over par by $1,600. Gene La Verne's local girl dance contest the last four days gave considerable buildup to the weak part of the stretch.

"Clive of India" faltered at the Stuart and gave ground to a $2,700 take, which is $400 below average. At the Lincoln "Wings in the Dark" was a clipper and got $2,600. The Varsity was in the doldrums with "School for Girls" and got a bare $1,000.

Total for the four first runs was $10,200. Average is $9,100.

Estimated takings:

Week Ending Feb. 21:

"GENTLEMEN ARE BORN" (Warners)
"SECRET BRIDE" (Warners)
ORPHEUM — (1,200), 10c-15c-25c. Stage: 3 days with "Folies Begere" and four days with Gene La Verne. **Gross:** $3,900. (Average, $2,300)
"WINGS IN THE DARK" (Para.)
LINCOLN—(1,600), 10c-25c, 7 days. **Gross:** $2,600. (Average, $2,200)
"SCHOOL FOR GIRLS" (Liberty)
VARSITY—(1,100), 10c25c, 7 days. **Gross:** $1,000. (Average, $1,500)

Week Ending Feb. 22:

"CLIVE OF INDIA" (U. A.)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $2,700. (Average, $3,100)

"Aran" Runs 8 Weeks

Boston, Feb. 27.—Grossing about $25,000 during its eight-week run at the Fine Arts, "Man of Aran" has nearly doubled all long-run records in this city during the last six years. The Fine Arts seats only 583 and is located on a side street over a mile from the main business section. Tickets sell for 50 cents in the afternoon and 75 cents at night.

The average eight-week gross of the Fine Arts Theatre is approximately $12,000.

Patricia Ellis Resting

Hollywood, Feb. 27.—Patricia Ellis has left on a three-week vacation in Detroit and Washington. She has just finished work in Paramount's "Hold 'Em, Yale."

Ames in "Secret Lives"

Hollywood, Feb. 27. — Adrienne Ames has been handed one of the chief roles in "Secret Lives" at Fox. The film, which features Mona Barrie and Gilbert Roland, will start March 1. This will be Edward T. Lowe's first effort as a producer at Fox. Bruce Humberstone will direct.

"Good Fairy" $10,500 Top, Kansas City

Kansas City, Feb. 27.—"The Good Fairy" led the parade, combined with a stage show, soaring to $10,500 at the Tower where $8,000 is average.

A four-week teaser campaign aroused curiosity in "Evergreen" which reacted at the Uptown's box-office to the tune of $5,600, up by $2,100. This was the surprise of the week. "Evergreen" and "Good Fairy" were held.

"Sweet Music," the Newman's attraction, bettered average at $6,500. Elsewhere grosses were off.

Estimated takings:

Week Ending Feb. 14

"THE SCARLET PIMPERNEL" (U. A.)
MAINSTREET — (3,100), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)
"SEQUOIA" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,900. (Average, $9,000)
"SWEET MUSIC" (Warners)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $6,500. (Average, $6,000)
"THE GOOD FAIRY" (Univ.)
TOWER — (2,200), 25c, 7 days. Stage: Britt Wood; Merna, Earle & Carrol; Dalton & Craig; White & Cole, others. **Gross:** $10,500. (Average, $8,000)

Week Ending Feb. 22:

"EVERGREEN" (G. B.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,600. (Average, $3,500)

Censor Bill Proves Missouri Bombshell

Jefferson City, Mo., Feb. 27.—The legislative proposal for state censorship in Missouri was a bombshell in industry ranks, and exhibitors are rallying to defeat it. If it appears that the measure stands a chance of approval, the industry will demand a hearing.

Under the bill, introduced by Senator John P. Shea, Democrat, himself a theatre manager in St. Louis, a three-member board would be appointed by the governor. Each would receive an annual salary of $4,000.

Expenses of the board would be covered, it is estimated, by a film inspection fee of $5 a reel and a charge of 50 cents to inspect posters and other advertising.

Previous attempts have been made to establish state censorship, but this is the first time such a move has been initiated by an exhibitor. Kansas City is the only city in the state which maintains film censorship, and welfare boards in several smaller cities have supervision over films.

Ann Dvorak with Cagney

Hollywood, Feb. 27.—Ann Dvorak gets the feminine lead in "The Farrell Case," in which Warners will team James Cagney and Jack Holt.

Columbia Gets Bartlett

Hollywood, Feb. 27. — Michale Bartlett, formerly of the Philadelphia Opera Co., has been signed by Columbia for Grace Moore's "On Wings of Songs."

Buys Nebraska House

Crete, Neb., Feb. 27.—A. Burrus, operator of the Isis, has bought out his competitor, A. W. Persons, operator of the Lyric.

Day-after-Day
EXCELLENCE

EASTMAN Super-Sensitive "Pan" Negative has played a part in productions that marked veritable milestones in cinematic progress. Yet its success in these outstanding pictures is based upon the same dependability it offers cameramen and producers every day in the year. Unfailing, day-after-day excellence is the quality that makes this film the natural choice for the screen's greatest ventures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

Brandt Renamed As Head of the ITOA

Although he was anxious to retire from the post, Harry Brandt was unanimously nominated for the presidency of the I. T. O. A. yesterday at the regular meeting of the unit at the Astor. Four other members had been proposed, but withdrew in favor of continuing Brandt. They were Dr. Leon Greenfield, John Benas, Bernard Barr and Morris Fleischman.

Fleischman and Barr were nominated for the vice-presidency, succeeding Leo Justin. Dr. Greenfield is nominee for second vice-president, Maurice Brown for secretary, Leon Rosenblatt and Hyman Rachmil for treasurer, Louis Schneider for sergeant-at-arms.

Elections will be held March 27. About 100 attended the session.

NIRA Defense Issue In Suit at Chicago

(Continued from page 1)

Theatres got under way today. The actions are against local circuits and distributors, the plaintiffs complaining of the inability to show double features and to charge dime admissions because of concerted action on part of the defendants.

The array of legal talent, headed by E. D. Adcock, representing Essaness circuit; Nathan Blumberg, for Fox, and David Levinson, for Paramount, asked for dismissal of the suits, basing their pleas on the ground that the complainants had not exhausted the sources of remedy provided for in the code.

Joe Rosenberg, attorney for Roden, contended that the anti-trust laws are in full force and effect. Judge Woodward, who is hearing the cases in the U. S. District Court, ordered further arguments on the applicability of the code tomorrow. About 50 exhibitors' and distributors' representatives were in court today. Based on the first day's developments, chances of a settlement seem remote.

Comerford Holding Own in Washington

WASHINGTON, Feb. 27.—Although his condition is reported still serious, M. E. Comerford continued to show some improvement today, according to Dr. Walter A. Bloedorn, who has been attending the circuit head at Emergency Hospital since he was stricken here last Friday.

Comerford's improvement during the past 24 hours makes his condition more hopeful, Dr. Bloedorn stated.

Dietrich Is Re-signed

HOLLYWOOD, Feb. 27. — Marlene Dietrich today signed a new long term contract with Paramount, according to a statement direct from Adolph Zukor, who at the same time added that Ernst Lubitsch will hereafter devote his entire time to studio production. Lubitsch's assignment to direct the star's next film will be turned over to another director.

"Lost City" at $14,683

"The Lost City" has taken the Globe out of its lethargy, grossing $14,683 for the first week of an indefinite run. The second and last week of "Hei Tiki" garnered $2,200 at the house.

It Happened Last Night for Columbia at Academy Show

(Continued from page 1)

sixth when it took the prize for the best sound recording with "One Night of Love," which, additionally, came first with the best scoring in the music division.

Con Conrad and Herb Magigson, who wrote "The Continental," were named the best song writers.

In the short subject division "The Tortoise and the Hare," a Walt Disney color subject, was voted best in the cartoon division. "La Cucuracha," released by RKO-Radio, took signal honors in the comedy lineup, while "City of Wax," a Woodward-Educational-Fox release, rated aces in the novelty category.

Hundreds jammed the Hollywood Biltmore Bowl as the voting for the Academy's seventh annual awards got under way. Major Leonard Levinson, head of the technical research division of the Academy, presided. The counting of the ballots ended at 9:30. When the winners were announced it was learned that all the victors were unanimously chosen.

Exclusive of the short subjects division, Columbia scored high with seven honors, M-G-M took second with three and Paramount third with one award for the best cinematography with "Cleopatra," which, peculiarly enough, starred Miss Colbert.

U. A., Radio and Fox each took one award in the shorts selections. None of the nominees whose names were written on the ballots at the last minute had a chance in the voting.

Here are the winners:

Best Performance, Actress

Claudette Colbert for "It Happened One Night."

Best Performance, Actor

Clark Gable for "It Happened One Night."

Best Production

"It Happened One Night" (Col.).

Best Direction

Frank Capra for "It Happened One Night."

Best Original

Oliver H. P. Garrett and Joseph L. Mankiewicz for "Manhattan Melodrama."

Best Adaptation

Robert Riskin for "It Happened One Night."

Short Subjects

(Cartoon)

"The Tortoise and the Hare" (Walt D[illegible]ey).

(Comedy)

"La Cucuracha" (Pioneer-Radio).

(Novelty)

"City of Wax" (Woodward-Educational-Fox).

Assistant Director

John Waters for "Viva Villa."

Music

(Best Song)

"The Continental"—Music by Con Conrad and Herb Magigson.

(Best Scoring)

"One Night of Love" (Columbia).

Technical Awards

(Art Direction)

"The Merry Widow."

(Cinematography)

"Cleopatra."

(Sound Recording)

"One Night of Love."

Sanson Gets Princess

HARTFORD, Feb. 27.—Jack Sanson, formerly manager of the Princess, is now manager of The Colonial. He left the Princess several years ago to become manager of the State in South Manchester. More recently he has been manager of the Roger Sherman in New Haven. George Bronson, recent Colonial manager, has been transferred to a Warner theatre in East Liberty, Pa.

KRS Asks Gaumont To Explain Moves

By BRUCE ALLAN

LONDON, Feb. 27.—The Kinema Renters' Society, influential association of British distributors, in a letter to members today revealed that it had challenged the theatre expansion plans here of Gaumont British under a K.R.S. resolution against the booking of houses in which the booker has no substantial financial interest.

K. R. S. has requested G. B. to furnish it with proof of its financial interest in the Hyams Circuit and Union Theatres, and, pending receipt of the information, has instructed its distributor members not to book those theatres through G. B. The K. R. S. letter says in part:

"Gaumont British Picture Corp. is being requested to furnish the Society with information concerning its financial and other arrangements in connection with various cinemas for which it has been announced G. B. proposes booking films. Pending the receipt of this information, which will enable the society to determine whether or not such arrangements conform with the policy of the society, no contracts for films should be negotiated for the cinemas in question with G. B. but only with the original proprietors in the same manner and with the same persons who have hitherto been negotiating those contracts."

The expansion of G. B.'s theatre interests has been interpreted here as a move to control bookings of American films in Britain in proportion with the American booking of G. B. films.

Ohio Ups Censor Fees

COLUMBUS, Feb. 27.—The House Judiciary Committee today reported out a bill to increase Ohio censorship fees to $3 for the first reel and $2 for each subsequent reel. The present fee is $1 per reel.

Wall Street

Columbia Gains 1⅜ on Big Board

	High	Low	Close	Net Change
Columbia vtc (cl)	39⅜	38	39⅜	+1⅜
Consolidated Film	5¾	5½	5¾	.....
Consolidated Film pfd (½v)	18¾	18⅜	18⅝	— ⅜
Eastman (5)	120½	120	120½	— ½
Fox Film "A"	10	9¾	10	+ ¼
Loew's, Inc. (2)	34⅞	34⅛	34⅞	+ ⅜
Loew's, Inc., pfd (6½)	104½	104¼	104½	+ ½
Paramount Publix	3¼	3⅛	3¼	+ ⅛
Pathe	⅞	⅞	⅞	.....
Pathe "A"	14¼	13⅝	14¼	+ ⅝
RKO	1⅝	1½	1½	.....
Warner Bros.	3⅛	3	3⅛	+ ⅛
Warner Bros. pfd	18	17½	17½	— ¾

Technicolor Up ½ on Curb

	High	Low	Close	Net Change
Technicolor	16⅜	15¾	16	+ ½
Trans-Lux (.10k)	2¾	2¾	2¾	— ⅛

RKO Bonds Rise 3¼

	High	Low	Close	Net Change
Loew's 6s '41 ww deb rights	106	104¾	106	+1¼
Paramount F. L. 6s '47	69⅛	68½	69⅛	+ ⅛
Paramount Publix 5½s '50	69⅛	67¾	69⅛	+ ⅛
Pathe 7s '37 ww	103	103	103	.....
RKO 6s '41 pp	45¼	45¼	45¼	+3¼
Warner Bros. 6s '39 wd	52	51½	52	.....

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of February 27)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

MPTOA AIR MAIL EDITION

VOL. 37 NO. 43 NEW YORK, THURSDAY, FEBRUARY 28, 1935 TEN CENTS

MPTOA Code Discussion Believed Strategic Move

Ohio Governor Assures Probe Into Industry

Promises Action on Any Complaints by ITO

COLUMBUS, Feb. 27.—Threats of a state investigation of the industry were made by Gov. Martin L. Davey last night at the banquet which marked the end of the first day's session of the Independent Theatre Owners of Ohio.

"If the present New York and Hollywood practices continues," he said, "and the I. T. O. brings them to my attention, I will personally appoint a Senatorial or a special legislative committee to make a thorough investigation of the situation in Ohio."

John W. Bricker, state attorney general, also one of the speakers, echoed the Governor's sentiments.

"Monopolistic practices are crushing the small business man," he declared, "and are destroying state and national liberty. This must cease. Small business contributes proportionately to the

(*Continued on page 3*)

Allied Code Policy Awaits Convention

WASHINGTON, Feb. 27.—In outlining the policy to be adopted at the Allied convention in Atlanta in May, the organization's board of directors asserts decision as to what course to follow regarding the code will be left wholly up to each regional unit. Its latest bulletin makes it emphatic that

(*Continued on page 3*)

Campi Men Dismiss Burr-Maynard Case

HOLLYWOOD, Feb. 27.—A special committee appointed by Campi to hear the case of C. C. Burr against Ken Maynard and the Small, Landau

(*Continued on page 3*)

Another Mystery

Hollywood, Feb. 27.—Joe Block, plain clothes policeman at M-G-M, has been detective for 20 years and thinks he can tell S. S. Van Dine how to solve a mystery, but he's annoyed these days. Some actor on the lot enrolled him in a correspondence school and he receives weekly literature on how to become a detective.

K.C. in Drive On Insurance Claim Racket

KANSAS CITY, Feb. 27.—With the expressed aim of smashing the fake damage claim racket which has been thriving in Kansas City and has forced up liability insurance rates, the local Chamber of Commerce is preparing to set up an independent bureau to correct the evil. Theatres figure prominently as victims of the racket.

The bureau, to be financed by business men most affected, will work towards carrying out 17 major recommendations presented in a report of a special insurance committee of the Chamber of Commerce. About 60 days ago the committee began a study of insurance charges in Kansas City, fol-

(*Continued on page 3*)

Exodus of Warners' Theatre Help Starts

General exodus of home office employes of the Warner theatre department starts this week with the shifting of operations to the field. About 100 will be affected by the transfer.

Lester Kreiger, formerly buyer for New York state, Ohio and Wisconsin, has been moved to Chicago where he will work under James Coston, in charge of the Windy City group. Nat Fellman, assistant to Moe Silver, con-

(*Continued on page 2*)

New Saenger Units Formed in Delaware

DOVER, Del., Feb. 27.—Three theatre and amusement companies, Saenger Theatres Corp., Saenger Realty Corp. and J. E. Rose, Inc., have been incorporated here.

Saenger Theatres listed capital stock of 148,000 shares, no par value.

(*Continued on page 2*)

Legion to Classify Short Subjects Soon

KANSAS CITY, Feb. 27.—Short subjects are to be classified by the Legion of Decency in a manner similar to the ratings now given to features, revealed the Rev. George McDonald, S. J., of

(*Continued on page 3*)

Loew Chicago Plan Seen as Serious Move

NEW ORLEANS, Feb. 27.—Indicating that plans by Loew to invade Chicago with a number of its own theatres are more than threats by the circuit to get into line exhibitors who refuse to do business with M-G-M in the Windy City because of the company's percentage demands, M. P. T. O. A. leaders last night held a secret conclave with Felix Feist, general sales manager of M-G-M, in an attempt to stay the Chicago program.

Attending the surreptitious session, in addition to Feist, were Ed Kuykendall, Jack Miller, Fred Wehrenberg, Lewen Pizor and Jay Emanuel. The exhibitor leaders are understood

(*Continued on page 2*)

Schimel and Raftery To Chicago for Suit

Adolph Schimel of the Universal legal department and Ed Raftery of O'Brien, Driscoll & Raftery, counsel for United Artists, have left for Chicago to attend the hearing of the suit brought in the Federal court by Jack Rubin of Public Theatres against James Roden of the Astor for alleged violation of anti-trust statutes. Distributors are co-defendants in the case which involves 10 cent admissions.

Erpi, Columbia and B. & H. Win Awards

LOS ANGELES, Feb. 27.—Erpi, Columbia and Bell & Howell were awarded honors for their technical achievements during 1934 at the Academy banquet here tonight at the Biltmore Hotel.

Erpi was awarded a certificate of merit for its process of recording

(*Continued on page 2*)

Huffman-RKO Bury Hatchet in Denver

DENVER, Feb. 27.—RKO and Harry Huffman have buried the hatchet and RKO will get possession of the Orpheum on March 15. Following

(*Continued on page 3*)

Thought Intended to Get More Cancellations, Playdate Deal

By RED KANN

NEW ORLEANS, Feb. 27.—M.-P.T.O.A. leaders know they cannot walk out on the code and are using speeches about scrapping the NRA document as a trading leverage to sweeten their own situation either through complete elimination of those code clauses found objectionable, or wholesale revision.

The strategy, such as it is, traces back to widespread disgruntlement with which the code and its operations are met on all sides here. Verbal excoriation of it developed Monday when Jack Miller, Robert B. Wilby, Morgan Walsh, Jules H. Michael and others said their pieces.

The mere fact that the M.P.T.O.A. may determine it wants to return to its own business methods without benefit of the NRA is seen as carrying no weight in Washington. Even if the association should vote for codeless operation, which is remote, the expected extension of the NRA for two additional years, as requested of Congress by the President, is regarded as stamping with complete improbability the granting of exemptions merely to one branch of one industry.

What the M.P.T.O.A. leaders, led

(*Continued on page 4*)

St. Louis Cases to Come Up on March 4

ST. LOUIS, Feb. 27.—U. S. District Judge Charles B. Davis has set March 4 as the date for arraignment of major companies and their officers under indictment on charges of violating the

(*Continued on page 3*)

$6 an Hour

One of the local circuit men yesterday figured that if the three pending bills in Albany are passed, they would cost every exhibitor $6 an hour to operate exclusive of rent, film bills and other expenses. The figure is based on a 10-hour a day operation.

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Exodus of Warners' Theatre Help Starts

(*Continued from page* 1)

tinues in that capacity at the Albany division.

Closing of the Mastbaum, Philadelphia, is definitely set for tonight, Warner home office executives stated yesterday. Reports earlier in the week had the cessation of operations down for March 2.

Rolan V. P. of Time Reel

Ralph Rolan, former advertising executive, has been made a vice-president of "The March of Time," in charge of advertising and promotion of the new screen feature. Rolan, while associated with Batten, Barton, Durstine & Osborn, handled the *Time* magazine account for the three years and was given charge of promotion for "The March of Time" in December.

Harry Hoyt to Produce

HOLLYWOOD, Feb. 27.—Harry Hoyt has entered the independent production field and will make a series of eight features for the state right market. The new company will be known as Eagle Prod. with headquarters at the International studios. Arthur Beck is associated with Hoyt and will have charge of distribution.

Open New Spain Office

Phil Reisman, vice-president of RKO Export Corp., has opened a branch sales office in Seville, Spain. This makes the fourth office being operated by his company in that country. Robert Trillo is in charge.

Purely Personal

HOWARD S. CULLMAN, trustee for the Roxy, finds that his tobacco business is comparable with the theatre. During the last year, the Tobacco & Allied Stocks, Inc., of which he is vice-president and secretary, showed a 40 per cent increase in business.

•

SID WEISS is walking around town with his head up in the clouds these days. Last Wednesday he and LUCILLE ENGLE, who last appeared on Broadway in "Fine and Dandy," were married. Congratulate them at the Gorham Hotel.

•

RUDOLPH SANDERS, operator of the Sanders and Globe in Brooklyn, sailed yesterday for an extended vacation in Palestine. His son will be in charge of the two theatres while Sanders is away.

Quip of the Day

Lesser criticism:
"'The Captain Hates the Sea'. Columbia's jam of the ocean."

AL MERTZ, Radio short subject sales manager, now in Chicago on the last lap of a trip to several of the company's midwest exchanges, is due back within a few days.

•

ROYER, the Fox studio fashion expert, left the coast by plane last night and is due here today. He is coming to lecture at the Metropolitan Museum of Fine Arts.

•

JOHN HAY WHITNEY is back in town enthusing over "Becky Sharp," his new Technicolor production for Radio release.

•

"PINKY" TOMLIN, who appeared in "Times Square Lady" for M-G-M, arrives today from the coast.

•

HOWARD DIETZ is back from the coast, but that New Orleans convention is off.

•

ROBERT BENCHLEY has been signed by M-G-M. He will appear in "China Seas."

•

TED LEWIS and his band have been signed by M-G-M for "Rise and Shine."

•

MORT SPRING is enroute to Jamaica. He returns March 7.

NAT SPINGOLD was guest of honor at a welcome home luncheon yesterday at the Tavern. Among those who welcomed him back home from Florida were LOU JACKER, JOE MCCONVILLE, MAX COHN, JACK COHN, BILL JAFEE, LOUIS ZABRANO, JEAN COHEN, FRANK SPICKER, NAT COHN, IRVING WORMSER and ABE SCHNEIDER.

•

BASIL RATHBONE and FREDDIE BARTHOLOMEW leave for the coast Monday to appear in "Anna Karenina" with GRETA GARBO.

•

LEO JAFFE of Columbia is at home these days nursing a bad eye. An umbrella stabbed him in the subway the other morning.

•

FIFI DORSAY has completed work on her second two-reeler, "Better Than Gold," at the Brooklyn Vitaphone studios.

•

MAXWELL ANDERSON, having completed the adaptation of "So Red the Rose" for Paramount, is on his way east.

•

P. A. POWERS, president of Celebrity Pictures, has returned from a six-week stay at Palm Beach.

•

SAM RINZLER is back from his vacation down south. He has a swell tan to show for it.

•

LEON GORDON'S original story, "The Age of Indiscretion," has been acquired by M-G-M.

•

A. H. SCHWARTZ leaves for Key West and Miami on March 6. More vacation stuff.

•

CLAUDETTE COLBERT is en route here from Hollywood and scheduled to arrive Friday.

•

JACK BUCHANAN will arrive here from England for a short visit next week.

•

KITTY CARLISLE has added Chicago to her itinerary of personal appearance stops.

•

ABE LEFF and LOUIS MEYERS return from their southern vacation on March 8th.

•

WILLIAM SCULLY returns from Miami in about a week.

•

MYRNA LOY has called off her trip to New York.

Suspect a Makeup Man

HOLLYWOOD, Feb. 27.—Bob Stepanoff, makeup man on Walter Wanger's "Private Worlds," was arrested in Clayton, N. M., as a suspect in the recent Oklahoma prison break.

Stepanoff, who was en route to Hollywood to work on retakes for the film, was held for two hours before he could identify himself.

A. M. P. A. Meets Today

A regular luncheon meeting of the A. M. P. A. will be held today at the M. P. Club, beginning at 12:45 P. M. Committees in charge of the Naked Truth Dinner, to be held April 27, will make reports on their work to date.

Franklin on Coast

HOLLYWOOD, Feb. 27.—Harold B. Franklin arrived here yesterday from New York. He stated that he was here on a visit and denied that he has anything to do with any First Division deals.

"Marietta" Is Redated

NEW ORLEANS, Feb. 27.—"Naughty Marietta" will open at the State on March 8. The original date was March 2.

Change "Blind Road"

The new title of Select's "Blind Road" is now "The People's Enemy."

Loew Chicago Plan Seen as Serious Move

(*Continued from page* 1)

to have urged Feist to use his influence with Loew officials in New York to call off the contemplated theatre building program.

Feist is understood to have told the conferees that the matter was out of his hands and a decision to withdraw or proceed rests with the theatre department in New York.

Possibility that some kind of an agreement might be reached that would end the threat of Loew's building in Chicago disappeared this morning when a proposed meeting between Felix Feist for M-G-M and Jack Miller, Lewen Pizor and Jay Emanuel for exhibitors, was called off. It is understood that the next move will be in Chicago when Miller returns there shortly.

It was Louis Nizer who first approached Emanuel with a suggestion that the latter attempt to get Miller together with Feist.

Efforts to reach Joe Vogel yesterday were unavailing. He was in conferences the greater part of the morning with Loew officials from Cleveland. However, it was learned that Feist had not communicated with Vogel on the Chicago matter before noon.

Loew's plans to build from eight to 10 theatres in the Windy City are in answer to refusal by Essaness and Schoenadt circuits to accept M-G-M's percentage terms. These circuits buy through booking combines maintained by Aaron Saperstein.

Approximately 100 important Chicago theatres have turned down M-G-M because of the percentage and preferred playing time demands, it is stated, costing the distributor from $6,000 to $7,000 weekly.

Five representatives, including Louis K. Sidney, have been in the Windy City on the venture during the past few weeks. Harry Moskowitz, in charge of construction for the circuit, has been looking over the Chicago sites. He left for Atlanta last night on a swing of several cities in which Chicago is believed to be included. He shortly leaves for South America, where Loew's will continue its theatre expansion program.

Erpi, Columbia and B. & H. Win Awards

(*Continued from page* 1)

sound by the vertical cut disc method (better known as hill-and-dale recording). Honorable mention went to Columbia for its recording of "One Night of Love," done by the new Erpi method, and to Bell & Howell for its development of the fully automatic sound and picture printer.

New Saenger Units Formed in Delaware

(*Continued from page* 1)

Saenger Realty filed to conduct listed 2,000 shares, no par value. J. E. Rose, Inc., filed to operate theatres, playhouses, amusement parks and dancing pavilions, listing 500 shares, no par Chiago.

Ohio Governor Assures Probe Into Industry

(*Continued from page* 1)

liberty and happiness of all and we must and will protect the small operator for the good of all concerned."

Abram F. Myers, general counsel for Allied, complimented the unit for its cohesion. In discussing the NRA, Myers said:

"I consider President Roosevelt's recommendations as to the NRA to be conflicting in many particulars. It may interest you to know there is now a draft in Washington, although rough, making it mandatory for Campi to conform to Allied recommendations. Allied will be called upon for recommendations as well as experience. There is a big battle ahead of us."

Allied Code Policy Awaits Convention

(*Continued from page* 1)

Allied will make no effort to advise its various groups as to whether they should at this time openly renounce the code and refuse to continue payment of assessments.

The bulletin says the board of directors is "unanimous" in demanding a new code setup as suggested in a resolution adopted by it at the New Orleans meeting in December, which called for "an evenly balanced Code Authority and evenly balanced local boards and a new code to be formulated by the new Code Authority." Allied will also ask for support of the board of directors' plans "to sponsor an investigation of the negotiation, writing and administration of the code."

In line with its demand for "a code which squares with American ideals of fair play," the board, according to the bulletin, is intent on getting the whole Allied membership to support legislation to put an end to compulsory block booking.

The convention will also be given the A. S. C. A. P. situation to consider. The Allied board has taken a definite stand against music fees, it is revealed by the bulletin, which says that "a good friend of Allied on the Patents Committee of the House stands ready to sponsor a measure along the lines of the Allied amendments to the bill to revise the copyright laws reported by that committee a few years ago."

A proposal to increase this year's budget will also be laid before the convention.

Product deals and tieups as well will be before the convention for consideration, the attitude of the board here being that national and regional organizations stand to profit by greater use of these means of exploitation.

"Four Star" Is Started

HOLLYWOOD, Feb. 27.—Radio has started work on "Four Star Comedy No. 4" with Ben Holmes directing. The cast includes Leon Errol, Eddie Kane, Lew Kelly and Bud Jamison. Lee Marcus is producing.

Hollywood Personals

Hollywood, Feb. 27.—Sam Ruman, property man at Radio, made an assistant to Charles Vidor on "Strangers All." . . . Lloyd Nolan reports to Warners for work in "The Farrell Case." . . . Mary Astor recovering from appendicitis threat.

Olivia de Haviland dashes from "Midsummer Night's Dream" to "Alibi Ike" at Warners. Claire Dodd loaned to Paramount for "The Glass Key" . . . Fred Keating, Hazel Forbes, Evelyn Brent, Arthur Alesworth and Erik Rhodes cast in "Nitwits" with Wheeler and Woolsey.

Tom Cushing finishes "Rose of the Rancho" script for Paramount . . . Helen Gahagan reports at Radio for work in "She." . . . Production of "Secret Lives" delayed at Fox by illness of Herbert Mundin and Gilbert Roland.

Paul Sloane and Victor Mansfield sell "Rise and Shine" to M-G-M. . . An original by Robert Harris and Aben Kandel, "Murder on 42nd St.", goes to Universal.

Control Corp. Files Chrysler Corp. Suit

Charging Chrysler Corp. with failure to supply it with air conditioning equipment in accordance with an asserted agreement as its distribution agent, Control Corp. of America has begun an action for $125,000 damages against Chrysler, F. B. Warren, president of Control Corp., reports.

The action alleges that Control Corp. expended $62,000 in the promotion of Chrysler equipment and, after contacting "a great number" of theatres, was unable to obtain equipment or the necessary data for installations. Warren stated that, as a result, he had been compelled to withdraw his company from active participation in theatre air conditioning. The suit was filed, he said, after weeks of unsuccessful negotiations with Chrysler officials in an effort to obtain reimbursement for damages said to be in excess of $125,000. Arthur S. Friend, attorney, is representing Control Corp.

Legion to Classify Short Subjects Soon

(*Continued from page* 1)

St. Louis at a meeting of the Leavenworth Diocesan Council of the Kansas State Sodality Union.

Father McDonald is an associate of Father D. J. Lord, St. Louis priest, who is nationally active in the "decency campaign."

Bishop Francis Johannes, who addressed the meeting, held in Kansas City, Kan., said the Legion of Decency is in an embryonic stage and its activities will be "considerably extended."

Production of objectionable films has declined from 15 per cent to four and a half per cent, according to a report by Emmet Blaes of Wichita, Kan., state chairman of the Knights of Columbus committee cooperating with the clergy in the film movement.

Campi Men Dismiss Burr-Maynard Case

(*Continued from page* 1)

Agency charging violation of optional services Burr had with Maynard, was dismissed by the committee on the grounds that Burr did not furnish a contract and a bond before the last day that the option expired. Two days later Small sold Maynard to Darmour for a series of pictures he is now producing for Columbia.

The attorney for Burr will appeal the case to Rosenblatt.

Utah Gets Proposal For 10% Ticket Tax

SALT LAKE CITY, Feb. 27.—A proposal to increase the state amusement tax to 10 per cent from the present two per cent is contained in a bill calling for extending the scope of the sales tax, which was introduced in the House by Rep. Joseph W. Jensen.

In addition to the amusement tax increase, the sales tax of two per cent would be applied to additional items, with the revenue derived in excess of the $2,000,000 per year now allotted to emergency relief, being applied to a teachers' retirement and disability benefit fund.

Huffman-RKO Bury Hatchet in Denver

(*Continued from page* 1)

presentation of a redemption check to the sheriff for $427,311, Huffman refused to vacate and threatened to force RKO to court action.

Cliff Work division manager for RKO, left for San Francisco after the settlement with Huffman. Floyd Maxwell, former manager of the RKO Theatre at Portland, Ore., will manage the RKO, when RKO takes it over.

Unite in Battle on Delaware Dog Racing

WILMINGTON, Feb. 27.—Warners, Loew's and Delaware independent theatres are cooperating in a drive against Representative Henry C. White's bill in the House to permit dog racing. The measure, if it becomes a law, will permit pari-mutuel betting.

Warners, led by A. J. Vanni of the Philadelphia District which includes Wilmington; Loew's, headed by Carter Barron, of the Baltimore District, and the I.M.P.T.O.A., of Delaware and the Eastern Shore of Maryland, led by President A. Joseph DiFiore, are heading the opposition.

Charter Two Companies

ALBANY, Feb. 27.—International Booking Corp., New York City, has been chartered here with capital of $10,000 to engage in theatrical and musical booking. Felix W. Salmaggi, Joseph F. Viola and Norman Furman are directors and subscribers. A charter also has been issued to Promotional Films, Inc., with capital of 100 shares, no par value. Directors and subscribers are R. M. Savini, J. Michelson and Ceil Bernert, all of New York.

K.C. in Drive On Insurance Claim Racket

(*Continued from page* 1)

lowing an excessive increase in liability rates. A preliminary meeting was attended by George S. Baker, manager of the Newman, and Jay Means, head of the I. T. O.

The outright charge that a fake accident claim racket exists as a form of "legalized robbery" costing thousands of dollars annually was made in the report.

Theatres, large and small, have been large-scale prey. Injury claims increased so extensively over a year ago that the public liability rate for theatres was jumped from a minimum of 12 cents a seat to 40 cents. As a result, most of the independent suburban theatres have no liability coverage, either because they cannot afford it or because companies canceled policies at houses considered bad risks. Some companies will no longer write insurance even at the rates that have become prohibitive for many smaller theatres.

Through the efforts of the I. T. O. a fake accident "ring" was uncovered in which claimants, witnesses and lawyers were the same in a number of cases. The favorite trick was to rip up a carpet and then stumble over it. Other investigations revealed professional accident witnesses willing to testify for a fee, with lawyers and doctors working in collusion.

The 40-cent rate for theatres here is among the highest in the country. It is on a par with New York and Chicago, and exceeded only by Boston, where the charge is 65 cents per seat, believed the highest, according to insurance men.

The chamber's report held the insurance companies culpable to a large extent because of their practice of settling claims rather than go through with litigation. The Kansas City Bar Ass'n. and the Jackson County Medical Society have pledged support.

St. Louis Cases to Come Up on March 4

(*Continued from page* 1)

Sherman anti-trust law and Clayton Act.

The defendants are: Three Warner units—Warner Bros. Pictures, Inc., Vitaphone Corp. and Warner Bros. Circuit Management Corp.; General Theatrical Enterprises, Inc.; Paramount Pictures Distributing Co., Paramount Pictures Distributing Corp., and Harry M. Warner, Herman Starr, Abel Cary Thomas, Gradwell Sears, George J. Schaefer and Ned E. Depinet.

It is expected a trial date will be set, although there may be some delay due to the recent advancement of U. S. District Judge C. B. Faris to the U. S. Circuit Court of Appeals bench. Unless another district judge is confirmed soon by the U. S. Senate, the calendar may be disturbed.

Topeka Best Closed

TOPEKA, Feb. 27.—The Best here is closed for repairs following a fire originating in the booth.

MPTOA Code Talk Is Seen As Strategy

(*Continued from page* 1)

principally by Miller, are doing is to whip up the issue, back it by resolutions, and erect a foundation on which it will stand later in carrying out a plan to get increased cancellations and perhaps curtailment of distributor insistence on preferred playing time. Little doubt exists about the burn-up which prevails over the latter situation.

Exhibitors assert Saturday and Sunday are their bread and butter days and they see no reason why they should be compelled to play what distributors designate they must on percentage terms. The distributor attitude is, of course, the reverse, the stand being their better product should have an advantage of playing percentage on these days when it has the best chance of getting the biggest possible gross.

Robert Boller, Kansas City architect, aided by drawings, gave an interesting talk on trends in theatre architecture and cited the relative merits of various types of buildings as well as decorative and furnishing materials.

Another speaker was Mrs. F. J. Block, vice-president of the American Federation of Organizations for the Hard of Hearing, who spoke on "Special Facilities in Theatres for the Hard of Hearing."

Tonight was "Ol' Man River Night" with practically the entire contingent parading down to the waterfront for a cruise on the Capitol. Red flannels and other temperature protectors were in order, but the conventioneers just had to see the river by moonlight, if any.

Thursday's Program

FORENOON

Business session in the Gold Room at 10:30 A.M. sharp.

"Film Delivery Problems and Service"—James P. Clarke, Philadelphia, President, National Ass'n. of Film Carriers.

"Our Problems in Local Legislation"—Roy L. Walker, Lampasas, Texas, President, Theatre Owners' Protective Ass'n. of Texas.

"Theatre Admission Taxes and Other Taxes Pertaining to Theatre Operation"—L. W. Robert, Jr., Washington, D. C., assistant secretary of the treasury.

Address by Sol A. Rosenblatt, compliance director, NRA.

Adjourn at 12:30 P.M.

AFTERNOON

Business session in the Gold Room at 2:30 P.M. sharp.

Report of Committee on Credentials and Rules.

Report of Committee on Music Tax —Lewen Pizor, chairman.

Report of Committee on Non-Theatrical Competition—George A. Giles, chairman.

Report of Committee on Legislation and Taxes—M. A. Lightman, chairman.

Report of Committee on Public Relations and Community Affairs—Fred Wehrenberg, chairman.

Report of Committee on NRA Code —Trade Practices—Morgan A. Walsh, chairman.

Report of Committee on NRA Code —Labor Provisions—Jack Miller, chairman.

Report of Committee on Resolutions —Edward G. Levy, chairman.

Unfinished business.

Convention adjourns *sine die.*

EVENING

Annual convention banquet—Tip Top Inn, roof of The Roosevelt at 7 P.M. Informal.

Where the Sazeracs Flow

By RAMOS

NEW ORLEANS, Feb. 27.—New York executives will be interested in learning that the Yost Amusement Co. is in the throes of expansion and several new members are about to be added to the board.

* * *

This and that seen and noted aboard the special out of New York: How SAM DEMBOW kidded LOUIS NIZER on the latter's code book; how GEORGE AARONS of the Pennsylvania M.P. T.O., who drove down from Philadelphia, broke down at Opelika, Ala., of all places, and chatted with the gang while the conductor awaited train orders; how the vocalizers sang "Carry Me Back to Ol' Virginny" as the special sped through Virginia, "Under the Carolina Moon" through North and South C. and "Stars Fell on Alabama" through that state.

* * *

This choo-choo assumed real proportions as it dug deeper into the south. Washington saw one car added; Charlotte, a second, and Atlanta, a third. The D.C. contingent included W. P. and MRS. HERBST of the Circle, SIDNEY B. LUST, A. JULIAN and MRS. BRYLAWSKI, and LOU ZION, who is associated with NATHAN STIEFEL at the Palace. LOUIS BERNHEIMER set forth earlier and took in Miami first. By car went BEN LUST, who is in the supply business in that city; FRANK STORTY, associated with BERNHEIMER, and C. B. and MRS. TWYMANN, who operate the Jefferson at Charlottesville, Va.

* * *

The Charlotte bunch included WALTER and MRS. GRIFFITH; the Atlanta crowd, BOB and MRS. WILBY, HARRY BALLANCE of FOX, JOHN EZELL of Universal.

* * *

The engineering service, Southern Railway style, left much to be desired. Occupants of the cab were torn by much indecision which reflected itself in agonizing starts and spurts.

Every time Messrs. DEMBOW, ROBBINS, CLARK, NIZER and others began to hum "Smoke Gets In Your Eyes," JULES ("ROBERTA") LEVY would pick up where they left off. "It's alright," said DEMBOW, "that's about all the plug the picture will get."

Follow Up

New Orleans, Feb. 27.—"National Screen's plan to give away a suit with every account running a Warner trailer will come in handy because Metro's selling plans for next season will leave exhibitors in short pants," remarked a convention wit today.

Observation while traveling through Georgia by LOUIS NIZER:

"Looks as if the Chic Sale circuit is the biggest in these parts."

* * *

Collaboration on a wire to OSCAR MORGAN and DAVE PRINCE at Atlanta failed to result in the delivery of bottled goods. They had already left for the convention by auto.

* * *

DAVE PALFREYMAN is now in the dead center of a rest period. Theatre contact for the Hays organization, he had a helluva time last week whipping final arrangements into shape. An unlucky break kept ED KUYKENDALL off the scene of action, what with the flu to combat. This added to PALFREYMAN's burdens, but makes his current sigh of relief all the more welcome.

* * *

SOL GORDON of the Jefferson Amusement Co., big East Texas chain, has his son here. JULIUS finished his college training a few months ago and is now actively in his father's business.

* * *

Forty-two make up the Northern California contingent. This is ahead of expectations by about 30.

* * *

The local Film Row turned out en masse to greet the arrivals. Little will be done by way of routine exchange business this week.

* * *

LOU NIZER was worried about accommodations. That is, until FELIX FEIST moved him into his suite.

* * *

HELEN O'TOOLE, recording secretary of the M.P.T.O.A., expects the usual rush, plus headaches, plus demands for advance copies of reports by trade paper men.

Complies in Bank Nights

STORM LAKE, IA., Feb. 27.—With one day of grace remaining, G. R. Norman, manager of the Empire, has acquiesced with a grievance board ruling and has called off bank nights. The board had informed distributors to cease film delivery unless he complied.

Rosenblatt "Fair," Asserts Jack Miller

NEW ORLEANS, Feb. 27.—Compliance Director Sol A. Rosenblatt was described as "fair" in his handling of exhibitor labor situations under the code by Jack Miller, chairman of the M.P.T.O.A. committee on labor practices under the code, in addressing the convention session yesterday.

"Labor conditions are friendlier than we have ever known them," he said. "I know of instances where Rosenblatt told labor it could not go out on strike, and while there are some clauses in the labor section I do not like, undoubtedly we are getting along better. We can't throw labor out and labor cannot go out on strike. I say that's something."

Seven Committees To Handle Details

NEW ORLEANS, Feb. 27.—Dray horses of the M.P.T.O.A. convention are 39 men who comprise eight committees appointed this afternoon by Ed Kuykendall.

They are:

Credentials and Rules—George A. Mann, San Francisco; William Benton, Saratoga; L. E. Thompson, New York; Fred J. Dolle, Louisville; Louis Ansell, St. Louis.

Resolutions—Edward G. Levy, New Haven; Ben Berinstein, Los Angeles; R. X. Williams, Jr., Oxford, Miss.; Jay Emanuel, Philadelphia; A. Julian Brylawski, Washington; Charles E. Williams, Omaha; Joseph H. Brennan, Boston; Sol Gordon, Beaumont, Tex.

Code Practices—Morgan Walsh, San Francisco; Morris Lowenstein, Oklahoma City; Jules H. Michael, Buffalo; Mack Jackson, Alexander City, Ia.; W. E. Ruffin, Covington, Tenn.

Code Labor Provisions—Jack Miller, Chicago; Joseph R. Denison, Detroit; Charles Segall, Philadelphia; Robert B. Wilby, Atlanta; George Nasser, San Francisco.

Non-Theatrical Competition—George A. Giles, Boston; George P. Aarons, Philadelphia; Barney Dubinsky, St. Joseph, Mo.; H. V. Harvey, San Francisco; Fred Pickrell, Ponca City, Okla.

Legislation and Taxes—M. A. Lightman, Memphis; Edward M. Fay, Providence; Oscar C. Lam, Rome, Ga.; H. C. Buchanan, Charlotte.

Public Relations and Community Affairs—Fred Wehrenberg, St. Louis; Sidney Lust, Washington; William Landers, Batesville, Ark.; Roy L. Smart, Charlotte; William Benton, Saratoga.

Asks Closer SMPE, Exhibitor Contacts

NEW ORLEANS, Feb. 27.—A closer alliance between exhibitors and the Society of M. P. Engineers for the improvement of technical service in the theatre and the easier solution of its engineering problems was urged by Homer G. Tasker, S. M. P. E. president, in a paper read by Herbert Griffin of International Projector Corp. at today's session of the M. P. T. O. convention.

Describing the theatre as a factory, run by engineering equipment and turning out a product of engineering, Tasker stressed the relation to the box-office of properly functioning sound, projection, lighting and ventilating equipment. He urged more frequent meetings of exhibitors with engineers for the exchange of theatre engineering ideas.

Columbia Shifts Titles

HOLLYWOOD, Feb. 27.—Two title changes have been made at Columbia. "Devil's Cargo," Lambert Hillyer directing, with Wally Ford and Marian Marsh, becomes "In Spite of Danger." The Tim McCoy picture, "Guns of the Law," is now called "Fighting Shadows."

Van Dyke-Mannix Wed

NEW ORLEANS, Feb. 27.—W. S. Van Dyke yesterday was married to Ruth E. Mannix, actress and niece of Eddie Mannix, M-G-M executive.

It's tops

GEORGE WHITE'S 1935 SCANDALS



"MIRTH-MUSICAL"—That's the only word for this *different* show!

SURPRISE TOPS SURPRISE



JAMES DUNN—Irrepressible spirit of romance!



ALICE FAYE—Again she torch-sings to your heart!



ED SPARKS—Poker-face and all!



BENNY RUBIN—The prince of laughter!

GEORGE WHITE'S



ELEANOR POWELL—World's greatest feminine tap-dancer!



LYDA ROBERTI—Broadway's pet!

★ 10 SCINTILLATING STARS ★ 30 BEAUTY CONTEST WINNERS

★ 7 BLAZING SPECTACLES ★ 6 TUNEFUL SONG HITS ★ 187 LAUGHS

...as the genius who made Broadway famous surpasses his most dazzling show!



GEORGE WHITE—Himself!



ARLINE JUDGE — Spectacular and beautiful!

1935 SCANDALS

with

ALICE FAYE
JAMES DUNN
NED SPARKS
LYDA ROBERTI
CLIFF EDWARDS
ARLINE JUDGE
ELEANOR POWELL
BENNY RUBIN
EMMA DUNN
GEORGE WHITE



CLIFF EDWARDS — The inimitable "Ukelele Ike"!



EMMA DUNN — With the mirth that made her famous!

Entire production conceived, produced and directed by George White

Screen play by Jack Yellen and Patterson McNutt • Based on a story by [illegible] and Gladys Lehman

★ 200 GORGEOUS SCAN-DOLLS ★ 1000 COLORFUL COSTUMES

★ 1440 REASONS WHY IT'S THE BEST SHOW YOU'VE EVER SEEN!

Already

ITS TUNES ARE RINGING ROUND THE WORLD

Even before the picture opens... the catch and swing, melody and rhythm have made the song-and-dance hits of "George White's 1935 Scandals" the most sought-after by radio's greatest orchestra leaders. Already Rudy Vallee, Fred Waring, Paul Whiteman, Ted Fiorito, Abe Lyman and many others have featured them in their broadcasts, set the nation swaying and humming to these tunes. A billion-dollar song-plug that's plugging the picture for you!

LISTEN IN TO:

"According to the Moonlight"

"It's an Old Southern Custom"

"Hunkadola"

"Oh, I Didn't Know You'd Get That Way"

"I Was Born Too Late"

"I Got Shoes—You Got Shoesies"

Songs by: Jack Yellen, Cliff Friend, Joseph Meyer, Herb Magidson



It's 365 TIMES BETTER than the sensational "GEORGE WHITE'S SCANDALS" of a year ago!

Czechoslovak Import Gains Are Foreseen

WASHINGTON, Feb. 27.—Film exports to Czechoslovakia are expected to gain during the current year as a result of the re-entry of American firms into that market, according to a report to the U. S. Department of Commerce from Commercial Attache Sam E. Woods in Prague.

The Czechoslovak market, it is pointed out, has been hit during the last three years by restricted imports. In November, in order to induce American companies to return, imports were put on an unlimited basis and the former contingent was replaced by a registration fee of $800 for each feature. The fees are to be used for subsidizing domestic production to the extent of $5,600 per sound feature and an additional $1,600 for each foreign language version of films produced in the Czech language.

During 1934, Czechoslovak companies produced 30 sound features, of which 39 were in Czech and one was in German. Five foreign pictures, including one French and four American, were dubbed locally in Czech during 1934.

Imports of sound pictures into Czechoslovakia during 1934 totaled 164, compared with 162 in 1933. Of the total, Germany supplied 77, followed by Great Britain and France, with 28 and 21, respectively. Sound feature imports from the United States totalled only 19.

Films for Benefits On Rise in Hartford

HARTFORD, Feb. 27.—Increased used of motion pictures for benefit performances is reported here. A series of early Sunday afternoon showings of German pictures for the August Moeller home for the aged has been drawing overflow crowds to the Princess.

On Feb. 22 the Men's Club of the Broadview Community Church presented "One Night of Love" at the Bushnell Memorial and the Sisterhood of Emanuel Synagogue will have the first local showing of "Power" at the Bushnell March 4. The next in the German series will be "Der Hauptmann von Koepenick" on March 10. Several hundred were turned away from "Viener Blut" last Sunday. These organizations formerly depended on amateur dramatics to raise funds.

Form Delaware Firms

DOVER, Feb. 27.—Arthur Hopkins Prod., Inc., has been incorporated to operate theatres and other places of amusement listing capital stock of 100 shares, of no par value. The incorporators are Anne Glatterman, Hilda Goldman and Howard E. Reinheimer of New York City.

Screen Broadcasts, Inc., has filed a charter to carry on the business of film producing and broadcasting listing a capital of $10,000. The incorporators are Leo T. Wagner, J. L. Mulhall and Charles E. Seidner, of Chester, Pa.

Fitzgerald Ends Nights

MILWAUKEE, Feb. 27.—Wisconsin Amusement Enterprises, Inc., will discontinue bank nights in all its houses, according to H. J. Fitzgerald.

Variety Club Chatter

Cincinnati

CINCINNATI, Feb. 27.—Visitors at the local tent last week included: JOHN SKIRBOLL, manager First Division exchange, Pittsburgh, and a member of the Pittsburgh tent, and RICHARD E. BECK, New York, here in the interests of the "March of Time."

BILLY BEIN and his wife, ESTHER, send a postcard from Florida showing a current bathing scene, while brother barkers are transacting business around steam radiators.

WILLIAM G. BISHOP, of Tent No. 5, Detroit, and LADDIE HANCOCK of Indianapolis No. 10, and his "frau" were circulating among Cincinnatians last week.

Detroit

DETROIT, Feb. 27.—Nine new barkers have been elected to membership in the local club. They are: HERBERT E. IVES, president of Monarch; FRED BONNEN, RKO salesman; RAYMOND CLOUD, Columbia salesman; ED. C. MURPHY, RKO salesman; JOSEPH M. MELLON, Columbia salesman; MILTON E. COHEN, First Division branch manager; HAROLD SMILAY, associate of ALEX SCHREIBER in his circuit; WALTER D. SHAFER, Wayne exhibitor; CLIFFORD H. WHITE, owner of the Beechwood.

J. L. SAXE has been named treasurer, succeeding CARL H. SHALIT, resigned. CARL BUERMELE has succeeded SAXE as chairman of the house committee.

RAY MOON is among the local filmites vacationing in Miami.

Barker MAX RUBEN became a grandpa when his son, RALPH'S, wife became the mother of a seven and one-half pound daughter.

Kansas City

KANSAS CITY, Feb. 27.—Local and national industry personalities were lampooned and lambasted in the second edition of "Fox Tid Bits" presented at the Steuben Club by Fox Midwest managers and staff for the entertainment of Variety Club members and guests.

LEO MCCARTHY delivered a swell job as the show's producer, and the genius of BILL WAGNER as general factotum was in evidence.

Those roasted didn't seem to mind it a bit. ELMER RHODEN, Fox Midwest boss, puffed at an underslung pipe as he watched his "boys" display hitherto unsuspected talents.

The skits and specialties were hilarious. EDGAR JONES was a scream as "Toby," and ROY CATO gave an amusing performance as a broken-down piano banger at a broken-down piano. Others deserving special mention were MORRILL MOORE and his orchestra, LIZZIE and CHARLIE MORRILL, SAM NASTER, HERB GOLDBERG, ED SHANBERG, FRANK RITTER, CHARLIE JONES, MARTIN FINKELSTEIN and CHARLIE SHAFER.

The show followed a dinner and election of officers, which have been announced in MOTION PICTURE DAILY. To ARTHUR COLE, assistant chief barker, went the honor of nominating the new crew. Chief Barker FRANK HENSLER presided.

Philadelphia

PHILADELPHIA, Feb. 27.—Variety Club held its first gala entertainment this week with an estimated attendance of 2,300.

The performance at the Penn A. C. was a triumph in all departments, with city and state leaders as well as film notables present. Mayor J. HAMPTON MOORE, who addressed those present, was given an associate membership by Chief Barker EARLE SWEIGERT.

LEONARD SCHLESINGER was chairman of the entertainment committee and master of ceremonies for the evening.

Following a special introductory clip, a special reel showing pictures taken at the first Variety Club luncheon was screened. This was followed by "Star Night at the Cocoanut Grove" and "After Office Hours," feature. Acts from leading night clubs and floor shows as well as local theatres using vaudeville followed, through courtesy of the houses, with two pit bands alternating.

A drawing wound up the evening's program, with special prizes to those holding the lucky programs.

Finance Committee Chairman JAMES CLARK took an active part in the pre-entertainment work.

St. Louis

ST. LOUIS, Feb. 27.—"Variety Club Night" will be staged at the Meadowbrook Town Club in the Chase Hotel March 4.

TONY METRECI will be general chairman, assisted by ALVIN WOLFF, HAROLD W. EVENS, HENRY BUDDE and LOU ELMAN. AL ROTH and his orchestra will furnish music.

Washington

WASHINGTON, Feb. 27. — Barkers of Tent. No. 11 turned laundrymen when JOHN CHEVALIER and DON CRAIG, the kings for a day, held court in the club rooms and restaurant of GEORGE P. MARSHALL'S locally famed Palace ("Long Live Linen") Laundry.

It was the second function held outside the Willard Hotel. The kings conducted a shirt-ironing contest, the winner of which would have his shirts Palace-ironed for a period of 12 weeks free. SAM A. GALANTY got the free laundry.

Charter Two Companies

ALBANY, Feb. 27. — Another new theatre company and a production unit have been chartered here. The former is Audubon Amusement, Inc., chartered by Freda Jaret, Miriam M. Rosenblum and John G. Zellner. The other is Casino Prod., Inc., formed by June K. Rothman, Betty Black and Florence L. Levy.

Two Delaware Bills Up

DOVER, Feb. 27.—Two Sunday bills are now before the Legislature. One provides for local referendums for authorization of Sunday shows after the passage of the proposed laws. The other would permit opening of theatres after 9 o'clock Sunday nights.

India's Production Gains Cut Imports

WASHINGTON, Feb. 27. — Production in India is gaining, according to a report to the U. S. Department of Commerce from Trade Commissioner George C. Howard in Calcutta. This is especially in evidence in Bombay where native productions are now offering competition to American and British films.

There are approximately 40 studios in India, according to a reliable estimate. In addition to their own output, they rent their studios and equipment to small companies on a footage basis.

A year ago, Howard states, two or three weeks was considered a long run for a native picture, but many pictures during 1934 ran beyond this time and one ran for 11 weeks in Calcutta.

American companies are reducing the number of prints per feature and are also cutting down the number of features. Imports from the United States in 1934 were approximately 5,000,000 feet.

Hartford Group to Fight Film Attacks

HARTFORD, Feb. 27.—A fan organization is being formed here to defend films against onslaughts of the Legion of Decency and self-appointed censors. The group will be a branch of the Little Theatre Workshop, and will maintain headquarters.

The new group seeks freedom of the films in the same measure that freedom of the press is granted in the constitution. Meetings will be held weekly, and films tabooed by the *Catholic Transcript* will be boosted by the group whenever they are deemed worthy of boosting for aesthetic or entertainment values.

Columbia, Boston, Dark

BOSTON, Feb. 27.—The Columbia former Loew house, closed last week. This was in the Fred E. Lieberman circuit which has dropped 25 per cent of its situations in less than two months, including the Majestic here and the Capitol and Victory in Lowell. A number of exhibitors are trying to land the Lowell Strand, including, it is said, Joe Flynn of nearby Lawrence. The Majestic is being opened for foreign product by Levrad, while Jerome Parker Jerome, formerly with Lieberman, may take over the Columbia which he recently managed. Edward Sellette, most recent manager, who gave the Hub its first baby carriage parking space, has gone to Albany.

Sovey to St. Louis Opera

ST. LOUIS, Feb. 27. — Raymond Sovey, scenic designer for the New York Theatre Guild, has been appointed art director of the Municipal Opera. Zeke Colvan will return for his third season as director of the opera. Oscar Bradley, musical director, has joined the Fox studio at Hollywood.

Hubbard to Do Musical

HOLLYWOOD, Feb. 27.—Lucian Hubbard will produce the musical Ted Lewis and his band will make for M-G-M. Pinkie Tomlin will be in the cast, but no story or director have been chosen as yet. Production will start around June 1.

"Good Fairy," "Mystery Man" Top in Frisco

SAN FRANCISCO, Feb. 27.—The Orpheum led the first advance in box-office takings in months here by going to $10,500 with "The Good Fairy" and "Mystery Man" on the screen. This take is over average by $1,500.

"Devil Dogs of the Air" was the only other first run to top par. It grabbed $8,500 at the St. Francis.

Total first run business was $78,500. Average is $82,000.

Estimated takings:

Week Ending Feb. 19:

"CAPTAIN HURRICANE" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: band. **Gross:** $12,500. (Average, $13,000)

Week Ending Feb. 20:

"WINNING TICKET" (M-G-M)
"SCHOOL FOR GIRLS" (Liberty)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $7,500. (Average, $10,000)

Week Ending Feb. 21:

"GOOD FAIRY" (Univ.)
"MYSTERY MAN" (Monogram)
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days. **Gross:** $10,500. (Average, $9,000)
"DEVIL DOGS OF THE AIR" (Warners)
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,000)
"CLIVE OF INDIA" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 2nd week. **Gross:** $7,500. (Average, $8,000)

Week Ending Feb. 22:

"WINGS IN THE DARK" (Para.)
"THE BAND PLAYS ON" (M-G-M)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $10,500. (Average, $11,000)
"ONE MORE SPRING" (Fox)
WARFIELD — (2,700), 25c-35c-55c-65c, 7 days. Stage: band. **Gross:** $21,500. (Average, $23,000)

U. S. Films Lead in Argentine Theatres

WASHINGTON, Feb. 27.—The dominant position held in Argentina by American films is revealed in a report to the U. S. Department of Commerce from its Buenos Aires office. Of the 477 films released in that country during 1934, 353 were of American origin. Of the American, 341 were produced by the major companies.

In point of number, German films ranked second with 32 features; France, third, 26; Spanish, 22; British, 14; and Italian, four.

Argentina ranks after the United Kingdom as the most important foreign outlet for American films, having taken approximately 15,000,000 feet in 1934. For the most part, American pictures are shown in Argentina with Spanish title superimposed.

Argentina has developed local production, with six companies in operation. During 1934, these companies produced six features and it is reported that eight are now in production.

Of the approximately 1,500 theatres in Argentina, 600 are wired. The better class houses in Buenos Aires, it is pointed out, are comparable in luxury and convenience to the best in the United States.

In the face of import restrictions and other difficulties, American films have been able to maintain their dominant position in Greece, according to a report from Commercial Attache K. L. Rankin, in Athens.

"Talking" Is Los Angeles' Top, $20,000

LOS ANGELES, Feb. 27.—In a week of grosses that held to about the same level as the previous week "The Whole Town's Talking" grabbed $20,000, over normal by $2,000, at the Paramount.

"Sweet Music" made an excellent showing at the RKO Hillstreet by hitting $8,500, but it was weak at Warners' Hollywood, where the $9,000 gross was $5,000 under par.

"The Good Fairy" was strong at $4,200 at Pantages.

Total first run business was $78,928. Average is $91,200.

Estimated takings for the week ending Feb. 27:

"CLIVE OF INDIA" (U. A.)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $10,700. (Average, $12,500)
"THE UNFINISHED SYMPHONY" (G. B.)
FILMARTE—(800), 40c-55c, 6 days. **Gross:** $2,250. (Average, $2,750)
"THE IRON DUKE" (G. B.)
4 STAR—(900), 30c-55c, 2nd week, 7 days. **Gross:** $3,100. (Average, $3,250)
"CLIVE OF INDIA" (U. A.)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $11,550. (Average, $14,000)
"THE WHOLE TOWN'S TALKING" (Col.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. revue, Patricia Bowman, Rube Wolf and his orchestra. **Gross** $20,000. (Average, $18,000)
"SWEET MUSIC" (Warners)
RKO-HILLSTREET — (2,700), 25c-65c, 6 days. **Gross:** $8,500. (Average, $8,000)
"HIGH SCHOOL GIRL" (Foy)
"SUDAN" (Foy)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. Stage: Frank Orth's "Crazy Show No. 4" with Shaw & Lee, Jay Clarke. **Gross:** $2,728. (Average, $3,500)
"SWEET MUSIC" (Warners)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 6 days. **Gross:** $9,000. (Average, $14,000)
"CARNIVAL" (Col.)
"MAYBE IT'S LOVE" (Warners)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $6,900. (Average, $12,000)
"THE GOOD FAIRY" (Univ.)
PANTAGES—(5,000), 25c-40c, 2nd week, 7 days. **Gross:** $4,200. (Average, $3,200)

American Pictures Up in Switzerland

WASHINGTON, Feb. 27.—American pictures showed a gain in Switzerland over German pictures last year, according to a report here from the American consulate-general of Zurich. The number of German films imported has remained constant, but the receipts from American pictures were greater, it was pointed out in the report.

Although French pictures are well received in French Switzerland, their drawing power is negligible in other sections of the country, and exhibitors have shown a marked preference for either American or German product.

Loses Clearance Case

PITTSBURGH, Feb. 27.—Peter M. Pegadiotes, operating the Colonial and Capitol, Farrell, Pa., has lost his fight to get a cut in the 28 days' clearance which Warners' Columbia, Sharon, Pa., has over his houses. Pegadiotes wanted a cut to 14 days, but the clearance and zoning board decided the present 28 days was equitable.

Evens Gets Ideas

St. Louis, Feb. 27.—Harold W. Evens, Loew's State manager, agreed to address the Junior Ad Club recently on advertising problems.

Then he returned to thinking up ideas for exploiting "Sequoia" and decided his audience ought to be able to help him. He screened the picture before his address and then called upon those present for suggestions.

The campaign is all laid out now.

Split Bills Draw Big in Lincoln

LINCOLN, Feb. 27.—The Orpheum, splitting a week with "Gentlemen Are Born" and "Secret Bride," with stage shows both halves, was in the hard money class last week with $3,900, over par by $1,600. Gene La Verne's local girl dance contest the last four days gave considerable buildup to the weak part of the stretch.

"Clive of India" faltered at the Stuart and gave ground to a $2,700 take, which is $400 below average. At the Lincoln "Wings in the Dark" was a clipper and got $2,600. The Varsity was in the doldrums with "School for Girls" and got a bare $1,000.

Total for the four first runs was $10,200. Average is $9,100.

Estimated takings:

Week Ending Feb. 21:

"GENTLEMEN ARE BORN" (Warners)
"SECRET BRIDE" (Warners)
ORPHEUM — (1,200), 10c-15c-25c. Stage: 3 days with "Folies Begere" and four days with Gene La Verne. **Gross:** $3,900. (Average, $2,300)
"WINGS IN THE DARK" (Para.)
LINCOLN—(1,600), 10c-25c, 7 days. **Gross:** $2,600. (Average, $2,200)
"SCHOOL FOR GIRLS" (Liberty)
VARSITY—(1,100), 10c25c, 7 days. **Gross:** $1,000. (Average, $1,500)

Week Ending Feb. 22:

"CLIVE OF INDIA" (U. A.)
STUART — (2,000), 10c-25c-40c, 7 days. **Gross:** $2,700. (Average, $3,100)

"Aran" Runs 8 Weeks

BOSTON, Feb. 27.—Grossing about $25,000 during its eight-week run at the Fine Arts, "Man of Aran" has nearly doubled all long-run records in this city during the last six years. The Fine Arts seats only 583 and is located on a side street over a mile from the main business section. Tickets sell for 50 cents in the afternoon and 75 cents at night.

The average eight-week gross of the Fine Arts Theatre is approximately $12,000.

Patricia Ellis Resting

HOLLYWOOD, Feb. 27.—Patricia Ellis has left on a three-week vacation in Detroit and Washington. She has just finished work in Paramount's "Hold 'Em, Yale."

Ames in "Secret Lives"

HOLLYWOOD, Feb. 27. — Adrienne Ames has been handed one of the chief roles in "Secret Lives" at Fox. The film, which features Mona Barrie and Gilbert Roland, will start March 1. This will be Edward T. Lowe's first effort as a producer at Fox. Bruce Humberstone will direct.

"Good Fairy" $10,500 Top, Kansas City

KANSAS CITY, Feb. 27.—"The Good Fairy" led the parade, combined with a stage show, soaring to $10,500 at the Tower where $8,000 is average.

A four-week teaser campaign aroused curiosity in "Evergreen" which reacted at the Uptown's box-office to the tune of $5,600, up by $2,100. This was the surprise of the week. "Evergreen" and "Good Fairy" were held.

"Sweet Music," the Newman's attraction, bettered average at $6,500. Elsewhere grosses were off.

Estimated takings:

Week Ending Feb. 14

"THE SCARLET PIMPERNEL" (U. A.)
MAINSTREET — (3,100), 15c-25c-40c, 7 days. **Gross:** $5,000. (Average, $6,000)
"SEQUOIA" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $6,900. (Average, $9,000)
"SWEET MUSIC" (Warners)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $6,500. (Average, $6,000)
"THE GOOD FAIRY" (Univ.)
TOWER — (2,200), 25c, 7 days. Stage: Britt Wood; Merna, Earle & Carrol; Dalton & Craig; White & Cole, others. **Gross:** $10,500. (Average, $8,000)

Week Ending Feb. 22:

"EVERGREEN" (G. B.)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $5,600. (Average, $3,500)

Censor Bill Proves Missouri Bombshell

JEFFERSON CITY, Mo., Feb. 27.—The legislative proposal for state censorship in Missouri was a bombshell in industry ranks, and exhibitors are rallying to defeat it. If it appears that the measure stands a chance of approval, the industry will demand a hearing.

Under the bill, introduced by Senator John P. Shea, Democrat, himself a theatre manager in St. Louis, a three-member board would be appointed by the governor. Each would receive an annual salary of $4,000.

Expenses of the board would be covered, it is estimated, by a film inspection fee of $5 a reel and a charge of 50 cents to inspect posters and other advertising.

Previous attempts have been made to establish state censorship, but this is the first time such a move has been initiated by an exhibitor. Kansas City is the only city in the state which maintains film censorship, and welfare boards in several smaller cities have supervision over films.

Ann Dvorak with Cagney

HOLLYWOOD, Feb. 27.—Ann Dvorak gets the feminine lead in "The Farrell Case," in which Warners will team James Cagney and Jack Holt.

Columbia Gets Bartlett

HOLLYWOOD, Feb. 27. — Michale Bartlett, formerly of the Philadelphia Opera Co., has been signed by Columbia for Grace Moore's "On Wings of Songs."

Buys Nebraska House

CRETE, Neb., Feb. 27.—A. Burrus, operator of the Isis, has bought out his competitor, A. W. Persons, operator of the Lyric.

Greetings

MOTION PICTURE THEATRE OWNERS *of* AMERICA

Emanuel Cohen

Day-after-Day
EXCELLENCE

EASTMAN Super-Sensitive "Pan" Negative has played a part in productions that marked veritable milestones in cinematic progress. Yet its success in these outstanding pictures is based upon the same dependability it offers cameramen and producers every day in the year. Unfailing, day-after-day excellence is the quality that makes this film the natural choice for the screen's greatest ventures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 51 NEW YORK, SATURDAY, MARCH 2, 1935 TEN CENTS

Educational Censor Move Irks British

CEA Voices Opposition To New Announcement

By BRUCE ALLAN

LONDON, Feb. 18.—Possibilities of additional censorship, parallel with that of the British Board of Film Censors, is seen in an announcement from the British Film Institute that it is prepared to issue "vouchers of approval" to non-fictional films. These vouchers would, says the B. F. I., record "the accuracy and value for educational and cultural purposes" of such films.

The legal and parliamentary committee of the Cinematograph Exhibitors' Ass'n., in an outspoken report to the General Council, protested against this action, saying: "It is news to us that there is any public

(Continued on page 3)

NRA Asserts Means To Alter Code Exist

WASHINGTON, March 1.—Adequate machinery for the amendment of codes has always been available, declared tonight officials of the NRA in commenting on demands for changes in the film code made at the M.P.T.O.A. convention in New Orleans yesterday.

Existing regulations provide for the submission of amendments, even by individuals, it was asserted. Anyone

(Continued on page 4)

Cardinal Dougherty Renews Theatre Ban

PHILADELPHIA, March 1.—In a letter to pastors of the Roman Catholic archdiocese, Cardinal Dougherty today said the ban on indecent pictures will be continued.

"Moving picture theatres," the letter read, "as they have hitherto been,

(Continued on page 4)

"Spring" at Music Hall Gets $75,000

"One More Spring" hit the Music Hall during mid-winter last week for a take of $75,000. "Folies Bergere" was good for $34,000 at the Rivoli in the first stanza. The Roxy, with "Night Life of the Gods," was in the

(Continued on page 4)

New Exhibitor Unit Move Set For Starting

O'Reilly and Brandt to Begin Tour Shortly

Furtherance of a plan to organize a third national exhibitor unit will get under way the end of the month when Charles L. O'Reilly and Harry Brandt leave on a cross-country tour of exhibitor associations, which will be sounded out on the plan.

For a number of years O'Reilly has had an idea to divide the country into Congressional districts with exhibitor representation from an independent national organization in each. Headquarters of the new association will be in New York.

Tentative plans call for naming the third exhibitor faction National Independent Theatre Owners' Ass'n. O'Reilly, president of the T.O.C.C.,

(Continued on page 4)

Pleas in St. Louis Off Until March 15

Postponement from March 4 to March 15 of the date for arraignment of major distributors and their officers under indictment charges for violating the Sherman anti-trust law and Clayton Act in St. Louis has been made by Federal Judge Charles B. Davis.

Defendants in the action are understood to have asked for additional time for preparation of their pleadings. Date of trial will be set by the judge after the arraignment.

Mexico Imposes New 6% Distributor Tax

MEXICO CITY, March 1.—Distributors are obliged by law to pay a six per cent tax in fiscal stamps as their share of an impost on amounts received in rentals from exhibitors under a new amendment to the income tax act.

Exhibitors must demand from distributors receipts bearing the six per

(Continued on page 4)

Theatre Men Fight Bay State's Tracks

BOSTON, March 1.—Although pari mutuel betting was approved in the state by referendums in the general elections a few months ago, no construction of horse or dog tracks has been started in the state as yet. It is understood here that Allied leaders

(Continued on page 4)

Competition

Buffalo, March 1.—Intense competition among three 10-cent grind houses in one downtown Buffalo block resulted in this lobby sign the other day:

"'Caravan,' First showing in this block."

Premiums Gaining In K.C. Territory

KANSAS CITY, March 1.—Premiums are on the increase in Kansas City, the last week showing a jump to 17 houses giving added inducements of some sort. In addition, four theatres are using premiums in Kansas City, Kan. Until recently there were not more than a half dozen houses offering giveaways in Greater Kansas City.

The practice is confined to independent suburban operations, but Fox Midwest, which has abandoned efforts to declare premiums illegal by exhibitor vote, may cut loose shortly with "something bigger and better," according to report. If this develops it will

(Continued on page 4)

Campi Delays Over Impartial Chairman

Action on a recommendation to appoint impartial representatives as chairmen of local boards has been deferred by Campi until next Thursday. Decision again has been postponed on the Leonia, Leonia, clearance case with a possibility it may come up at the next session.

A committee appointed by Campi to try to straighten out the dispute is making an earnest effort to get the interested parties to cut down clearance over the Leonia.

Studio Men Discuss New Basic Contract

HOLLYWOOD, March 1.—More than 300 studio officials gathered at the Fox Hills studio last night to hear a detailed interpretation of the new studio basic contract which went into effect today for a five-year term.

All companies signatory to the pact pledged their willingness to carry out

(Continued on page 4)

Rule Code Needed to Enforce Section 7A

WASHINGTON, March 1.—Section 7-A of the National Industrial Recovery Act received another blow today when the National Labor Relations Board here ruled that the section assuring workers the right of

(Continued on page 4)

Ernst Opposes Approval for Para. Setup

Delays Vanderlip Group On Reorganization

Opposition to the new Paramount Publix board of directors on the part of Morris L. Ernst, member of the Vanderlip debenture committee, will cause that important reorganization group to issue a divided assent to the Paramount plan of reorganization, it was learned yesterday.

The Vanderlip committee's assent to the plan has been delayed several days because of the schism within its ranks. Since the final court hearing on the plan is scheduled for April 4, and bondholders must be given 30 days in which to accept or reject the plan, the Vanderlip committee is being impelled to act with Ernst's differences still unresolved. On Monday the committee will send out to bondholders copies of the Paramount reorganization plan together with notices of its

(Continued on page 3)

Federal Aid May Be Given Crime Films

WASHINGTON, March 1.—A Justice Department man will cooperate in an advisory capacity in the production of "anti-crime" pictures planned by several Hollywood producers, as a result of conferences yesterday between Will Hays and Attorney General Homer S. Cummings and J. Edgar Hoover, chief of the Bureau of Investigation, it was indicated today.

Hays' visit to Washington was made for the purpose of inducing the

(Continued on page 4)

Roxy Theatre Stock Suit Is Postponed

Trial of a suit for recovery from William Fox of $1,000,000 in alleged guaranteed payments on Roxy Theatre stock, since dafaulted, which was scheduled to open in the N. Y. Supreme Court here on Monday, was

(Continued on page 3)

New Bill Calls for Nuisance Taxes End

WASHINGTON, March 1.—Repeal of the nuisance taxes, including that on admissions and substitution therefor of a general manufacturers' excise sales tax of three per cent, levied on

(Continued on page 3)

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A.T.&T. Net $111,167,554

American Telephone & Telegraph Co. has reported a net income applicable to its stock of $111,167,554 for 1934 compared with $100,341,875 for 1933.

This amounts to $5.96 a share on the $100 par value common stock, against $5.38 a share in 1933.

The 1934 net income was $56,792,921 less than the amount required to pay the $9 annual dividend, however.

Operating revenues for 1934 totaled $884,532,429, including some $5,000,000 subject to possible refund as a result of pending rate cases, compared with $872,406,227 in 1933.

Horne Delays His Trip

Scheduled to leave for the coast yesterday on a six-week trip, Hal Horne has delayed his departure due to arrival yesterday of Samuel Goldwyn. Horne, accompanied by Herb Jaediker, will leave either today or Monday. During his absence, Monroe Greenthal will be in charge.

Harvey Day on a Tour

NEW ORLEANS, March 1.—Harvey Day, special representative for Educational, left for Dallas tonight and will visit all Fox western exchanges before returning to New York three weeks hence.

Comerford Still Gains

WASHINGTON, March 1.—M. E. Comerford continued to gain today at the Emergency Hospital. His doctors now say his condition is serious, but not critical.

Purely Personal

DOROTHY BRYANT, executive secretary of Chorus Equity Ass'n, is recovering at Mt. Sinai Hospital from a recent operation.

•

JOHN HAY WHITNEY, who is on his way for his annual visit to the Grand National at Liverpool, and CHARLES BOYER sail today on the *Ile de France.*

•

GEORGE W. WEEKS arrives in town this morning from New Orleans where he has been attending the M.P.T.O.A. convention.

Quip of the Day

Jack Stein suggests a 1935, *late winter model, of a standard bromide:*

"Nothing is certain but death and taxes — and that Stepin Fetchit will not receive the Diction Award."

CRESSON E. SMITH of the Radio sales office returns Monday from the coast.

•

ESTELLE SCHROTT is now the editor of the G. B. weekly sales publication "The Big Push."

•

FRANK PHELPS of the Warner theatre department is still down with the flu.

•

N. L. NATHANSON and Sir WILLIAM WISEMAN are vacationing in Miami.

•

BERNARD MILLS, independent exchange operator in Albany, was in town yesterday.

•

JOE MCCONVILLE expects to pull out for Florida next week.

•

WILSON COLLISON's original, "Dark Dames," has been bought by M-G-M.

•

JACOB GLUCKSMAN has returned from a three-month trip.

NOEL COWARD will make a second picture for Hecht and MacArthur at the Eastern Service Studio. He is now finishing work for them on "Miracle in 49th St." He will leave soon for a tour of the Orient and will return here in mid-summer.

•

WALTER READE didn't go to the New Orleans convention after all. He liked Miami so much he decided to stay and avoid exhibitor meetings. He's due back Sunday and will be on the job Monday.

•

PEGGY GOLDBERG, assistant to Gordon White in the publicity department at Educational, arrived yesterday at Pinehurst, N. C., for a rest and a fresh glow in her cheeks.

•

MARION TALLEY, who was in Hollywood early last month for screen tests for future M-G-M roles, is now back in Kansas City. She reports back to the studio in May.

•

GUS J. SCHAEFER, Paramount's general manager in Germany, leaves Europe today on the *Washington,* arriving here March 7.

•

GEORGE J. SCHAEFER left Hollywood last night by plane and is due here this morning. HENRY HATHAWAY is also on the same plane.

•

JOHNNY WALKER is back from England where he made a picture. He also visited Ireland for a number of exteriors.

•

JACK WARNER will arrive on the coast on March 11. He's en route via boat.

•

C. C. PETTIJOHN is in New Orleans, still doing the legislative circuit. Due back here in a week.

•

SAM WARSHAWSKY is no longer with Gaumont British.

Columbia Dance Tonight

The fifth Annual Dinner Dance of the Columbia Club will be held tonight in the ballroom of the Waldorf-Astoria. Over 1,000 tickets have been sold. Screen, radio and stage stars are expected, including Eddie Cantor, James Melton, Walter Connolly, Dixie Dunbar, Harry Hershfield, Sam Weiss, the Tic Toc Girls, Vera Dunn, Everett Marshall and Jimmy Savo.

Conventioneers Return

CHARLOTTE, March 1.—Felix Feist, W. S. Van Dyke, Louis Nizer, S. Charles Einfeld, Jack Alicoate and other conventioneers reached here tonight on their way to New York. They will arrive Saturday morning.

Radio Managers Meet

NEW ORLEANS, March 1.—Southwestern Radio branch managers held a one-day convention here today with Jules Levy presiding.

"Roberta" was the subject of most of the discussion.

Robbins, Dembow Rest

NEW ORLEANS, March 1.—Herman Robbins and Sam Dembow, Jr., left for Miami by plane today.

Barnstyn to Produce 12

Jack Barnstyn, president of British & Continental Trading Co., has returned from a five-month tour of European countries, with the exception of Germany. He reported that the Loet C. Barnstyn Film Prod., of Holland, will produce 12 features this year, three of which have already been completed at the company's former studio at the Hague. The company now has its own studios and plans to finish the remaining pictures by the end of the season, he said.

Seidelman Goes West

Joseph Seidelman, head of Columbia's foreign department, has left for the coast, where he will spend a few days at the studio and then sail for Australia. He is expected to be gone about six months. During Seidelman's absence, Walter Gould, formerly of U. A., will be in charge.

Milliken Talks on Crime

Carl E. Milliken, secretary of the M.P.P.D.A., pledged the cooperation of the film industry with any state or national program for crime suppression and law enforcement in addressing the New Jersey crime conference at Newark yesterday.

New Belgian Treaty Requires Duty Cuts

WASHINGTON, March 1.—Reduction of the duty on raw stock from four tenths to two tenths of a cent per foot is provided for in the reciprocal trade agreement with Belgium, according to an analysis of the treaty made public today by the Department of Commerce.

The new duty will apply to film of standard width of one and three eighth inches, with all other widths of one inch or more subject to duty in equal proportion thereto.

Considerable uncertainty exists as to whether concessions made in reciprocal agreements with individual countries extend to all other nations which are on a most favored nation footing, but it was declared by department officials that all duty changes will have universal application unless and until the State Department announces that they are to be restricted.

Sioux Falls Court Dismisses Charges

SIOUX FALLS, S. D., March 1.—Two conspiracy cases, one against Paramount Pictures Distributing Corp. and Albert R. Anderson, branch manager of Paramount here, the other against Paramount Pictures Distributing, RKO, Fox, Warners, Universal, United Artists and M-G-M, were dismissed here yesterday by Circuit Judge Lucius J. Wall on motion of the defendants made after presentation of the plaintiffs' case, but before any evidence had been submitted by the defendants.

The plaintiff, Richard H. Wagner, operator of the Capitol here, and former operator of the Royal, alleged in his complaint that the defendants had conspired to prevent him from obtaining product, and asked damages of $7,500. An order was made by Judge Wall requiring Wagner to pay the costs of the action.

Para. Leads Bowlers

Paramount remains in first place in the Film Bowling League by winning the last session, two out of three games, with Fox. Radio is in second place, followed by Fox and Columbia.

The highest score of the meet was made by the Paramount team, which rolled out an 898. The highest individual score was made by Ronan, of Radio, who knocked the pins for 217. Other results are: Consolidated won three from Warner. United Artists 2, Columbia 1.

The standing of the teams is now, respectively, Paramount, Radio, Fox, Columbia, Consolidated, United Artists, M-G-M and Warners.

Gets Foreign Product

Metropolis Pictures Corp., in association with John S. Tapernoux, has concluded arrangements for the American distribution of all the French produced Marcel Pagnol pictures as well as all Tobis-Paris product. "La Maternelle" will be the first picture to be released under the new agreement.

"Time" in Canada Deal

Harry H. Thomas and Charles Stillman of First Division have closed a deal with N. L. Nathanson and J. J. Fitzgibbon for the showing of "March of Time" over the entire Famous Players Canadian circuit.

Ernst Opposes Approval for Para. Setup

(Continued from page 1)

divided assent. During the 30 days thereafter dissenting bondholders may withdraw their deposits from the committee or, if they have not deposited, may refrain from doing so. Two-thirds of the Paramount creditors, including bondholders, must assent to the plan in order to make it effective.

The Vanderlip committee's notification to bondholders will point out that Ernst's objections are centered on the board alone and that the financial phases of the plan have his approval.

With the committee's letter will go a separate letter from Ernst enumerating his objections to the board. While Ernst declined yesterday to comment on the contents of his letter in advance of its issuance, it was learned that the letter will enumerate four principal objections to the proposed Paramount board. One will be an attack on John D. Hertz of Lehman Bros. on the ground that he was named to the board to represent Paramount stock and bond holdings which were allegedly acquired late in the reorganization; that Hertz was chairman of the finance committee of Paramount at the time the film "hocking" deal with creditor banks was made and that legal steps were taken by the Paramount trustees to have this deal set aside as a preferential transaction, and, finally, that Hertz is a defendant in a pending suit brought by the trustees to recover assets for Paramount.

Must Know International Trade

A second objection will be that Paramount's foreign interests require a man on the board who is familiar with international trade, and that none has been named. A third will be that the board requires a member familiar with radio and television, and the fourth, that it requires a production representative, preferably a writer, and an educator familiar with film possibilities in schools.

The letter will make a pointed criticism of bankers on the board, and their prevalence. It was learned that Ernst nominated Henry R. Luce, publisher of *Time* and *Fortune*, who has been agreed upon by creditors for the new board. He has also been in touch with Screen Writers' Guild and Screen Actors' Guild in Hollywood for a likely nominee, and has tentatively suggested either George Kaufman or Marc Connolly, writers.

Ernst's objections to the board makeup will be aired at the April 4 court hearing, it was learned. The Vanderlip committee is one of the most important in the Paramount reorganization proceedings, representing more than $13,000,000 of the $25,000,000 of old Paramount debentures outstanding.

Holman Is Eastbound

HOLLYWOOD, March 1.—Russell Holman, head of the eastern story board for Paramount, is eastbound after conferences here. Ben Bernie and his band also are headed for New York.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"McFadden's Flats"

(Rogers-Paramount)

HOLLYWOOD, March 1.—Modernized to cover the period of the stage play of the gay nineties, when as a popular comedy it held road show records, the talkie of Gus Hill's show emerges with comic vitality, homespun drama and wide mass appeal.

Built for laughs, of which it gets plenty, the cross-section of striving Americans, from overalls to tails, is depicted in this heart interest drama via the home life of a typical Irish family—Walter Kelly and Jane Darwell, the McFaddens, who send their daughter, Betty Furness, to a finishing school where she goes high hat. McFadden's pal, with whom he fights and forgets, is no longer German, but a Scotch barber, Andy Clyde, with his son, Richard Cromwell, who is that way about Betty. Saturated with "laugh-cry" flavor, teeming with east side-west side tang, the hilarious film high spot is Kelly's swank party where the neighborhood's melting pot dines and dances while George Barbier and Kelly, plastered, hold a bricklaying contest with books in Kelly's library.

Charles Rogers, showman producer, has given the film an up-to-the minute mounting, peopling it with great type troupers. Walter Kelly takes top honors, closely trailed by Andy Clyde, Jane Darwell, George Barbier and Betty Furness. Director Murphy squeezes all possible entertainment out of the screenplay by Arthur Caesar and Edward Kaufman. Ben Reynold's photography is good. As an attraction for neighborhoods this should clean up.

Production Code Seal No. 585. Running time, 67 minutes. "G."

"Living on Velvet"

(Warners)

HOLLYWOOD, March 1.—The names of Kay Francis, Warren William and George Brent are certain to click at the box-office. This one is tailor-made for Brent and Miss Francis. However, William suffers through an inferior role.

The story is comedy and drama which holds the attention throughout due to the performances and direction counteracting the faltering yarn.

Brent, disillusioned about life when his parents and sister are killed in a plane crackup, which he survives, becomes a reckless ne'er-do-well. His pal, William, takes him to a party at which Miss Francis, the girl he loves, is hostess, and it's love at first sight. Brent and Miss Francis marry, and the story from here on features the struggle of the aristocratic woman to adjust herself to a mediocre manner of living with Brent, who won't accept jobs promoted by William.

Miss Francis seemingly fails to fill the void in Brent's life and she leaves him. An automobile accident, which Brent survives, brings them together again for better or worse, with William playing a major part in the reconciliation.

Frank Borzage shows individuality in his direction from the original of Jerry Wald and Julius Epstein. Helen Lowell, Russell Hicks, Maude T. Gordon, Samuel Hinds and Martha Merrill give good performances in support.

The customers will not be disappointed.

Code Seal No. 573. Running time, 75 minutes. "G."

"Great God Gold"

(Monogram)

HOLLYWOOD, March 1.—Starting as good entertainment, the story later gets involved, making it difficult to follow. Sidney Blackmer at the start is a stock speculator, who, by toss of a coin, sells all his holdings the day before the market crashes.

Attendant publicity brings him to the attention of Edwin Maxwell and John T. Murray, crooked lawyers, who capitalize on his reputation by using him as a respectable front for a receivership racket. From then on Blackmer's sympathetic character becomes heavy, unscrupulously attacking solvent firms to throw them into bankruptcy. His methods incur the enmity of Martha Sleeper, daughter of a hotel owner, who has committed suicide when Blackmer became hotel receiver. Miss Sleeper, with the help of Regis Toomey, as a newspaper reporter, finally brings about Blackmer's downfall, but the story first whitewashes his character by having him shot by Ralf Harolde, jealous husband, whose wife he has stolen. The picture ends with Blackmer dying and Miss Sleeper and Toomey on the way to the altar.

Photography and production are okay, as is Arthur Lubin's direction. The cast gives good portrayals.

Production Code Seal No. 623. Running time, 69 minutes. "G."

(Additional review on page 4)

Educational Censor Move Irks British

(Continued from page 1)

demand that the B. F. I. should accord vouchers of approval to entertainment films." The committee recommended that the B. F. I. be reminded that it had agreed to refrain from any action which might be construed as an additional form of censorship.

At the C. E. A. Council meeting the opinion was expressed that the B. F. I. was in danger of exceeding its proper functions, but ultimately it was decided to leave the matter to Thomas Ormiston, M. P., a C. E. A. member who is also a Councillor of the B. F. I.

* * *

The Capitol, Haymarket, General Theatres property, controlled by Gaumont British, will close in March for reconstruction.

The new Capitol, to open in December, will be one of the most luxurious theatres in London, the plans embodying a sports arena and swimming pool in the basement. This will be frozen for ice skating in the winter. Provision for television will be made.

At present the Capitol is the only West End theatre in which all the seating is above street level, access to all parts being by stairway. The new plans bring all entrances to street level.

Run as a program house by G. B., the Capitol in its new form will probably become a long-run house, competing with the adjacent London Pavilion, U. A. key theatre, and with Paramount's Carlton and Plaza; the Empire (M-G-M) and Leicester Square Theatre (U. A.) are also a few hundreds yards away.

Roxy Theatre Stock Suit Is Postponed

(Continued from page 1)

postponed yesterday to March 18 by Justice Leary.

The suit has been brought by the Chicago Title & Trust Co. as assignee for Herbert Lubin and involves, in addition to Fox and the plaintiff, Harley L. Clarke, former Fox Film president; Chase National Bank and Chase Securities Corp.; Albert H. Wiggin, former Chase bank head; Fox Film and Fox Theatres.

New Bill Calls for Nuisance Taxes End

(Continued from page 1)

the wholesale value of manufactured goods, is proposed in a bill prepared by Representative Clarence J. McLeod of Michigan.

McLeod has attempted without success to have his sales tax measure adopted by the past two congresses. The proposed tax would apply to films, since only necessities of life would be exempted. A sales tax, the congressman declares today, is preferable to the nuisance taxes, because, he said, the latter are not based upon the ability to pay of the individual or industry affected.

Premiums Gaining In K.C. Territory

(Continued from page 1)

be in the nature of a competitive "premium war," with the ultimate aim of the circuit being to put an end to the practice.

The independents maintain they are forced to giveaways by the existing clearance situation and, chiefly, by too many restrictions on double billing and 10-cent admissions. Prizes are taking the place of the second feature and 10-cent nights at some houses.

It is claimed that premiums are a business builder and encourage a steady weekly patronage. While each piece of tableware costs from eight to 11 cents, at an admission of 15 cents or 20 cents the exhibitors figure they are still ahead. Women comprise 60 per cent of the audiences on gift nights, it is estimated, and since the prizes are usually given only to feminine patrons, the balance is clear. Several exhibitors have also been attracting children with free candy and popcorn.

Premium men say the practice is also spreading in the smaller cities and that about 40 theatres are offering giveaways in this territory. This is exclusive of "bank nights," which presently are not used in Kansas City.

NRA Asserts Means To Alter Code Exist

(Continued from page 1)

who is a member of a codified industry may propose amendments, individually or as a mamber of a minority or majority group, it was explained.

Purely as a routine of procedure, amendments should be submitted to the Code Authority as an agency of the Government, but, it was added, if the authority fails to act, the matter may be carried directly to the NRA, or, if for any reason proponents of an amendment do not care to act through the Code Authority, they may send their proposal to Washington.

Once before the NRA, all proposals for amendments are carefully considered and steps are taken to secure a consensus of the industry, it was pointed out, and where initial investigation indicates that the proposals are designed to improve a code, as distinct from proposals offered for the sole benefit of an individual or a small and not representative group, hearings are called and the matter is more fully explored.

Rule Code Needed to Enforce Section 7A

(Continued from page 1)

collective bargaining does not apply to uncodified industries or to activities prior to adoption of a code by an industry.

The ruling was made in a dispute of the Macaulay Book Publishing Co., New York, and the Office Workers' Union over the discharge of five employes allegedly for union activity.

Recall Pathe Bonds

Pathe Exchange, Inc., has announced that it will call about $2,000,000 worth of outstanding bonds on May 1 at 103.

Looking 'Em Over

"Death Flies East"

(Columbia)

Here is a mystery yarn that, despite the fact the story is interesting and shot against an unusual background and despite good character portrayals on the part of most of the cast, attains only a rating slightly above average entertainment.

The yarn has Florence Rice, recently paroled from a California prison, flying to Sing Sing to see a man about to be electrocuted in the hope of clearing her name. On the plane she meets Conrad Nagel, a college professor carrying an armament formula to Washington. Their fellow passengers include a deaf woman, a police lieutenant, an insurance salesman, a hardware company president, an Italian musician, a doctor and a young business man. A Japanese joins them at the plane's first stop. Death strikes this group when the policeman collapses in his seat. In the meantime the young business man had been poisoned, but only slightly, and taken to a Dallas hospital. The plane puts back to Dallas to investigate the policeman's death and with the aid of Nagel everything is cleared up when it is discovered the murderer is the first poison victim and that he had administered a small dose to himself to divert suspicion. Nagel goes on and gets the confession from Sing Sing and thus paves the way for the culmination of the romance that had sprung up between himself and Miss Rice.

The cast includes Raymond Walburn, Geneva Mitchell, Robert Allen, Irene Franklin, Miki Morita and Purnell Pratt. Phil Rosen directed capably. Al Siegler's photography is good. No code seal. Running time, 65 minutes. "G."

New Exhibitor Unit Move Set to Start

(Continued from page 1)

is to be its head. Brandt most likely will be vice-president.

All unaffiliated exhibitor units in the country will be contacted by the two independent leaders to join the new group. In some territories where organizations now affiliated with Allied or the M.P.T.O.A. are dissatisfied they also will be asked to align. Approximately 20 cities will be included in the O'Reilly-Brandt itinerary.

Neither Allied nor the M.P.T.O.A. has a unit in the local area. Under the N.I.T.O.A. plan the T.O.C.C. and I.T.O.A. would merge and also act as the New York unit. The amalgamation is expected to take place before the summer is over.

Studio Men Discuss New Basic Contract

(Continued from page 1)

the contract. B. B. Kahane, Louis B. Mayer and Irving Thalberg emphasized that the new contract must be carried out without resorting to trickery or subterfuge, or attempting to take advantage of any interpretation of various clauses.

Mexico Imposes New 6% Distributor Tax

(Continued from page 1)

cent stamps before paying rentals, and distributors must present to the Finance Department in January of each year a statement of their total income for the previous year ending in December.

Charter Candorlux Co.

LOUISVILLE, March 1.—The Candorlux Reflector & Mfg. Co., Louisville, has been incorporated with a capital stock of $2,000 by Joe B Hinkie, Hans E. Birkholz and Fred T. Zahn, Jr.

"Spring" at Music Hall Gets $75,000

(Continued from page 1)

money, taking $34,000, while "The Marines Are Coming," which wound up a week's run at the Mayfair last night, corralled $6,800.

"Grand Old Gal" was disappointing at the Astor and was pulled after four days with a gross of $3,000. "Great Hotel Murder" succeeded "Grand Old Gal."

"Rumba" walked off with $38,000 for the first week at the Paramount. Margo on the stage, in connection with her appearance in the film, helped considerably.

"Sequoia" netted the Capitol $34,000 on the week. Milton Berle and the Casino de Paree show were the stage attractions.

"The Good Fairy" was fair at the Palace at approximately $9,000.

Cardinal Dougherty Renews Theatre Ban

(Continued from page 1)

and still are, must be shunned as occasions of sin; and the ban will remain upon them until they are transformed, even though the Hollywood much-married, much-divorced actors and actresses and the Russian producers of lascivious filth and the theatre owners, who purvey crime and sex films, lose some of their fabulous income."

The cardinal's letter was his annual explanation of the regulations for the Lenten season, which starts next Wednesday.

Lottery Ad Costs $100

BIRMINGHAM, March 1.—An advertisement that a "live baby" would be given away in a lottery cost Harry Wade, operator of a theatre in Talladega, Ala., $100. A fine of that amount was imposed by Judge Grubb in Federal Court here on a charge of using the mails in connection with a lottery to which Wade entered a plea of guilty.

Federal Aid May Be Given Crime Films

(Continued from page 1)

department to modify the attitude it displayed when the project was first advanced some weeks ago, when the attorney general indicated he did not favor the production of pictures in which department agents played the role of hero.

It was vigorously denied by both department officials and members of the Hays organization that the conferences involved any discussion of film prosecutions, but officials of the department informally expressed the view that better relations might result from the cooperation of the industry in furthering the government's drive against crime.

Theatre Men Fight Bay State's Tracks

(Continued from page 1)

have been making concerted efforts to block any construction moves on the part of sportsmen planning the various tracks.

Licenses for the operation of dog tracks have been granted to four persons since the election by the state racing commission. All of these tracks were planned for this town, but legal action under local laws appears to have these stymied for some time to come.

Local exhibitors are all confident that no opposition will be forthcoming from these sources until late next spring.

"Gold Diggers" Opens

NEW ORLEANS, March 1.—"Gold Diggers of 1935" had a world premiere at the Saenger tonight with red carpets rolled out to the curb, sunlight arcs, radio hookups and cameramen on the sidewalk.

Wall Street

Columbia Up 3 on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	43¾	40¾	43¾	+3¾
Consolidated Film	5⅞	5¾	5⅞	+ ⅛
Consolidated Film pfd (1v)	19¾	19¼	19½	+ ½
Eastman (5)	121¾	121	121⅛	+ ¼
Fox Film "A"	10	9⅞	9⅞	+ ⅛
Loew's, Inc. (2)	36	35⅝	36	+ ½
Loew's, Inc., pfd (6½)	104½	104½	104½	.....
Paramount Publix	3⅜	3¼	3⅜	.....
Pathe	⅞	¾	⅞	+ ⅛
Pathe "A"	15¾	15¼	15½	+ ¾
RKO	1¾	1⅝	1⅝	.....
Universal pfd	36½	36½	36½	—1½
Warner Bros.	3¼	3	3⅛	+ ⅛

Technicolor Rises ⅝ on Curb

	High	Low	Close	Net Change
Technicolor	16¾	16	16⅝	+ ⅝

Warner Bonds Gain 1⅛

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	7½	7½	7½	+ ¼
Keith B. F. 6s '46	68½	67¾	68½	+ ½
Loew's 6s '41 ww deb rights	106	105½	106	.....
Paramount B'way 5½s '51	49½	49	49⅛	+ ⅝
Paramount F. L. 6s '47	71½	71	71½	+1
Paramount Publix 5½s '50	72	71¼	71⅝	+ ⅝
Pathe 7s '37 ww	104	103⅞	103⅞	+ ⅞
Warner Bros. 6s 6s '39, wd	53¾	53	53¾	+1⅛

(c) Plus stock extras. (v) Defaulted in principal but not in interest.

(Quotations at close of Mar. 1)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 50 NEW YORK, FRIDAY, MARCH 1, 1935 TEN CENTS

Campi Revamping to Be Asked, MPTOA Decides

Vanderlip Is Due to Head Para. Board

Zukor as President Is Plan at Present

Frank A. Vanderlip, of Paramount Publix bondholders' committee, appears to be definitely slated for chairman of the board of the reorganized company, with Adolph Zukor as president, if the current sentiment among creditor groups undergoes no change during the next month, it was ascertained yesterday.

Present inclinations point also to the election of George J. Schaefer as vice-president and general manager; to Charles E. Richardson, a former Paramount trustee, as treasurer;

(*Continued on page 2*)

Senator Promises General NRA Probe

WASHINGTON, Feb. 28.—Intensive investigation of the NRA prior to the writing of legislation requested by the President to extend the Recovery Act for two years was promised today by Senator Pat Harrison of Mis-

(*Continued on page 2*)

Missouri's Two Tax Measures Are Killed

JEFFERSON CITY, Mo., Feb. 28.—The Ways and Means Committee of the State legislature today killed a bill calling for a 10 per cent amusement tax and a measure providing for a five per cent sales tax. The committee is expected to recommend extension of the present sales levy of one-half of one per cent.

Honor Trade Press

New Orleans, Feb. 28.—An official bow in the direction of the *Motion Picture Daily* and other trade papers covering the convention was accorded them at the close of the M.P.T.O.A. session early this evening by President Ed Kuykendall, with his words of praise echoed by delegates in a rising vote.

***Motion Picture Daily* flew an air mail edition here daily, thus appearing on the scene of the convention activity with its issues on the same day.**

K.C. in Drive On Insurance Claim Racket

KANSAS CITY, Feb. 28.—With the expressed aim of smashing the fake damage claim racket which has been thriving in Kansas City and has forced up liability insurance rates, the local Chamber of Commerce is preparing to set up an independent bureau to correct the evil. Theatres figure prominently as victims of the racket.

The bureau, to be financed by business men most affected, will work towards carrying out 17 major recommendations presented in a report of a special insurance committee of the Chamber of Commerce. About 60 days ago the committee began a study of insurance charges in Kansas City, following an excessive increase in liability rates. A preliminary meeting was attended by George S. Baker, manager of the Newman, and Jay Means, head of the I. T. O.

The outright charge that a fake ac-

(*Continued on page 2*)

Skouras Circuit Is Adjudged "Unfair"

In an opinion handed down yesterday by the local grievance board, the Skouras circuit was held "to be unfair" in its method of obtaining pictures for the Pascack, Westwood, N. J.

Leon Rosenblatt, operator of the Westwood, Westwood, on Tuesday, appeared before the local board, complaining that since Skouras took the Pascack in Oct., 1931, the Westwood has been unable to buy a sufficient number of first runs. The house this season had only 49 Columbias of the major lineups.

Rosenblatt charged that Skouras was using the buying power of Fox West Coast as a "whip" among ex-

(*Continued on page 2*)

Footage Tax Bill Is Presented at Albany

ALBANY, Feb. 28.—Bernard J. Moran, Democrat of Brooklyn, has introduced a bill in the Assembly calling for a graduated footage tax run-

(*Continued on page 6*)

FWC Petition Delays Coast Plan 2 Weeks

Following receipt of a petition from Fox West Coast for a review of certain phases of the schedule the circuit considers unfair to its interests, Campi yesterday ordered the coast board to delay putting into effect the Los Angeles clearance and zoning schedule until March 15. The plan had been approved in toto by Code Authority on Feb. 21.

Campi will discuss the petition next Thursday. On Feb. 26 MOTION PICTURE DAILY exclusively stated F.W.C. would object to the coast schedule because of the peculiar competitive situation in various territories in Los Angeles and southern California.

The New Haven plan was up for discussion and voted down in its entirety. Campi's clearance and zoning committee, comprising George J. Schaefer, Charles L. O'Reilly and Al Lichtman will confer with John C.

(*Continued on page 2*)

Dismissal Arguments Up in Chicago Suits

CHICAGO, Feb. 28.—Arguments on a motion by defendant distributors and circuits to dismiss the suits of James Roder of the Astor and Jack Rubin of Public Theatre were continued today before Judge Woodward in the U. S. District Court.

The arguments revolve around the code as a source of remedy. Attorneys for Roder and Rubin contended that the remedies are not to be found in the code, branding local boards as "kangaroo courts."

W. D. Whitney, representing RKO, in asking dismissal defended the personnel of the local boards in lengthy arguments covering objectives of the N.I.R.A. Hearings resume tomorrow.

Vogel Agrees Feist Is Not Interfering

Felix Feist is playing a "hands off" policy in connection with Loew's plans to build from eight to 10 theatres in Chicago. A meeting of M.P.T.O.A.

(*Continued on page 6*)

Committee of Five Will Be Selected to Talk With Rosenblatt

By RED KANN

NEW ORLEANS, Feb. 28.—A committee of five yet to be named will seek reorganization of Campi to provide more equitable representation for various industry branches, greater authority for local grievance and clearance and zoning boards, and elimination of territorial appeals to Campi, except where such review may be necessary to establish or support the legality of local boards' decisions.

Out of a mass of argument and wrangling this action emerged as M. P. T. O. A.'s most significant decision insofar as the code is concerned, and came as the climax to deliberations of the 15th annual convention tonight.

The committee will confer with Compliance Director Sol A. Rosenblatt, but not in New Orleans, although he was here today to deliver an address which many delegates

(*Continued on page 4*)

Gulf States Group Hits Code Boards

NEW ORLEANS, Feb. 28.—The Gulf States Theatre Owners' Ass'n today appointed a committee to call upon Compliance Director Sol A. Rosenblatt with complaints to the effect that present code operations are unfair to independents. They want him to call a meeting of independents at some central point to hear complaints.

The resolution charges that the personnel of the local boards is not

(*Continued on page 6*)

Get 'Time' Program

New Orleans, Feb. 28.—The "March of Time" broadcast geared to the M.P.T.O.A. was broadcast from New York at the annual banquet which closed the convention tonight. Reception was perfect and the broadcast was regarded as an ingenious stunt. Harry Thomas, therefore, left for Dallas tonight all smiles.

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Senator Promises General NRA Probe

(*Continued from page* 1)

sissippi in response to demands that there be no "whitewashing" if the Senate granted the $5,000 asked to enable an inquiry by Harrison's Finance Committee.

The action of the Senate solved the problem caused by the submission of two investigation proposals, the other by Senator King of the Judiciary Committee. Differences between the various groups interested in the question were settled by an agreement that the inquiry should be conducted by the full Finance Committee and that Senators Nye of North Dakota and McCarran of Nevada, co-authors of the original investigation resolution, and Borah of Idaho and McGill of Kansas, members of the Judiciary Committee, also sought to make the probe, should sit with the finance group in the questioning of witnesses.

The Finance Committee and the four other Senators are to meet next Tuesday in executive session to map out plans for the public hearings which are to start shortly thereafter.

M. E. Comerford Gains

WASHINGTON, Feb. 28.—M. E. Comerford continues to show slight improvement from day to day at Emergency Hospital, although his condition remains critical, according to Dr. Walter A. Bloedorn. The doctor says his condition is appreciably better than when he was admitted to the hospital.

Purely Personal

BERT PERKINS will resign from Warners' exploitation department on Monday and sail for Turkey on March 25, on an assignment for American Export Steamship Co. He expects to be away approximately three months.

•

NAT FELLMAN isn't going to Albany. He's going to be married this week to BEA HARNASH. After a two-week honeymoon he will return to his duties in the Warner booking department under CLAYTON BOND.

Quip of the Day

It is reliably reported by one of our unreliable reporters that Paramount will swap any three of its new board of directors for one Shirley Temple.

CLAUDETTE COLBERT missed her boat for the east Saturday because of retakes on "Private Worlds." She's all cleared up with her work now and grabbed a train last night.

•

JEROME KRIDEL, FRED MACISAAC and MRS. MACISAAC sail Saturday on the *Rotterdam* on a West Indian cruise.

•

MILT KUSELL spent yesterday in Albany. He's due back today.

•

LOU PHILLIPS is due back from St. Louis today.

WILLIAM H. WRIGHT, former production executive at the Paramount coast studios, left yesterday for the coast after being here several days negotiating a production deal.

•

DAVID BERNSTEIN, JOE VOGEL, C. C. MOSKOWITZ and LOUIS K. SIDNEY made a Loew foursome at the M. P. Club yesterday for lunch.

•

C. C. PETTIJOHN, traveling the legislative circuit, has made Albany and Columbus this week and is now in Nashville.

•

ERIC HATCH has completed work on his script of "Fly By Night" for Fox and is on his way back to Long Island.

•

RUDY VALLEE, fatigued by "Sweet Music" opening parties, left last night for a five-day rest in Miami.

•

MAJOR I. E. LAMBERT of the RKO legal staff is vacationing in Miami.

•

TREM CARR left on the Broadway Limited yesterday for the coast.

•

NORTON RICHEY added another candle to the birthday cake yesterday.

•

FRANK WALKER returned from Washington yesterday.

•

PHIL REISMAN will leave next week for Europe.

K. C. Drive on Fake Insurance Claims

(*Continued from page* 1)

cident claim racket exists as a form of "legalized robbery" costing thousands of dollars annually was made in the report.

Theatres, large and small, have been large-scale prey. Injury claims increased so extensively over a year ago that the public liability rate for theatres was jumped from a minimum of 12 cents a seat to 40 cents. As a result, most of the independent suburban theatres have no liability coverage, either because they cannot afford it or because companies canceled policies at houses considered bad risks. Some companies will no longer write insurance even at the rates that have become prohibitive for many smaller theatres.

Through the efforts of the I. T. O. a fake accident "ring" was uncovered in which claimants, witnesses and lawyers were the same in a number of cases. The favorite trick was to rip up a carpet and then stumble over it. Other investigations revealed professional accident witnesses willing to testify for a fee, with lawyers and doctors working in collusion.

Goldwyn Arrives Today

Samuel Goldwyn, accompanied by Mrs. Goldwyn, arrives here today from the coast to supervise the local opening of his next picture, "The Wedding Night."

Academy Honors Shirley

HOLLYWOOD, Feb. 28.—Her dolls were discarded by Shirley Temple today for the statuette presented her by the Academy last night as a special award.

Petition of FWC Delays Coast Plan

(*Continued from page* 1)

Flinn some time next week on the clearance problem in the New England city.

With Eddie Cantor making one of his rare appearances, this time in behalf of the registration list on extras, Campi yesterday approved the list of 1,004 names and the proviso to increase the number 50 per cent during the year if the occasion warrants. The additional 10 per cent increases after 1935 were voted out, inasmuch as the code, as it stands now, does not go beyond June 16 of this year. If the code continues after this period, provisions to boost the extra's list will be made later.

Extension of 30 days for delinquents to pay up code assessments for the last half of 1934 was ordered by Campi. Expiration date for paying was Feb. 15, but the additional time starts from yesterday, the date of the resolution was adopted, making March 28 the final paydate. However, during this period, delinquents remitting levies cannot file complaints before local clearance and zoning and grievance boards until March 28.

Only eight of the 35 appeals on tap were decided yesterday, but the rest are expected to be disposed of next week. Charles L. O'Reilly was chairman of the session, attended by Deputy Administrator William P. Farnsworth, Nathan Yamins, Sidney Justin, Harold S. Bareford, Gordon C. Youngman, J. Robert Rubin, E. T. Gomersall, Arthur H. Lockwood, Felix Jenkins and Edward Golden.

Second Issue Ready

The second issue of "The March of Time" will be released March 8.

Vanderlip Is Due to Head Para. Board

(*Continued from page* 1)

Austin Keough, as secretary and general counsel, and H. A. Fortington, representative of British insurance companies holding Paramount securities, as chairman of the finance committee.

Fortington, through the coalition of creditor groups into a cooperative unit representing total claims of $14,000,000, had been regarded in many quarters as a formidable contender for one of the high executive posts. It is learned, however, that his inclinations are not to accept any post in Paramount which would make unusual demands on his time, because of other interests which he holds to be of greater import. It is stated on good authority, however, that he would consent to serving in some advisory capacity, preferably in Paramount's financial affairs. The chairmanship of the finance committee thus appears to be a likely post for him.

Fortington's interests, principally the Royal group of British insurance companies, made a tentative offer to underwrite the new stock issue of approximately $6,500,000, but the offer is now being held in abeyance pending further progress in the reorganization, it is learned. The subject may be revived in about two weeks with the return of Fortington from Florida. At the same time, negotiations for the acquisition of several of the large Paramount creditor bank claims by the Fortington group, begun some time ago, may be resumed.

The Paramount stockholders' committee and Paramount Broadway bondholders' committee yesterday began sending out to their depositors copies of the plan of reorganization, together with notices of the committees' assenting to the plan, as authorized by Federal Judge Alfred C. Coxe last week, and reported in MOTION PICTURE DAILY of Feb. 21. The depositors have until March 30 to withdraw from the committee if they dissent from the plan. Stockholders and bondholders who have not deposited with the committees may do so up to March 30 if they assent to the plan. A majority of the stockholders and two-thirds of the creditors, including bondholders, must assent for the plan to be made effective.

Skouras Circuit Is Adjudged "Unfair"

(*Continued from page* 1)

changes, which he declared "innocent victims." Louis Weber represented Skouras at the hearing, but no decision was handed down until yesterday when the board met for a second time to agree on disposition.

The case has been certified to Campi for determination. While the original complaint was filed as an overbuying matter, Rosenblatt held that it should come under the "or otherwise" provision of the code, since he does not complain that Skouras has too many pictures. His objections, he stated, are directed at the manner in which the product was purchased.

Latest reports—

from the "LITTLE COLONEL" front!

HIPPODROME, CLEVELAND: Beating every single Fox picture, including "Judge Priest!"

FOX, DETROIT: 25 per cent bigger than "Bright Eyes" sensational Xmas week engagement.

RIALTO, LOUISVILLE: 75 per cent bigger than "Bright Eyes."

FOX, PHILADELPHIA: Opening two days 100 per cent bigger than "Bright Eyes."

PARAMOUNT, PORTLAND: Shooting farther ahead of "Bright Eyes" every day of run.

FOX, ST. LOUIS: Opening three days 100 per cent ahead of "Bright Eyes."

STATE, RICHMOND: First three days equals average week's business...and building!

R K O PALACE: By far the biggest opening of any Fox picture this season!

Shirley, they ought to make you a General

FOX

Changes Needed, Convention Decides

Revamping of Campi Vital, MPTOA Votes

(*Continued from page* 1)

viewed as an out and out defense of code administration since its effective date 15 months ago.

Coupled with this move which took form through a lengthy resolution brought to the floor by Morgan A. Walsh, as chairman of a committee on NRA trade practices, were other resolutions calling for unconditional uppage in cancellation privileges from 10 to 20 per cent, complete divorce between sale of shorts, including newsreels and features, elimination of score charges, discouragement of production and distribution of sex hygiene pictures, endorsement of family night programs and others.

Code Authority administration has not been always prompt and not infrequently it has been charged with prejudice on the part of individual members, a resolution presented by Walsh pointed out.

Differs with Rosenblatt

By way of prelude to the reading of its contents, Walsh declared he differed with Rosenblatt, who had stated earlier that the code had demonstrated cooperation between major branches of the industry.

"Exhibitors can't do it alone. There must be some response from producers and distributors," he said. "Local boards have not been accorded local autonomy which the code indicated was to be theirs, he charged, and added a correction was necessary from the top because the voting power of Campi was balanced in the hands of producer and distributor.

"Harry M. Warner, Nicholas M. Schenck and Merlin H. Aylesworth asked for and got places on Code Authority, but they have never attended a single meeting beyond the first. They've appointed alternates, with the result that Campi has been changed so many times its members have to be introduced to each other when they meet. A correction is needed at the top. Even today three majors are out selling next year's product fearing a correction of some of the things we complain about when our code agreements end in June."

Objects to Daily's Story

Jack Miller, taking exception to MOTION PICTURE DAILY'S exclusive story that the M. P. T. O. A. code fireworks were launched as a trade looking toward a best possible break in a code revision, described the story as unfair.

"When I said I was for throwing out the code, I meant it and I did not assume to stand merely to get more eliminations. I am against the code, but I don't hope to get rid of it. It isn't that easy. I say, let's write a really fair code of competition and not one based on a trade. That's what this one was," he stated.

Miller was at odds with Walsh's resolution, declaring it did not go far enough. He launched an attack on the methods of handling appeals and told of instances where exhibitors had been compelled to go to New York carrying three and four witnesses with them, only to find out they had to wait occasionally as long as two weeks for decisions. The code guaranteed price cutting because it provided no methods of stopping price cutting, he continued, as he hit Rosenblatt's statement relief had been granted exhibitors in 75 per cent of the cases filed, on the ground that if this were true, half of the percentage had gone to what he termed chiselers.

"Code rules are no good unless they carry jail sentences. What are you going to do about it? What can you do? Distributors have a handy setup in New York. They have private phones into each other's offices while you exhibitors are scattered. How long do you think Kuykendall here can hold out? He had three theatres when he started out and now he has one. Rosenblatt spoke about industrial cooperation. What is industrial cooperation? You'll cooperate and cooperate until producers and distributors own all of your theatres," were the highlights of his particular brand of verbal dynamite.

"I say let's go to Washington again. If we can't get something real, let's throw our end of the code out," he continued.

Wilby Is Overruled

Robert B. Wilby of Valatenga Theatres with headquarters in Atlanta, who had tried to throw the Walsh resolutions into closed session, but who was voted down by the convention, urged delegates to stop wasting time.

"I don't think you want the code either. I don't want rain on Saturday any more than I do the code and if you can resolute that for me, I'd like it," he said.

The last day's session got going late as usual. The opening speaker was James P. Clarke, president of National Film Carriers, who spoke briefly on the work of his film delivery associates and gave an interesting statistical picture of the combined operations when he declared their trucks covered half a million miles weekly in handling 90 per cent of the industry's deliveries.

He was followed by Louis Nizer of New York, who made an earnest and effective plea for less emotional and more scientific factual exactitude on the part of exhiibtors in discussing their problems.

Calls for Leniency

"Your approach based on the facts is to be advised," he remarked. "You know first the code was 10 commandments and I hear they are being violated even today. The Greeks and Anglo-Saxons had codes, too, as did Napoleon, yet Napoleon's code was not always enforced despite his power. Complete and absolute justice is impossible. Creation of a gigantic judicial system in eight months is impossible and so is perfection. I urge you to try for revisions rather than any 'down with the code' or 'up with the code' attitude. The records show 72 per cent of all complaints to date have brought relief in almost all instances, but without the code this would not have been. I think you have other problems. Did you know, for instance, there is one theatre seat for every 10 men, women and children in the United States, including those in old age homes and asylums, and one theatre seat for every six persons in densely populated spots, and one for every second or third person, if you eliminate those who cannot attend?

"This is the heart of your trouble and over-seating leads to your second

(*Continued on page* 6)

Code Not Perfect, But Is Sound, Declares Rosenblatt

NEW ORLEANS, Feb. 28.—The code is not a perfect instrument and certain changes are needed, but it is the soundest means yet found to alleviate aches and pains of producer, distributor and exhibitor, Compliance Director Sol A. Rosenblatt said in a lengthy address at the M. P. T. O. A. convention today. The compliance director made a special trip from Washington for the occasion.

Adding that the code nevertheless is still a target of frequent attacks from many sides, he charged that politicians were adding verbal onslaught to the tirades from self-appointed critics and gave three questions to delegates upon which he said should rest the answer to what the code has done.

Questions Are Listed

1. "Did you possess before the code the rights and remedies the code has provided?"

2. "Under the code, tribunals to regulate trade practices and afford relief in matters affecting unfair competition have been established. These industrial courts extraordinary that have been set up in the motion picture industry cannot be found in any other industry in this country. They were never tried before. But now you can take your grievances and be publicly heard even though you would have no right to go into a court of law and bring a lawsuit. Heretofore, exhibitors had no place to go—no right to be heard. Generally speaking, are these industry tribunals a good thing or a bad thing?"

3. "Means and agencies are provided by the code whereby decisions can be had and relief secured on the highly important question of overbuying. That again is something new in the industry—something you never possessed before. And I ask my third question: Is that worthwhile continuing or not?"

Gives Statistical Results

Going statistical, he said that relief had been granted exhibitors in 75 per cent of the cases tried. "Out of 1,020 cases tried by local grievances boards, 771 complaints brought relief to exhibitors. In only 24 per cent of the cases, or 237 complaints, was relief denied. In 205 cases, appeals were taken to Campi and local boards sustained, in 30 cases, or 15 per cent of the local boards' decisions, were reversed. Confronted by these benefits, who is there who would wilfully set himself up to disregard this common effort for a common good?"

On clearance board operation, Rosenblatt said relief was granted 172 exhibitors in the first 289 protests filed, or 59 per cent. Appeals to Code Authority totaled 78 per cent. of which 18 per cent were reversed and sent back to local boards, while judgment was affirmed in 82 per cent of the appeals. Some of the problems which beset the industry in 1933 still linger on the scene, he said, yet he said the industry as a whole had "achieved mountain ranges of progress from a chaotic dog eat dog attitude." At the same time he deplored the lack of unity still prevalent among groups of exhibitors throughout the country.

"From outward aspects at least, the industry in the summer of 1933 was completely disunited and disorganized," he said.

Conflict of Interests

"It was a conglomerate conflict of interests and purposes. Sharply aligned into armed camps—armed at least as to publicity and propaganda —a situation presented by groups and a division of the industry appeared hopeless. In the 15 months that the code has been in operation this one result is of a national significance. Under a single motion picture code coordinating for the first time in the history three essential divisions of the industry the way has been found for constructive action, for the good of all."

Praising the industry for its efforts toward cooperation, Rosenblatt maintained the principles of the code have stood a test of service in operation, but admitted that details need perfecting and asserted that the NRA will continue to work for its improvement and perfection as long as the code exists.

Sharp exception was taken later in the day to his statement that the Code Authority and code agencies have acted with complete fairness in discharge of their duties. On the much criticized labor clauses, he asserted provisions had been worked carefully and cited many strikes which have been averted. He praised the industry for self regulation at the production source and said he regarded the step as wisely done.

Nizer Pleads Against Code Abandonment

BY PHONE FROM NEW ORLEANS!

You've never seen anything like it....this town has gone wild over "ROBERTA"....it's 2 o'clock here now and all opening day's records have been shot....they're standing up all over the house and all over the street....critics went nuts over picture....airmailing rave reviews....last night's world premiere for exhibitor's convention...had crowds standing in line around three sides of the block for an hour before the opening....Victor Meyer, Orpheum Manager, tells me he is certain of three weeks of record splintering business....Kuykendall at meeting gave "ROBERTA" great boost....trade paper boys here for the convention tell me they have burned up the wires to their papers about great success of picture and opening....telegraph offices were jammed last night with messages from exhibitors to their managers telling them to shoot the works for "ROBERTA".... sending photos and more details airmail....everyone says RKO-Radio has biggest money-picture in years in "ROBERTA".

Opposition to the Code Flares Up Again

Revamping of Campi Vital, MPTOA Votes

(*Continued from page* 4)

trouble, which is price cutting. We boast in this country of the highest living standard in the world, yet we sell our amusements at the lowest price. There is no theatre in Europe which does not charge more, and, in some instances, three or four times the level of American theatres. There is no public vested right in receiving entertainment for less than it costs.

Warns on Legislation

"Watch out for Federal legislation. That spells 'flop.' The 'o' stands for overseating and the 'p' stands for price cutting."

Following Nizer was L. W. Robert, Jr., Assistant Secretary of the Treasury in Washington, who urged exhibitors to name a committee for the purpose of keeping legislators advised of problems. He pointed out by so doing they would have an effective means of warding off new tax legislation.

Rosenblatt was next. He desired to avoid possible misquotation and this was his reason for reading a prepared speech. In general he defended the code, declared it had been brought together cooperatively by three major branches of the industry and conceded the code was not letter perfect. He deplored the lack of unity which he said continued to prevail in theatre ranks and added the fairness of Campi and code agencies throughout the nation had been amply demonstrated in 15 months of operation under the NRA document.

Seventy-five per cent of the cases for relief filed by exhibitors had been granted, it was his contention, and at the same time asked what there was to match this performance in a codeless era. The highlights of his address appear elsewhere in this edition.

Oppose Copyright Treaty

Presented by A. Julian Brylawski and subsequently adopted, the convention passed a resolution opposing United States entry into the International Copyright Union at Berne unless changes in existing copyright laws were made to protect American exhibitors from the deluge of additional licenses which he said would follow this country's decision to join in the Berne convention. Despite the fact the White House and State Department were behind the current copyright legislation, he held out hope that a promise, which he said had been made by the Foreign Relations Committee of the Senate to protect American exhibitors, would be fulfilled.

He told of efforts to cut the penalty for violations from $250 to $100 and promised a move would be made to further reduce the impost to $50, plus elimination of the usual attorney's fees, unless damages are proved.

Another possible attack poises the possibility of asking Congress for changes in the existing law itself.

"If we get what we want, we won't be paying licenses to ASCAP or anyone else," promised Brylawski.

On non-theatrical competition, the convention passed a resolution for appointment of a standing committee to discourage the practice with national advertisers and to collaborate with the M. P. T. O. A. territorial units on particular problems along these lines.

Discussion on legislative procedure by M. A. Lightman precipitated another wrangle based on methods.

It was at this point that Charles Segall, Philadelphia, cited plans of Pennsylvania to raise $6,000,000 from theatres in his state, through a proposed tax of one-half cent on each linear foot of film imported as well as a 10 per cent admission tax, and a measure to raise censorship fees from $2 for 1,500 feet to $15 for each 1,000 feet.

In discussing the 20 per cent unconditional cancellation privilige which the convention voted, Walsh admonished exhibitors not to worry about reports distributors will deliberately make cheaper pictures to meet the possibility of 100 per cent increase in eliminations.

"Nobody has yet devised a means of extending the calendar beyond 365 days a year. That means time is constant and will mean more competition among producers to hold on to their share. Therefore don't worry about cheaper pictures and explain this to your legislators. If distributors won't give you 20 per cent, it is up to exhibitors to determine whether they will follow the wishes of the public as evidenced by block booking bills introduced in many legislatures or wishers of producers."

This, incidently, was the only open reference to reports current that immediately prior to the convention that the M.P.T.O.A. would dangle tacit support at least of anti-block booking legislation against its striking out for increased cancellations.

Preferred Playing Is Hit

The expected resolution attacking distributors on preferred playing time developed and became part of the M.P.T.O.A. program for code revision. The St. Louis delegation introduced a flock of resolutions, most of which had been taken care of by the resolutions committee. Two, however, were passed and added to code revision agenda. One was for elimination of premiums through a majority vote in each territory in writing.

Wilby suggested no half-way tactics, but complete designation of premiums as unfair trade practice. He won. Second request was for inclusion in the code of a clause that matinees be designated as expiring not later than 5 P. M. and that it would be an unfair practice to continue matinee admissions beyond this limitation. The move is aimed by the St. Louis neighborhoods at downtown first runs there. An effort to dub double features unfair lost out by a heavy majority vote. Unfair was held to be the practice of selling shorts, including newsreels with features. This was introduced by Roy Smart of North Carolina Theatres at the behest of Wilby. Sidney Lust's resolution banning any clearance board member from sitting on a case in which he is interested was overwhelmingly defeated. Free radio shows were denounced by still another resolution, as were score charges, while family night type of shows was endorsed.

Philadelphia's campaign to foster independent producers took shape through the passage of a resolution praising them for the calibre of recent product.

M. E. Comerford and Walter Vincent were wished speedy recovery.

Producers were commended for efforts in making clean pictures and block booking was endorsed in resolutions, although circuits were frowned on for having selective contracts.

Fire underwriters will be petitioned to reduce premium rates. Kuykendall, who tried valiantly to keep the convention to schedule, but failed through late appearances daily of delegates, declared he would appoint a new executive committee after polling his territorial representation. This is to be done later in New York.

Tonight the annual banquet was held sans speeches. Many of the New York delegation left tonight for home. The general exodus starts tomorrow although many will remain for the Mardi Gras.

'Twas an Extra

New Orleans, Feb. 28.—Paramount gave the conventioneers something to buzz about when newsboys this morning hurried through various floors of the Roosevelt yelling: "Extra!"

Arranged by Bill Pine, the stunt was a special front page of the *New Orleans Item* handled in regular news makeup, but plugging "Ruggles of Red Gap" with a streamer: "Three hurt in movie mob's rush."

San Francisco Bids For the 1937 Meet

NEW ORLEANS, Feb. 28.—San Francisco put its hat into the ring for the 1937 convention when the World's Fair in that city will be under way.

Ed Kuykendall has about 10 cities bidding for next year, but, as usual, decision will not be made for five oh six months before the next conclave is called.

Arkansas Walkathon Ban Imposed by Law

NEW ORLEANS, Feb. 28.—M. A. Lightman learned today that walkathons had been banned in Arkansas and intimated a similar move will be sought in Tennessee.

A sales bill in the latter state has been revised, placing theatres in the same category as other mercantile establishments, subject to a two per cent sales tax, but it is seen doubtful if the lower house will pass it.

Heavy licenses on traveling shows will be imposed, if a second Tennessee measure now up is enacted.

Gulf States Group Hits Code Boards

(*Continued from page* 1)

functioning in a fair and impartial manner and that independents do not get a fair deal because the local boards consist of an equal number of buyers and sellers.

One of the proposals is that exhibitors here be allowed to write a code of their own on the ground that the situation here differs from other sections of the country.

Henry Lazarus, Rene Brunet, Philip Sliman and Harry McLeod attacked the boards from the convention floor, claiming that they were controlled by major companies. One suggestion was that the boards be placed under a public service commissioner to be appointed by the state.

Election of officers was postponed.

Vogel Agrees Feist Is Not Interfering

(*Continued from page* 1)

leaders, including Ed Kuykendall, Jack Miller, Lewen Pizor and Jay Emanuel was held with Feist in New Orleans the other evening in an effort to straighten out the product buying situation in the Windy City. Feist is understood to have declared that building plans for Chicago were in the hands of the Loew circuit and that he would not interfere.

Feist has kept his word. Joe Vogel yesterday stated he had not heard from Feist and knew about the meeting in New Orleans only when he read it in MOTION PICTURE DAILY.

Louis Nizer, who represented Miller about two weeks ago on a Campi appeal case, is understood trying to get all concerned together. Essaness and Schoenstadt circuits in Chicago refuse to do business with M-G-M because of percentage demands. Miller, identified with Essaness, will probably talk the buying matter over with Feist again before he leaves New Orleans in an effort to stay the invasion by Loew.

Footage Tax Bill Is Presented at Albany

(*Continued from page* 1)

ning from one cent a foot on theatres of more than 5,000 seats in a community of more than 1,000,000 population down to two-tenths of a mill per foot on theatres of less than 2,000 seats in communities of less than 10,000 population.

The bill provides that during any week when total paid admissions do not exceed one and one-half times the seating capacity multiplied by number of days pictures are shown the tax will be one-half of the rates prescribed.

Another bill introducted by James E. Stephens, Democrat of New York, authorizes attendance of children under 16 in houses approved by the local police and fire departments. This applies to houses showing films outside of regular school hours, but requires special reserved sections for children and the attendance of a matron for each 200 children admitted.



The COLUMBIANS' ANNUAL DINNER DANCE

Grand Ballroom

WALDORF-ASTORIA

MARCH 2nd., 1935

Formal *$7.50 Per Person*

Sponsored by the Employees of

COLUMBIA PICTURES CORPORATION

Laemmle's Denial Is Read to MPTOA

NEW ORLEANS, Feb. 28.—Denial that any sale of Universal is impending was presented today to the M. P. T. O. A. convention by James R. Grainger, general sales manager, in the form of a telegram from Carl Laemmle.

"No one knows better than you," the telegram read, "that we are in the midst of producing our best product. What is more, you can tell exhibitors that you are expected out here shortly to lay out production plans for next season.

"Constant rumors make it more and more difficult to deny. I want to assure you, and through you, all exhibitors assembled that when the time comes for me to retire from active business management a statement will come from me direct and not through any third parties, or via the rumor route."

MPTOA Crowd Given Eyeful of "Roberta"

NEW ORLEANS, Feb. 28.—Radio put on an opening for "Roberta" at the Orpheum for the special benefit of the M.P.T.O.A. delegates. The natives also turned out in a big way.

The advance campaign was put on by Gar Moore, Orpheum publicity man, helped by Ed. Holland of S. Barret McCormick's home office staff. It included a fashion show with the original Hollywood gowns and some good looking mannequins. Motorcycle escorts for armored cars delivered the gowns at a local department store. There also were flood lights 'n' things.

Victor Meyer, Orpheum manager, sent a wire to Ned E. Depinet to tell him about the waiting lines and to predict a three-week run.

"Itto" Shown on Ship

"Itto," new French film brought to this country by Marcel Sprecher, was shown last night to an invited audience on the *Ile de France* by John S. Tapernoux, who will handle distribution in this country.

Sprecher will be here for about 10 days.

Pat Garyn Recovering

DALLAS, Feb. 28.—Pat Garyn is much improved after two weeks spent in St. Paul's Hospital, where he was taken after suffering a relapse from a flu attack. He is reported out of danger, but is staying in the hospital while building up.

Discuss Ampa Seating

Seating arrangements for the Naked Truth Dinner which will be held April 27 at the Astor were discussed yesterday at a closed Ampa session. Paul Benjamin presided in the absence of William Ferguson.

Mrs. Kohler Mourned

Salome Kohler, circulation manager of *Film Daily*, is mourning the loss of her mother, who died yesterday.

Adams Reopens House

Adam A. Adams has taken over the Park Lane, Palisades Park, N. J., and reopens it tonight. Skouras operated it for some time and then dropped it.

Where the Sazeracs Flow

By RAMOS

NEW ORLEANS, Feb. 28.—GEORGE WEEKS had his third encounter with the local gendarmerie about four yesterday morning. And that's a long story.

It seemed the G. B. sales manager determined to screen "The Dictator" for those who would get up at 9:30 in the morning to look. Having arranged it with VIC MEYER, manager of the Orpheum, the next step was a telegraphic invitation to the convention. ADOLPH A. COHN, commercial representative for Western Union, now entered the scene and, in order to present his credentials, deposited his wallet in Week's room, thereafter to leave without picking it up.

This opened the way complete to the rib. Phony house detectives bothered WEEKS on the phone; also assistant hotel managers. At Antoine's, HARRY MCLEOD, president of the G.S.T.O.A., who knows plenty of local flatfoots, arranged a fake arrest. It went off in grand style, even down the line to where ED KUYKENDALL played straight with the coppers and CHARLIE EINFELD asked one of them for his credentials.

About four in the morning, two other members of the New Orleans' finest descended on the Nut Club which was crowded with gay conventioneers at the time, took GEORGE into custody and toted him off to the police station. By this time, WEEKS was mad. "A joke is a joke," was the sum total of all he could sputter.

Today, the tables were turned with Western Union COHN finding WEEKS' watch in his pocket, the planting having been undertaken by MCLEOD. Some fun!

* * *

JULIAN BRYLAWSKI's train sales on behalf of the Washington D. C. Variety Club were so heavy, he wired for more tickets upon his arrival and has been doing a swell job for sweet charity's sake.

* * *

L. J. LUDWIG, associated with JOHN J. FRIEDL in the former Publix operations in and around Minneapolis, is here watching the proceedings as a sort of one-man delegation from his territory. He's been asking about MAYER, ARTHUR will be interested in learning here.

* * *

SAM DEMBOW, the personality (plus) kid, is demonstrating that copious faculty for having fun himself and imbuing all others around him with the same sort of glow. His sense of humor, always sharp, is rollicking along without brakes here, with results very amusing. For instance, he's heard the old quip having to do with early to bed, early to rise but has altered to the blackout line to read: "If you do, you won't meet any of the prominent people at the convention."

* * *

On the sidelines is a chap who wears one of those mechanical devices to improve his hearing. "I knew him back in 'Frisco in the silent days," remarked DEMBOW the other dawning. . . .

* * *

New Orleans hospitality is illustrated by an experience CHARLIE EINFELD ran into the other morning. He picked up his phone and a Southern drawl said:

"Good morning, sugar."

"I'd like a paper," said EINFELD.

"What kind of paper, sugar? Wallpaper?"

"No!"

"Flypaper?"

"No!"

"Writing paper?"

"NO!"

"I guess you-all want a newspaper, sugar."

"Right!"

It was the Roosevelt telephone operator.

* * *

A gang at Antoine's the other night included JACK MILLER, his son, JACK, and the latter's bride. Someone suggested allowing the waiter to order the dinner, which is the way it is usually done at Roy's place.

"Not for me," interrupted JACK, JR.; "I'll order my own."

Came the menu, completely in French, of course.

Young MILLER looked it over and remarked:

"It's in a foreign language, but it's funny because the one thing I want is in English."

"What is it?" he was asked.

"Filet mignon."

* * *

JULES MICHAEL of Buffalo is recovering from a partial face paralysis which followed a recent auto accident.

* * *

EDITH HARDIN, secretary to CHARLES W. PICQUET, who is not here, by the way, is on her first convention. She is a sister of MRS. WALTER GRIFFITH, Charlotte code board secretary.

* * *

Much disappointment here over the inability of SID KENT to deliver his programmed speech. Ditto on JOHN C. FLINN.

* * *

ED KUYKENDALL insists upon pronouncing architect as if it had an "s" where the "c" belongs. That's because nobody understands the South.

* * *

JERRY KUYKENDALL slipped in and out of the president's reception at Tip Top Inn Tuesday night. She later attended a private pre-Mardi Gras ball.

* * *

BEN BERINSTEIN waxed philosophical at the opening session. "I've been an exhibitor for 20 years. So they make me sergeant-at-arms," he said.

* * *

GEORGE SCHUTZ master-of-ceremonies for a minute Tuesday to snatch a group picture for *Motion Picture Herald*. "Suppose we have them look antagonistically at the chair," he suggested. "Let 'em look natural. It's the same thing," rejoined KUYKENDALL.

* * *

HARRY THOMAS hoofs a mean dance. Proof: The Blue Room at the Roosevelt about 1:30 in the morning.

* * *

MRS. BOB MCNEIL finally met BOB MCNEIL last night.

* * *

They took bows from the floor, in reply to Kuykendall's introductions:

JOHN D. CLARK, EARLE W. HAMMONS, ED FAY, L. C. HEHL, HARRY THOMAS, ART UNGAR, a member of the "third estate," JULES LEVY and DAVE PALFREYMAN, who said he had been criticizing everything on the program and now criticized the chair for introducing him.

* * *

SAM DEMBOW and HERMAN ROBBINS shove off for Miami Friday.

* * *

KUYKENDALL officially thanked National Screen for its trailer stunt.

* * *

HAL YOUNG developed "dog" trouble by the time the sessions ended. He'd been everywhere at one time.

Seven-Year Plan

New Orleans, Feb. 28.—A seven-year plan, bettering Stalin's idea by two, has been evolved for the M.P.T.O.A. by some of its pillars, in jovial mood, mind you. Here it is:

For 1936—Miami as the convention city.

For 1937—San Francisco during the forthcoming world's fair.

For 1938—Caliente.

For 1939—Oklahoma City.

For 1940—Palm Springs.

For 1941—On a Bermuda-bound boat.

For 1942—Elect a new president to succeed Ed Kuykendall.

Wall Street

Columbia Up ⅝ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1) 41	40	40		+ ⅝
Consolidated Film	5¾	5¾	5¾	.....
Consolidated Film pfd. (½v) 19	19	19		+ ⅜
Eastman (5) 120⅞	120⅝	120⅞		+ ⅜
Fox Film "A"..... 10	9¾	9¾		— ¼
Loew's Inc. (2).. 35⅝	35⅛	35½		+ ⅝
M-G-M pfd (1.89) 27¼	27¼	27¼		— ¼
Paramount Publix	3⅜	3¼	3⅜	+ ⅛
Pathe	⅞	¾	¾	— ⅛
Pathe "A" 15	14⅜	14¾		+ ½
RKO	1⅝	1½	1⅝	+ ⅛
Warner Bros. ...	3⅛	3	3	— ⅛
Warner Bros. pfd 18	17⅝	18		+ ½

No Change on Curb

	High	Low	Close	Net Change
Technicolor	16⅛	16	16	.....
Trans-Lux (.10k)	2¾	2¾	2¾	.....

Para. B'way Bonds Gain 2

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	7½	7½	7½	+ ⅜
General Theatre Equip. 6s '40 ctf	7½	7¼	7¼	.....
Keith B. F. 6s '46 68	68	68		— ⅛
Loew's 6s '41 ww deb rights..106	106	106		.....
Paramount B'way 5½s '51	49½	48	48½	+2
Paramount F. L. 6s '47	71½	69⅛	70½	+1⅜
Paramount Publix 5½s '50	71½	69½	71	+1⅞
Pathe 7s '37 ww..103	103	103		.....
Warner Bros. 6s '39 wd.....	52⅞	52½	52⅝	+ ⅝

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Feb. 28)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 53 NEW YORK, TUESDAY, MARCH 5, 1935 TEN CENTS

U. S. SUPREME COURT VOIDS FOX'S TRI-ERGON PATENTS

Pathe's Plan For New Setup Gets Approval

Pathe's plan of financial reorganization was approved yesterday by an extraordinary meeting of stockholders with 328,855 shares being voted in favor of the plan and 8,910 shares against it. A total of 340,702 shares of all classes was represented at the meeting. Under the stock corporation law the extraordinary meeting required two-thirds of the stock represented at the meeting to approve the plan.

With the adoption of the reorganization, Pathe Exchange, Inc., will be

(*Continued on page 4*)

Goldwyn Will Have Six Upon New List

Samuel Goldwyn, who will sail for Europe Saturday, announced yesterday his complete lineup of six pictures for the 1935-36 program for United Artists release.

In addition to one picture each with Eddie Cantor and Anna Sten, Goldwyn stated that "The Goldwyn Follies," a musical revue, would be one

(*Continued on page 8*)

Joe Weber Becomes An Exhibitor Here

Joe Weber of the historic team of Weber and Fields, is now an exhibitor. He has taken over the De Luxe on 125th St. and will reopen it Friday with a double feature policy. Weber has lined up a number of film and stage stars for appearances at the opening, including George Bancroft, William Collier, Jr., and Harry Hershfield.

Standards Up, Say Maryland's Censors

BALTIMORE, March 4.—"A very great improvement in production standards" was noted by the Maryland censor board in the last quarter

(*Continued on page 2*)

Nye Will Use Darrow Report In NRA Probe

WASHINGTON, March 4.—Meeting tomorrow to plan its investigation of the NRA, the Senate Finance Committee will have before it for consideration charges filed against a number of codes, including that for the film industry, by Senator Nye of North Dakota.

A lengthy brief, in part derived from the findings of the Darrow Review Board, was laid before the committee last week by the senator, who is expected to play a prominent part in the hearings shortly to begin.

Going back to the inception of the code, Nye charges undue influence

(*Continued on page 6*)

NRA Board Reports Code Industry Gain

WASHINGTON, March 4.—Industry losses have been transmitted into profits since inauguration of the recovery program, according to a 60-odd page report which has been prepared by the Research and Planning Division of the National Recovery Administration.

Written apparently as part of its defense mechanism against the impending investigation of the Senate Finance Committee, the report details

(*Continued on page 6*)

Decision Ends Litigation by Which Former Producer Hoped to Collect About $20,000,000 from Industry

By CLARENCE LINZ

WASHINGTON, March 4.—Patents held by American Tri-Ergon Corp. covering sound picture equipment today were held invalid by the U. S. Supreme Court, bringing to a close litigation which for a time threatened havoc to the entire industry.

By the decision, William Fox, owner of a controlling interest in the corporation, loses the approximately $20,000,000 which he figured to collect if his claims had been upheld.

The decision of the court, in both the Paramount Publix and the Altoona Publix and Wilmer & Vincent cases, was unanimous, except that Justice Brandeis took no part in the consideration or decision of either.

The Paramount Publix case involved the so-called double printer where pictures and sound are photographed on separate negatives and combined later, and the other case covered flywheels used on projectors.

"An examination of the prior art can leave no doubt that the method, as thus described and clearly restricted

(*Continued on page 4*)

Surplus Code Funds Are to Be Divided

WASHINGTON, March 4.—Any surplus developed by Campi by reason of excessive contributions received last year will be credited or returned to code contributors in June, under a provision which will be incorporated in the 1934 budget approval, it was made known today.

The budget for last year has been signed by Deputy Administrator William P. Farnsworth and sent to the recovery board for approval. It is expected to be signed within 48 hours.

Under the plan to be approved, any

(*Continued on page 6*)

Contract Fate Up In Chicago Suits

CHICAGO, March 4.—Whether distributors can enforce their contract provisions against 10-cent admissions and double features is the issue involved in the Roder-Rubin suits against circuits and major distributors. James Roder is the owner of the 295-seat Astor in the Loop and Jack Rubin runs the Public in the negro district.

Both actions have been brought under the Sherman anti-trust law and the Clayton Act. As the defendants have lost their preliminary motion for

(*Continued on page 2*)

Paramount Lines Up 13 Groups at Studio

HOLLYWOOD, March 4.—Paramount studios, under the new leadership of Henry Herzbrun and Ernst Lubitsch, have established a definite studio organization consisting of 13 departmental executive heads and 9 associate producers. Executive personnel

(*Continued on page 5*)

Suits by Fox An Industry Worry Since Late in 1933

William Fox's Tri-Ergon suits had hung over the industry as a potential threat since December, 1933, but the full significance of the danger did not stir any excitement until last October, when the U. S. Supreme Court refused to review a decision of the U. S. Circuit Court of Appeals upholding the validity of the patents.

Immediately following this ruling patent suits were filed against major distributors and others as fast as two downtown laws firms could prepare the papers.

From the start of the litigation, which began in the form of two cases, one against Paramount Publix in U. S. District Court in Brooklyn on the double-printer patent and the other against Altoona Publix and Wilmer & Vincent in U. S. District Court at

(*Continued on page 4*)

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Comerford Still Gains

WASHINGTON, March 4.—Although not yet out of danger, M. E. Comerford's slow but steady improvement, especially over the week-end, is encouraging, Dr. W. A. Bloedorn reported today.

Walsh on Jockey Board

SACRAMENTO, March 4.—Director Raoul Walsh today was named to the board of the $750,000 Hollywood Jockey Club when articles of incorporation were filed here with the secretary of state.

Edna May Oliver Signed

HOLLYWOOD, March 4.—Edna May Oliver has been signed to a long term contract with M-G-M. She will begin work soon on "No More Ladies."

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN
FILM and THEATRE
INSURANCE
75 Maiden Lane, New York
510 W. 6th St., Los Angeles, Cal.

Purely Personal

ABE STONE was in town from Albany yesterday on a clearance and zoning complaint against Warners' Albany theatre. Stone has the Eagle.

•

SAM MOROSS is back from five weeks in Indianapolis where he pinch hit for MIRIAM YERGIN, local code board secretary, who has been sick.

•

OSCAR HANSON returned to Toronto to last night after a week here looking over new product in the projection rooms for Empire Films, Ltd.

•

BERNIE BROOKS, Paramount salesman for upstate New York, is not bothered by that growth of hair on his upper lip.

Quip of the Day

Louis Frisch of Randforce, which operates a number of Brooklyn theatres representing a part of Fox Metropolitan Playhouses, is far from disturbed by the various reports about interests negotiating for the circuit.

He says: "I will give Fox Met. one final worry when a deal is actually consummated and not before."

COMPLIANCE DIRECTOR SOL A. ROSENBLATT returned to Washington yesterday from New Orleans.

•

JOHN BARRYMORE is ill at the New York Hospital.

•

MARLENE DIETRICH arrives from the coast Thursday for a vacation.

•

MICHAEL BALCON and ARTHUR LEE leave today for the coast.

HARRY THOMAS, FRED McCONNELL, AMOS HIATT and CHARLES STILLMAN are due to return from Detroit today. They've been holding informal sales talks on "The March of Time."

•

MILT KUSELL goes to Buffalo the latter part of the week and plans to make it his business to visit the upstate territory once a week hereafter.

•

JOHN CLARK, CHARLES E. McCARTHY and EARLE WINGART represented the Fox delegation at Sardi's noon-hour gathering yesterday.

•

DON JACOCKS, Warner New Jersey division head, returned yesterday from a Bermuda vacation.

•

CLAUDETTE COLBERT just in from the coast, will broadcast a leading part in "Holiday" next Sunday.

•

FERENC MOLNAR'S "The Pastry Baker's Wife" has been purchased by Paramount.

•

COLONEL STOOPNAGLE and BUDD begin a personal appearance Friday at the Roxy.

•

ED HATRICK is back on the coast again and plans to stay there several months.

•

HENRY HATHAWAY, Paramount director, is coming east via the airways.

•

SPYROS SKOURAS is back from a flying trip to St. Louis and Kansas City.

•

WILLARD MCKAY of Universal is on the coast for an indefinite stay.

Columbia Buys Tract

HOLLYWOOD, March 4. — Columbia has purchased a 40-acre tract near Burbank for the erection of a number of permanent outdoor sets so that it will not be necessary in the future to lease them from other producers. The location is about 12 minutes' motor trip from the present plant at Sunset Boulevard and Gower St.

Radio Sets Belgian Deal

E. D. Leishman, managing director of Radio Pictures International, Ltd., has just closed a deal with Max Bosman of Brussells for 15 1934-35 features, 13 rainbow color cartoons, six two-reelers and "La Cucuracha," according to cables received at the home office.

"Car 99" Gets $12,000

"Car 99" at the Rialto last week garnered $12,000, while the first week of "Sweet Music" at the Strand hit $32,189. "All the King's Horses" will open at the Rialto on Friday.

H. G. Wells Due Here

H. G. Wells, author, whose "100 Years From Now" is nearing completion at London Films studios, is en route aboard the *Bremen* and is due here Thursday.

Four Warners on B'way

Warners has currently on Broadway four films. "Sweet Music" is at the Strand, "Red Hot Tires" at the Mayfair, "While the Patient Slept" at the Rialto and "Devil Dogs of the Air" at the State. All but the State are first runs, the Strand having previously played the air film two weeks.

To Open at Poughkeepsie

Ben Knoble will reopen the Liberty, Poughkeepsie, N. Y., on March 15. Mark Block is now remodeling the Lyric, Newark, N. J., to the tune of $15,000. The house is open during alterations. Joe Hornstein is rejuvenating Adam A. Adams' Park Lane, Palisades Park, N. J., with a new line of equipment.

Oberon for "Mohicans"

HOLLYWOOD, March 4.—Merle Oberon has been added to the cast of James Fenimore Cooper's "The Last of the Mohicans." She will have the leading feminine role.

Trem Carr in Hollywood

HOLLYWOOD, March 4.—Trem Carr, Monogram vice-president, returned here today.

Contract Fate Up In Chicago Suits

(*Continued from page* 1)

dismissal the cases will go to trial April 8.

Primary defendants are: B. & K., B. & K. Management Corp., Essanness Theatres Corp., Warner Brothers Theatres, Inc., Warner Brothers Circuit Management Corp., H. Schoenstadt & Sons; Chicago Exhibitors' Ass'n., Barney Balaban, James Coston, Elmer D. Miller, Edwin Silberman and Arthur Schoenstadt.

Secondary defendants are: M-G-M, United Artists, Fox Film, Vitagraph, Inc., Columbia, Paramount, RKO and Universal.

That distributors regard the case as important is shown by the battery of legal talent. W. D. Whitney of New York represents RKO, Edmund Adcock represents Essanness; Felix Jenkins is here for Fox, and Paramount has Sonnenschein, Berkson, Lantson and Levinson.

Missouri Air Stunt Ends in Fatal Crash

LAMAR, Mo., March 4.—An airplane publicity stunt for "Devil Dogs of the Air" ended disastrously when the plane crashed in the town square here, killing two occupants and injuring the pilot.

The flight was made to permit Rex Thomas, reporter for the Lamar Democrat, to "bombard" the town with heralds advertising the air picture showing at the Plaza, operated by A. J. Simmons. As hundreds looked on, the plane suddenly hurtled to the pavement from an estimated altitude of 350 feet.

Thomas and Maurice Bassett, son of the local sheriff, were killed. The pilot, Ward Millard, had rebuilt the plane after it had figured in an earlier wreck.

Standards Up, Say Maryland's Censors

(*Continued from page* 1)

of last year, it was stated in the annual report.

During the year from Oct. 1, 1933, to Sept. 30, 1934, the board examined 2,261 original films, a decrease of 64 under the previous year, and viewed 7,823 duplicate prints, an increase of 779.

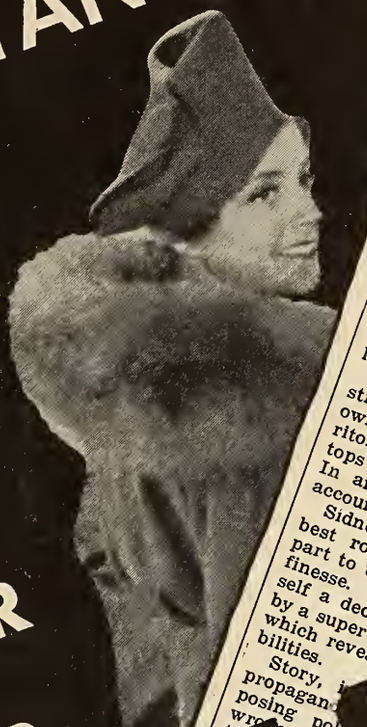
Nine films were rejected in toto. Of these, four were passed later in reconstructed form. Cuts totaled 779, an increase of 103 over the previous year. The board acted on 58 appeals, and in only one case was it overruled by a court.

The EUCHARISTIC CONGRESS
AT BUENOS AIRES
Imposing array of dignitaries from the far-flung corners of the world, participating in awe-inspiring ceremonies.
A colorful pageant of
INCOMPARABLE BEAUTY & SPLENDOR
Engrossing narrative by
BASIL RUYSDAEL
Organ accompaniment by Lew White

1 Reel—11 minutes—Original sound.
A ready-made audience of fifty million people waiting.

Territorial rights available
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MONOGRAM IS STILL ON THE BOX-OFFICE GOLD STANDARD



SIDNEY BLACKMER

MARTHA SLEEPER

GREAT GOD GOLD

Directed by ARTHUR LUBIN

Story by Albert J. Meserow & Elynore Dalkhart

Adaptation by NORMAN HOUSTON

Additional Dialogue by JEFFERSON PARKER

VARIETY

Great God Gold

Monogram production and release. Directed by Arthur Lubin. Story by Albert J. Meserow and Elynore Dalkhart. Adaptation by Norman Houston. Additional dialog by Jefferson Parker. Photographed by Milton Krasner. Cast: Sidney Blackmer, Martha Sleeper, Regis Toomey, Edwin Maxwell, Ralf Harolde, Maria Alba, John T. Murray, Gloria Shea. Previewed at Pantages theatre, Feb. 26. Running time, 72 mins.

Backed by a strong topical story, excellently played by every member of the cast, smartly produced and directed and meritoriously supported from every angle, 'Great God Gold' is one of the best independent offerings seen in a long time.

Where it may not have name strength enough to stand on its own, it may invade some new territory for Monogram and rates tops in the better dual programs. In any case it should give good account of itself at the b.o.

Sidney Blackmer is given his best role to date and [illegible] part to the hilt, with [illegible] finesse. Martha Sleeper [illegible] self a decided [illegible] by a superbly [illegible] which reveals [illegible] bilities.

Story, [illegible] propaganda [illegible] posing [illegible] wrongs, is a [illegible] cuttling [illegible] the [illegible] both [illegible] Norman [illegible] the Alba [illegible] Dalkhart [illegible] of screen writing held close to the ...ds and greeds of depression ...oned folk. Jefferson Parker ...added bright and significant ...log, and the dramatic tension has been well leavened with sardonic humor.

Sidney Blackmer, financier who escaped the stock crash of 1929, is persuaded to join Edwin T. Maxwell and John T. Murphy, racketeering attorneys, in a receivership ring, connived at by a venal judge, to despoil the assets of shaky business enterprises. They leave a train of death and disaster. Blackmer's weakness for women—upon whom he relies for racketeering hunches as well as casual amours —finally catches up with him. Martha Sleeper, daughter of a victim, traps him into revelation of his semi-legal thievery and Ralf Harolde, as the husband two-timing Maria Alba, shoots him. Regis Toomey scores as an alliterative, romantic reporter.

Maxwell and Murray are excellent as the brazen attorney buccaneers. Harolde makes his short, sinister part stand out. Maria Alba as the dalliant wife is provocative and colorful. Gloria Shea plays well the part of a blonde-headed and blonde-hearted secretary.

Arthur Lubin does an exceptionally fine job directing. He keeps the story plausible and important, with mounting suspense and admirable reticence in reaching his high spots, and the character clashes ring true at every angle. Milton Krasner adds plenty mer- it with his camera, and there is a good musical score, not credited.

"ONE OF THE BEST INDEPENDENT OFFERINGS SEEN IN A LONG TIME. SMARTLY PRODUCED. EXCEPTIONALLY FINE JOB DIRECTING." —*Variety*

MONOGRAM PICTURES

U. S. Supreme Court Voids Fox Patents

(Continued from page 1)

by the patent, lacks novelty and invention," the court held. "The only step in the respondent's method, for which any advance could be claimed over earlier methods, is the process of uniting the two records on a single positive film by printing them from separate negatives.

"The practice of printing separate photographs from separately developed negatives upon a single positive film has long been known."

Reviews History of Sound Film

Analyzing Tri-Ergon's contention that the development of the sound picture was largely due to its patents, the court went into the history of sound film since 1926 when Warners released their first talking picture. The sound originally was carried on phonographic-type turntables and it was "not until after the public interest in sound pictures was disclosed that the mechanism for recording and reproducing sound by the film method was carried to a state of perfection which would warrant its production in commercial form."

"Thus," the court continued, "there is no basis shown by this record for the contention that advance in this phase of the motion picture industry was awaiting the development of the combined sound and picture record upon a single positive film. On the contrary, the inference seems plain that the advance awaited the public acceptance of the sound motion picture; that when the public demand became manifest it was still necessary to develop suitable mechanisms, not embraced in the patent, for the production of sound from film. There had long been, ready at hand, knowledge in the photographic art which would enable one skilled in the art to produce the film suitable for use in the new apparatus.

"No Recognized Need"

"The bare fact that several inventors, in the early stages of sound reproduction, working independently, of whose knowledge and skill in the photographic art we know little or nothing, failed to resort to a method, well known to that art, for printing a combination film for which there was then no generally recognized need, does not give rise to the inference of invention."

The projection patents claimed by Tri-Ergon centered around the use of a flywheel for securing uniformity of speed. Five of the seven claims in issue apply to this mechanism. The lower court did not pass on the separate claims, but found invention in a combination of elements not embraced in any single claim, the court pointed out.

"There is no serious contention, nor could there well be, that the combination apparatus, for moving the linear record past the translation point at which the sound is recording or reproduced, involves invention without the flywheel," it was held. "The flywheel has long been known, is used in a variety of ways, and was held by the Patent Office as early as 1875, upon application of Thomas A. Edison in connection with the phonograph, not to be patentable.

"The court below, attributing the rapid development of the sound motion picture industry to the invention in the patent in suit, that, as respondent earnestly argues here, its utility and commercial success must be accepted as convincing evidence of invention. But we think that want of invention would have to be far more doubtful than it is to be aided by evidence of commercial success indicating that it brought realization of a long-felt want.

"Moreover, the record fails to show that there was any long-felt or generally recognized want in the motion picture industry for the device defined by the flywheel claims, or that the use of sound motion pictures was delayed by the inability of those skilled in the art to add a flywheel to the apparatus in order to give the desired uniformity of motion to linear phonograms.

Many Devices Were Used

"There was no public demand for sound motion pictures before 1926, when the disc system of Western Electric was first publicly used in connection with motion pictures. Before the change to the photographic film system could be accomplished, it was necessary to wait the development of numerous electrical devices not embraced in the present claims, among them were adequate amplifiers, loud speakers and microphones. Progress in the perfection of these appliances was achieved rapidly, after the public acceptance of the sound picture in 1926, through the efforts of many independent workers in the field. When the need arose for a mechanism suitable to move film records with such speed-constancy as to reproduce the sound successfully, it was forthcoming. Only the skill of the art was required to adapt the flywheel device to familiar types of mechanism to secure the desired result."

The court referred to disclaimers filed in connection with the two claims which would serve to narrow the claims so as to cover invention only when used in conjunction with a flywheel, the opinion pointing out that the practice of the Patent Office is that a claim abandoned or rejected with the acquiescence of the applicant cannot be revived in a re-issued patent.

In both cases, the decision of the Supreme Court reversed the verdict rendered by the court below.

Suits by Fox An Industry Worry Since Late in 1933

(Continued from page 1)

Harrisburg, Erpi had defended Paramount and RCA Photophone had defended the theatre circuits. This was because their contracts called for protection of users of their equipment against possible patent claims.

The Harrisburg case had progressed slowly through the courts until it was finally decided by the U. S. Circuit Court of Appeals at Scranton. The cases were joined for argument on the first and second appeals before the U. S. Supreme Court.

Immediately following the October refusal of an appeal the courts of original jurisdiction in Harrisburg and Brooklyn prepared perpetual injunctions.

Fantastic stories were afloat about the sums Fox might be able to collect through his foresight in buying the patents of two German inventors in the early days of the sound equipment. Fox Film filed suit on the ground that the patents were acquired by Fox through funds of the Fox Film Corp. before Fox withdrew from the company. This case is still pending, but probably will not be prosecuted.

The infringement suits piled up rapidly both here and at Wilmington. After the major producers had been made defendants the cases were extended to cover a number of laboratories and theatre circuits and there were intimations that individual theatres throughout the country would be sued later.

RCA announced it would remove flywheels and Erpi issued statements about inventions designed to avoid the double-printer infringement. Both companies were silent yesterday following the high court ruling, on the ground they had not had time to study the opinion.

In a Scranton ruling the court awarded damages to Fox and appointed a special master to hear testimony on their extent. All these pending court cases were automatically stayed when on Nov. 5 the Supreme Court agreed to rehear the case. The plea was made Oct. 8 on the ground that the lower court had reached an erroneous conclusion and that the widespread threat to the industry as a result of the Fox suits made it imperative that the court should not refuse to consider the issue on the ground of a lack of conflict of decisions in the lower courts.

The inventions were the work of a trio of Germans, Hans Vogt, Joseph Massolle and Jo Engl. The devices found their way to the United States in 1927, when William Fox acquired American rights to them under the influence of W. T. Case, wealthy scientific experimenter, a collaborator of Lee De Forest, then associated with the Fox film interests in New York.

Approximately $66,000 was paid by Fox for the rights to exploit the inventions in this country. American Tri-Ergon was formed to control them.

German Patent Case Stirs Wide Interest

WASHINGTON, March 4.—Action in Berlin by the Reich's Patent Office on January 31, in declaring void Tobis's doubleprint patent is a point of great interest both to the German and American Film industries, states Trade Commissioner George R. Canty, in Berlin, in a report to the U. S. Department of Commerce.

On Dec. 22 the German Supreme Court at Leipzig sustained decisions of two lower courts in the case of Ufa-Afifa and Hubert Schenger vs. Tobis, which read that the doubleprint methods of these companies contravened the patent held by Tobis, which the latter secured from the Tri-Ergon group in 1928.

In August, 1934, Friess A. G., a manufacturer of sound film recording sets, petitioned the Reich's Patent Office to declare void the Tobis patent on the ground that there was a prior publication of it in 1913, filed by one Friedrich Reimer. The Patent Office upheld this contention, and also found fault, because of prior publication, with another section of the patent specification which "restricts the joint shooting of sound and picture on one negative, with the contention that this negative is cut longitudinally in two before developing in order to enable an independent developing of the two parts."

It is expected that the Tobis will appeal this decision before the German Supreme Court at Leipzig,but trade opinion in Germany veers toward the viewpoint that the Patent Office's decision will be upheld, thus throwing the entire question open again.

Pathe's Plan For New Setup Gets Approval

(Continued from page 1)

dissolved and a new company organized with authority to issue 30,000 shares of new $7 convertible preferred stock and 2,000,000 shares of new common of $1 par value. Holders of the old Pathe eight per cent preferred stock will receive one share of new convertible preferred and five of new common for each share of the old; holders of the old Class A preferred will receive two shares of new common for each share of the old and common stockholders will receive one-twentieth share of new for each share of old.

The plan also authorizes the new company to issue collateral secured notes, of which not more than $4,000,000 shall be outstanding at any time. These notes will be convertible into new common stock and will be applied to the retirement of $2,027,500 principal amount of seven per cent sinking fund debentures outstanding, which will be called in May 1 at 103.

Only Three Objectors

Opposition to the plan at the meeting was confined to three stockholders who described it as placing a penalty on holders of the common stock to the advantage of holders of the eight per cent and Class A stock. Stuart W. Webb, Pathe president, who presided at the meeting, answered this criticism with the statement that there was an accumulation of unpaid dividends of more than $8,000,000 on the preference stock and that without the reorganization common stockholders would have no chance of receiving dividends until that deficiency had been taken care of.

In response to a query put by a stockholder, Webb stated that Pathe would not engage in production and that directors of the company regarded production for the company unfavorably. Pathe will, of course, continue its financing of outside production in conjunction with its laboratory activities. Webb also stated in reply to another question that Pathe expected to realize a "substantial" amount on the $1,690,549 of RKO notes it holds whenever RKO is reorganized.

E. B. Derr, former Pathe production head, came from the coast to attend the meeting.

Ruling Reserved on Para. Coast Units

Special Master John E. Joyce took under advisement following a hearing yesterday a petition to permit Paramount Properties, Inc., holding company for the west coast studio and Paramount Theatre Bldg., Los Angeles, to file a plan of reorganization in Federal court for Southern California and authorization for the Paramount Publix trustees to participate in such a reorganization.

The plan would provide for the issuance of new bonds in place of the $2,750,000 now outstanding, the new issue to bear the same rate of interest as the old and to be secured by the studio and theatre building. They would mature Sept. 1, 1942, and would have annual sinking fund requirements of $100,000 the first year, $125,000 the next two years and $150,000 the last four years.

A new lease on the studio to 1942 is proposed at an aggregate rental of $1,267,500 for the seven-year period, at yearly rentals varying from a minimum of $99,000 to a maximum of $176,400. The present rental is $200,000 annually. The new lease on the Los Angeles Paramount Bldg. would also be for seven years at an aggregate rental of $845,000, with a minimum annual rent of $66,000 and a maximum of $117,600. The present rental is $250,000 annually.

Bancroft Off Jokes Before Cheese Club

George Bancroft is through telling jokes at the Cheese Club. Appearing before the members yesterday, he explained that the last time he had the honor of being a guest he told an alleged funny story and someone picked it up, wrote a scenario around it and sold it to one of the producers.

To top it all, Bancroft stated, he was cast in the picture.

"Poor Elmer!" he said. "Never again will I tell any jokes to the Cheese Club."

Bancroft is looking around for a play which he plans to appear in before returning to Hollywood this summer. He has no intention of returning to pictures at present, he said.

Also on the Cheese Club bill were William Collier, Jr., and Joe Weber of the old Weber and Fields vaudeville team.

Sam Wood Sells Novel

HOLLYWOOD, March 4.—Sam Wood has sold the screen rights to "We Are Three," a novel which he purchased in Paris on his recent trip, to Carl Laemmle, Jr. If he completes his current United Artists picture, "Washington Correspondent," by April 1, Wood will direct the story. The story was written by Marchel Tibelt.

Sprecher to Entertain

Marcel Sprecher, representative of Eden Prod., Paris, who is here with the French film, "Itto," will give a reception for the press Wednesday afternoon at the Pierre. Sprecher is president of Union Syndicale des Distributeurs de Films en France.

Open Newburgh Academy

Harry Friedman has reopened the Academy, Newburgh, N. Y., which has been dark for the past two years. Publix was its last operator.

Proposed Paramount Board "Barren" of Ideas—Ernst

Declaring the proposed new board of directors of Paramount to be "barren" of creative knowledge and film industry experience, Morris L. Ernst, attorney and member of the Vanderlip debenture committee, one of the most important factors in the Paramount reorganization, stated in a letter to Paramount bondholders yesterday that he had "no faith that the board is worthy of the magnitude of the task and the exciting possibilities of the enterprise."

Ernst's views, exclusively disclosed by MOTION PICTURE DAILY on Saturday, accompanied the Vanderlip committee's notification to Paramount bondholders that it had assented to the Paramount reorganization plan and asking bondholders who favored the plan to deposit with the committee. Ernst approves the plan as "fair and financially decent," centering his objections solely on the board makeup.

"No one can deny," the letter stated, "that the motion picture industry is suffering from the distrust and arm's length dealing of all those who transact business with it at present. In my opinion the first company that establishes real confidence in the market of talent will run away with the entire show."

Ernst recommends representation for production talent on the board, men "who are familiar with entertainment, retail distribution and educational forces, and at least one person aware of movie export aspects." He favors salaries for directors to create a duty to "render a substantial service to the company" and salaries for chairmen of board committees. He also recommends a smaller board and notes that he has invited the Screen Actors' Guild and Screen Writers' Guild to prepare a panel of prospective directors of Paramount, one or more of whom would be chosen for the board. He favors some one of the type of George Kaufman.

While Ernst recommends to bondholders that they accept the plan in its present form, he urges them to communicate objections to the board to Federal Judge Alfred C. Coxe, and will voice his own objections at the next scheduled court hearing, April 4. He is known to be particularly opposed to John D. Hertz of Lehman Bros. as a board member.

The Vanderlip committee states that all of its other members "do not agree with Ernst's views and believe that the proposed board of directors gives adequate assurance of competent management and follows out the principle that representatives of creditors should control the board."

Bondholders have until April 3 to assent to or dissent from the plan.

Paramount Lines Up 13 Groups at Studio

(*Continued from page 1*)

in the order of listing and importance are: Henry Herzbrun, vice-president and general manager; Ernst Lubitsch, managing director of production; Benjamin Glazer, Arthur Hornblow, Jr., Harold Hurley, William Le Baron, Albert Lewis, Louis D. Lighton, Douglas MacLean, Charles R. Rogers, E. Lloyd Sheldon, associate producers.

A. M. Bottsford is listed as executive assistant to Henry Herzbrun; Fred Leahy, production manager; Frank Brandow, studio manager; A. C. Martin, studio comptroller; Jacob Karp, resident attorney for studios; Bogart Rogers, head of scenario department; Jeff Lazarus, chairman of editorial board; Fred Datig, casting director; Nathaniel Finston, director of music department; Tom Baily, studio publicity director, and William Pine, studio advertising and exploitation director.

Grace Moore Gets Medal

Grace Moore has been awarded the annual fellowship gold medal of the Society of Arts and Sciences for her artistic portrayal in "One Night of Love." This is the first time the award has been given by this society for achievement in film entertainment.

Holt to Collect Taxes

CLEVELAND, March 4.—Nat Holt, RKO theatre division manager, has received notice of his appointment as state deputy tax commissioner.

Wall Street

Warner Pfd. Rises 1½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	44½	42⅞	44	+ ¾
Consolidated Film	5¾	5⅝	5⅝	— ¼
Consolidated Film pfd (¼v)	20¼	19¾	19⅞	.....
Fox Film "A"	10	10	10	+ ⅛
Loew's, Inc. (2)	35⅞	35½	35¾	— ¼
Loew's, Inc., pfd (6½)	104½	104½	104½	.....
Paramount Publix	3⅝	3⅜	3⅝	.....
Pathe	¾	¾	¾	.....
Pathe "A"	15¾	15¾	15½	— ½
RKO	1¾	1⅝	1⅝	.....
Warner Bros.	3¼	3⅛	3⅛	.....
Warner Bros. pfd	19½	18⅝	19½	+1½

Trans-Lux Up ¼ on Curb

	High	Low	Close	Net Change
Sentry Safety Control	⅜	⅜	⅜	.....
Technicolor	16⅜	16	16	— ¼
Trans-Lux (.10k)	3	3	3	+ ¼

Para. F. L. Bonds Gain 1⅝

	High	Low	Close	Net Change
Keith B. F. 6s '46	68¾	68¾	68¾	+ ¾
Loew's 6s '41 ww deb rights	105½	105¼	105½	— ½
Paramount B'way 5½s '51	50½	50½	50½	+ ½
Paramount F. L. 6s '47	75	74	75	+1⅝
Paramount Publix 5½s '50	75⅜	74	75⅜	— ⅛
Pathe 7s '37 ww	103⅞	103¾	103¾	— ⅛
RKO 6s '41 pp	30	30	30	.....
Warner Bros. 6s '39 wd	52⅞	52½	52⅞	— ⅛

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of March 4)

Edwin Marin Re-signed

HOLLYWOOD, March 4. — Edwin Marin has signed a new contract to direct for M-G-M. His latest production, "The Casino Murder Case," will be released soon.



Legislative Fights Near Crucial Test

Legislative battles in a half dozen states are reaching a climax. All the law-making bodies in session are toying with increased tax proposals and are eying theatre grosses longingly. Of these, California probably has the greatest variety of proposals aimed at the industry.

In others, Sunday bills, dog-racing bills and other proposals are causing worry.

SACRAMENTO, March 4.—The Legislature resumed today after a recess with 12 of Governor Merriam's tax proposals and a score of independent measures up for consideration.

The Governor's bills are facing some organized opposition. What will come out of the trades among members is anybody's guess.

In the Governor's program is an income tax bill to raise $17,500,000 by taxing at one-third the Federal rate; an increase of bank and corporation franchise taxes from two to four per cent; severance and processing taxes; admission taxes of one cent on each 10 cents, with the first 20 cents exempt; increase of three to six per cent on motor transportation; increase of sales tax from two to three per cent; one cent additional on gasoline; three per cent consumers' tax on gas, electricity, telephone and telegraph; unemployment insurance and a 30-hour week.

Labor Measures Included

Labor has its annual two-man-in-a-booth bill in; workmen's compensation bills are up; supervision of manufacture and projection of films, their classification, and censorship are up. A dog-racing bill is also before the House.

COLUMBUS, March 4.—Distributors are organizing a determined fight against the Waldvogel bill preventing designated playdates which has passed the Senate and is now before the House. The bill has the backing of the I. T. O., churches and Parent-Teacher groups. A Senate bill raising the censorship fee from $1 to $3 per reel has been reported.

WINSTON-SALEM, N. C., March 4.—U. K. Rice, manager of Carolina Theatres, is leading the fight on the 10 per cent admission tax bill now before the General Assembly. He says the tax would have to be passed to the public, because theatre taxes have increased from $11,992 to $170,688 since 1928.

BOSTON, March 4.—Two Sunday sports bill regarded as theatre competition have been reported favorably by the Committee on Legal Affairs. One permits Sunday basketball games between 3 and 7 P. M. and the other would legalize Sunday hockey games between 1:30 and 11 P. M.

JEFFERSON CITY, Mo., March 4.—No constitutional amendment to legalize lotteries will be submitted to Missouri voters this year. It has been killed by the House, 51-45.

Another bill introduced by Representative Frank Catron of Lexington to bar gifts and bank nights in theatres has been killed in committee on the ground that the present lottery laws cover the subject.

Agitation over the various sales tax bills continues. Reports indicate that the House Ways and Means Committee will discard Governor Parker's one per cent sales tax plan in favor of a committee substitute which provides for continuance of the one-half of one per cent law, but with its scope broadened to include all sales and services. Rural members have indicated they will fight this on the floor of the House and try to raise the rate to one or two per cent. They practically control the House.

WILMINGTON, March 4.—Warners, Loew's and Delaware independent theatres are cooperating in a drive against Representative Henry C. White's bill in the House to permit dog racing. The measure, if it becomes a law, will permit pari-mutuel betting.

Warners, led by A. J. Vanni of the Philadelphia District which includes Wilmington; Loew's, headed by Carter Barron, of the Baltimore District, and the I.M.P.T.O.A., of Delaware and the Eastern Shore of Maryland, led by President A. Joseph DiFiore, are heading the opposition.

NRA Board Reports Code Industry Gain

(*Continued from page* 1)

the financial situation of codified industries for a period of three years.

In the film and amusement industries, it is declared, operations for the first nine months of 1934 resulted in a profit of $2,500,000 against a profit of but $200,000 in 1933 and a loss of $10,700,000 in 1932.

A total of 490,000 workers in the amusement industries were covered by codes adopted up to August 8 last, it was stated.

The report does not claim that the improved condition of industry is directly and entirely attributable to the codes, but gives the figures and lets the reader draw his own conclusions.

Deny Actors' Guild Protests Extra List

Reports emanating from Hollywood that the Actors' Guild had protested the method of selection of the 1,004 names in the registration list of extras approved last week by Campi were denied at Code Authority headquarters yesterday.

"If such a protest has been made, it has not reached this office," it was stated. "Neither has the NRA in Washington heard of a complaint from the coast on the extras' list," it was said.

Equipment Dealers' Code at White House

President Roosevelt has before him ready for signing the code for film equipment dealers, which is a supplement to the wholesale code, MOTION PICTURE DAILY learns. It is probable that the code will be signed any day. Joseph E. Robin, president of the Independent Theatre Supply Distributors Ass'n, Inc., was in Washington last week conferring with NRA officials on the draft.

Surplus Code Funds Are to Be Divided

(*Continued from page* 1)

excess of the 1934 budget will be credited as surplus through the first half of the current year. At the beginning of the last half of the year, if the NRA is continued, the money will be credited to contributors, each member of each class receiving his pro rata share of the surplus due his division. If the NRA is not continued, the excess funds will be returned. The budget also provides that distributors shall be assessed the amounts due from producers whom they represent, but are not liable for the latter's share. If the producer fails to authorize the distributor to make payment of his share, however, the Code Authority may undertake collection and ask the producer for his gross figures, to be available to Campi only.

John C. Flinn, Campi secretary, yesterday said he could not estimate the surplus of the budget for 1934, since all assessments have not yet been paid. He explained the NRA action as a correction in the order for the 1934 budget, following the public hearing in Washington recently.

Exhibitors and distributors who had not yet paid assessments recently had the Feb. 15 deadline extended to March 28 by Campi.

Ruling Sought Upon Non-Theatre Shows

Clarification of the non-theatrical clause in the code as to its limitations will be sought at the Campi session Thursday, when Code Authority will formally submit the request to the legal committee.

One of the main points involved is the angle of public institutions, among which are schools, which are permitted to operate in competition with theatres.

Paul Hooven of the Trimble, Mt. Sterling, Ky., yesterday appeared before a Campi appeal committee comprising Henry Sussman, Felix A. Jenkins and A. J. Mertz, to complain against the Morehead State Normal School, Morehead, Ky., operating two and three days a week. M. Harris, appearing on behalf of the school, stated that the Cozy, seating 250 in Morehead, was not fit for students and that he had asked the owner to equip the house, which he had refused to do. The Normal school then spent about $7,000 to equip its auditorium for pictures, Harris stated, and has been operating for the past two years.

Century-RKO Charge Up 4th Time Today

Fourth round in the Century-RKO clearance dispute in Long Island takes place this morning when the local board resumes hearings in the complaint of the Fantasy, Rockville Center, for elimination of a week's clearance by the Alden, Jamaica, and the Columbia and Strand, Far Rockaway.

Tom Murray will take the stand again with Mitchell Klupt, Century's attorney, and Louis Nizer, representing RKO, examining and cross questioning him where he left off Feb. 21. So far the time spent in hearing the case totals nine hours and from present indications may go another nine.

Nye Will Use Darrow Report In NRA Probe

(*Continued from page* 1)

by the big producers, with the approval and assistance of Compliance Director Sol A. Rosenblatt, then deputy administrator, who, it is pointed out, was formerly an employe of Nathan Burkan, legal representative of many important film interests.

Throughout the negotiations, it is alleged, Rosenblatt took the position that there was no representative trade organization in the industry and that he was justified therefore in appointing committees representing, respectively, producers, distributors and exhibitors, to write and amend the code.

Recalling the fight of the independents, Nye reminds that they were barred from one of the Washington meetings "crucially affecting" their interests, that after Rosenblatt had prepared his first draft of the code they were not given time in which to prepare a brief for the record. The brief also refers to the alleged "whitewashing" which followed the filing of charges against Rosenblatt by the independents after a Chicago meeting.

Criticizes Campi Makeup

Under the code, Nye alleges, the Code Authority is a quasi-judicial body, deciding controversies as it sees fit. The makeup of the authority, with eight representatives of producers having affiliated theatres and five representatives of unaffiliated exhibitors, one of whom, it is charged, is a representative of the "big eight," is attacked as having the result of setting up a combination which never would have been tolerated under the Sherman Act.

With his brief Senator Nye stated that he had received a large number of complaints, with which has been submitted an abundance of evidence, and that many of the complainants have expressed willingness to appear and produce documentary proof of their charges.

The committee meeting tomorrow will map out the hearings which are to be held, probably beginning next week, and also decide the question of counsel. Lowell Mason, former counsel for the Darrow Review Board, who was picked by Senator King of Utah for similar work in connection with the proposed probe by a Senate judiciary sub-committee, is the bone of contention, King seeking to have him retained in that capacity and Senator Harrison, chairman of the Senate Finance Committee, holding that no necessity exists for the employment of special counsel.

Discuss F. W. C. Petition

Charles L. O'Reilly, Paul Lazarus and Sidney Justin met yesterday to discuss the Fox West Coast petition for a rehearing on the Los Angeles clearance and zoning schedule. No action was taken, but it is understood Charles Buckley and William Powers of F.W.C. will appear before Campi Thursday to present arguments on certain phases of the plan deemed harmful to the circuit.

Remodeling



In Recent Issues of Better Theatres

Proper Planning for Air Conditioning

Revamping Small Store Building for Theatre

Modernizing the Projection Room

Heating the Theatre Economically

Methods for Theatre Employe Training

Some Pointers on Reconstruction

What an FHA Loan Can Do

Better Amplification at Lower Costs

Reconditioning for Better Projection Results

Attracting the Patron with Light

A Design for an Exclusive Community

New Lighting for Today's Theatre Fronts

Constructing Theatre Advertising: How to Use Type

A 900-Seat Theatre Costing $55,000

and each month:

Richardson on Projection

Knight on Maintenance

Most urgent today are the remodeling needs of many thousands of theatres. Owners will presently spend millions of dollars for lobby, auditorium, stage and exterior repairs, replacements, decorations and general renovizing. Better Theatres with its current emphasis on remodeling, drawing advice from the world's leading architects, engineers and technicians, extends the value of every dollar spent—and shows more results. Its authoritative counsel, in its editorial pages and in its nation-wide correspondence service, is free to America's exhibitors.

For counsel on your remodeling and maintenance problems—just write to Better Theatres—and a reply will be promptly forthcoming free of all "trade tie-ups" and without obligation.

Better Theatres

"Lily" Pulls $6,000 Lead, Minneapolis

MINNEAPOLIS, March 4. — "The Gilded Lily" took top honors here last week by running up to $6,000 at the State here. St. Paul's leader was "One More Spring," which reached $6,000 at the Paramount.

Total first run business in Minneapolis was $25,000. Average is $23,000. The St. Paul total was $17,000. Average is $16,000.

Estimated takings:

Minneapolis:
Week Ending Feb. 27:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)
"CHARLIE CHAN IN PARIS" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending Feb. 28:

"THE WHOLE TOWN'S TALKING" (Col.)
ORPHEUM—(2,900), 25c-40c, 7 days. Three X Sisters heading vaude. **Gross:** $5,500. (Average, $5,500)
"THE GILDED LILY" (Para.)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"TWO HEADS ON A PILLOW" (Liberty)
PALACE—(900), 15c-25c, 7 days. Five acts vaude. **Gross:** $2,500. (Average, $2,000)
"THE FIRST WORLD WAR" (Fox)
TIME—(300), 20c-25c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)
"THE IRON DUKE" (Gaumont British)
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,500. (Average, $3,000)

St. Paul:
Week Ending Feb. 28:

"ONE MORE SPRING" (Fox)
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)
"BORDERTOWN" (Warners)
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
"THE GOOD FAIRY" (Univ.)
ORPHEUM—(2,000), 25c-40c, 7 days. Five acts vaude. **Gross:** $4,500. (Average, $4,000)
"THE WHITE COCKATOO" (Warners)
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)
"NARCOTIC" (State Rights)
WORLD—(300), 25c-35c, 7 days, 2nd week. **Gross:** $1,500. (Average, $1,500)

"Town's Talking" Big Buffalo Draw

BUFFALO, March 4.—"The Whole Town's Talking" drew $10,200 at the Lafayette where $6,500 is normal, while "Sweet Music" and the Thurston show was upping the Buffalo gross to $18,100, over by $3,800. Snow, ice and bitter cold held sway until near the end of the week.

Total take was $50,300. Normal is $42,800.

Estimated takings for the week ending Feb. 29:

"SWEET MUSIC" (Warners)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Howard and Jane Thurston Co. **Gross:** $18,100. (Average, $14,300)
"HELLDORADO" (Fox)
"MYSTERY WOMAN" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,900. (Average, $6,000)
"AFTER OFFICE HOURS" (M-G-M)
GREAT LAKES—(3,000), 25c-40c, 8 days. **Gross:** $8,300. (Average for week, $8,000)
"CLIVE OF INDIA" (U. A.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $7,800. (Average, $8,000)
"THE WHOLE TOWN'S TALKING" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $10,200. (Average, $6,500)

Looking 'Em Over

"Emil and the Detectives"

(Wainwright-Gaumont British)

LONDON, Feb. 18.—Britain hasn't gone in for the kid picture to any extent, but this is an effort with very distinct virtues to offset against the fact that the youngsters are "Englishy" and slower with the wisecracks than the Hollywood juveniles. Cutting out the accent, this is a thoroughly amusing piece of work with distinctly good story values, some neat camera work and a clever adult characterization lifting it well out of the "just kid" category.

Emil, a 12-year-old boy, is sent to London by train with six £1 notes to deliver to his grandmother. A crook in a derby hat gives him doped sweets and gets away with the notes, but Emil is befriended by a youthful Londoner, who summons his "gang" to track the thief. He takes a room at a hotel, which the gang pickets from a neighboring shanty, while Emil is planted in the page-boy's uniform to see if he can recover the money. He fails, but in the morning the crook, leaving the hotel, is trailed by hundreds of kids and finally cornered in a bank and seized by the police, who discover that he is wanted for a bank robbery. Emil gets £100 reward and a civic reception back home, and the gang is there in force.

George Hayes does a very clever piece of work as the man in the derby, and individual situations are genuinely funny, particularly those in which Emil hides under the crook's bed and later tries to dope him with one of his own sweets. The kids are wholehearted and there is a big laugh in the scene in which, in hundreds, they pursue the thief through the streets. Distortion effects, in the episode of Emil coming out of the drug, are well done.

For its freshness, story originality and laugh bringing qualities, this is one well worth seeing.

Running time, 83 minutes. "G." ALLAN

Austro-German Pact Renewed for a Year

WASHINGTON, March 4.—The Austro-German film agreement, in force for several years, has been renewed for another year, reports Trade Commissioner George R. Canty, in Berlin, to the U. S. Department of Commerce.

The agreement, according to Commissioner Canty, includes the following points:

1. Markets are assured, respectively, for 120 German and 12 Austrian features at an exchange ratio of 10:1, without regard to existing contingents. If either party to the agreement is unable to export up to the full number, this is not to restrict the fixed total of the other. All additional features beyond the limits set will be subject to the ratio of 10:1.

2. The exchange of educational and other short films is also on the ratio of 10:1.

3. Both countries agree to assist actors and technical personnel. Austrian actors, who have been forced into indefinite unemployment in their own country, will be permitted to work in Germany without encountering difficulties, provided they conform to existing regulations regarding "Aryan descent and political purity." Similarly, German actors will be allowed to work in Austria so long as they do not "trespass on the safety of the Austrian state."

Germany further agrees to lend assistance in the matter of locations.

Wright Gets M-G-M Post

HOLLYWOOD, March 4. — William Wright, former Paramount production executive, got back from New York today and signed as production assistant to David O. Selznick at M-G-M.

General Upswing Is Reported by Moray

MINNEAPOLIS, March 4.—Norman H. Moray, Vitaphone sales manager, here on a tour of the company's exchanges, finds conditions on the upgrade in the key spots he has visited.

"Unquestionably, conditions have improved tremendously," said Moray, "and I find a definite note of optimism everywhere. Good pictures are doing excellent business. To date I have visited Albany, Buffalo, Pittsburgh, Cleveland, Detroit, St. Louis and Chicago and have conferred with exhibitors in each of these cities. Everywhere I get the same reaction, that theatre business is on a definite uptrend."

Moray, now here, will visit all of the company's branch offices to confer with branch managers and exhibitors in each territory, with a view toward setting next season's lineup.

Switch on Sunday Bill

DOVER, Del., March 4.—On motion of Representative Walter Paskey the House today voted to recall the favorable report on Representative Joseph Brogan's bill to legalize Sunday movies after 1:30 P. M. by local option. The measure was referred back to the miscellaneous committee. Paskey said he had signed the favorable report by mistake.

House O.K.'s A.T.&T. Quiz

WASHINGTON, March 4.—The Senate resolution calling for an investigation of the A. T. & T. and its subsidiaries by the Federal Communications Commission today was approved by the House. The resolution will next go to the President for his signature.

"Devil Dogs" Leads Omaha; Gets $7,800

OMAHA, March 4.—A week-end blizzard socked business, but "Devil Dogs of the Air" came through with a fine showing for eight days at the Omaha in spite of this handicap by getting a total of $7,800, over par by $3,800.

"Charlie Chan in Paris" was helped by a stage bill and grossed $5,200, over the line by $700 at the Paramount. The only other profitable combination was the dual at the Brandeis, "The Whole Town's Talking" and "Maybe It's Love," which took $4,000.

Total first run business was $26,000. Average is $23,000.

Estimated takings:

Week Ending Feb. 27:

"DEVIL DOGS OF THE AIR" (Warner)
OMAHA—(2,200), 25c-40c, 8 days. **Gross:** $7,800. (Average, $4,000)

Week Ending Feb. 24:

"CHARLIE CHAN IN PARIS" (Fox)
PARAMOUNT—(2,800), 35c-55c, 3 days. Stage: "Chez Paree," Clymas Troupe, Lewis & Ames, Al Verdi, Merri Belle, Three Byrons, Benny Strong. **Gross:** $5,200. (Average, $4,500)

Week Ending Feb. 28:

"THE NIGHT IS YOUNG" (M-G-M)
"HELLDORADO" (Fox)
PARAMOUNT—(2,800), 25c-35c, 4 days. **Gross:** $2,000. (Average, $3,500)
"THE WHOLE TOWN'S TALKING" (Col.)
"MAYBE IT'S LOVE" (F.N.)
BRANDEIS—(1,200), 25c-35c-40c, 8 days. **Gross:** $4,000. (Average, $3,500)
"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"SECRET OF THE CHATEAU" (Univ.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,500)

Goldwyn Will Have Six Upon New List

(*Continued from page* 1)

of the highlights of his new schedule. This revue, international in scope and topical in nature, will sketch important events of the United States and throughout the world each year. The first edition, Goldwyn said, will contain a leading film star and two names from the musical stage in the leading roles.

Upon his return from Europe in April, Goldwyn will start production on his first picture, "Dark Angel," which will be directed by Sidney Franklin. Miriam Hopkins will be starred in the second picture, "Barbary Coast," under the direction of Howard Hawks. Eddie Cantor will start work in June on his first. The fourth Goldwyn vehicle will also star Miriam Hopkins in a story now being prepared by Rachel Crothers. "The Goldwyn Follies" will go into production in September and the sixth picture will star Anna Sten in her fourth for Goldwyn.

This lineup will be his heaviest production schedule in the last 10 years, Goldwyn said.

Dave Frazier to Denver

SALT LAKE CITY, March 4.—Dave Frazier, manager of the Sheffield-Monogram exchange, has been transferred to the Denver exchange, and his place here has been taken by Arthur Huot, who comes from Seattle.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 52 NEW YORK, MONDAY, MARCH 4, 1935 TEN CENTS

Campi Awaits Direct Forms Of Criticism

Holds Exhibitor Charges Should Be Specific

Unless the various charges against Campi and its agencies and demands for increases in code cancellation privileges, sought in the form of resolutions by the M.P.T.O.A. at the annual convention last week in New Orleans are presented formally to Code Authority for investigation, the body will take no cognizance of the oral discussions, MOTION PICTURE DAILY learns.

Morgan Walsh's blast at the boards' lack of local autonomy and recommendations for changes in Campi's setup are not specific enough for Code Authority action, it is held. While it is presumed Walsh's attack on local boards is directed against the San

(*Continued on page 4*)

Extras' List Stirs Curiosity on Coast

HOLLYWOOD, March 3.—Speculation is rife here as to the 1,004 names on the extras' registration list approved by Campi last week in New York. The list was prepared from 20,000 possibilities by three representatives from the extras' group, three producers' representatives and Mrs. Mabel Kinney, chairman of the committee on extras.

The local Campi office will not make the list public until the acceptance resolution is certified by Campi

(*Continued on page 4*)

Fight Organized on Connecticut 5% Tax

HARTFORD, March 3.—Exhibitors are fighting a five per cent gross tax now pending in the legislature. It would be a twelfth added to the 11 different kinds of taxes they already have to pay. They are also fighting a censorship bill.

The committee in charge of the campaign includes Joseph Shulman, an attorney; Jack Simons of Poli's,

(*Continued on page 9*)

Skourases to Sign Contract This Week

Spyros and Charles Skouras are slated to sign the 10-year joint operating contract with National Theatres and Chase National Bank

(*Continued on page 2*)

Insiders' Outlook

By RED KANN

New Orleans, March 3.

THEY met. They let off steam. They resoluted. They are gone. And now, so what? For a handful of years, the M. P. T. O. A., in convention assembled as the expression goes, went on record as opposed to what looks like the perpetuation, rather than the continuation, of score charges. It did it again last week. In Los Angeles a year ago, duals fell under the shadow of official displeasure and producers were urged to slash output. So score charges continue with us; duals are still around and producers are making whatever programs they set up for themselves. . . .

▼

Since exhibitors are too indifferent, too lackadaisical, too shortsighted to get for themselves a virile, two-fisted trade association they will continue to get what the organized producer and distributor determine for them. Because there is no reason to believe otherwise, New Orleans will, therefore, go the way of Los Angeles, Washington, Philadelphia and other convention cities which have rolled by the M. P. T. O. A. right of way. . . .

▼

Hot words tumbled over the spillway on several occasions and, while they made pretty good copy, they didn't make very much sense. For instance, there were those wild-eyed statements about scrapping the code when its expiration date arrives June 30. Just like that! Just like a film deal! Merely write the man in the White House that theatre owners are fed up and don't want to be annoyed further. Nothing to it beyond a letter on an M. P. T. O. A. letterhead and signed by President Ed Kuykendall. . . .

▼

It was a ridiculous spectacle. The adolescence of the idea was so apparent that the wonder which beset this ringsider was that no one but Rob Wilby of Atlanta checked the tirade. He, of course, knew how silly such gassing was and dismissed the posture both neatly and effectively when he said: "I don't want the code. I don't want rain on Saturday any more than I want the code, and if you can resolute that for me I'd like it." . . .

▼

Jack Miller branded MOTION PICTURE DAILY'S Thursday lead unfair. This was the dispatch which said code scrapping and other talk on the floor were designed to make a trade on revisions stronger. Nevertheless, many of the war drums beaten here were pounded hard for exactly that purpose and by way of preparation for the jockeying back and forth when the M. P. T. O. A. begins to grapple with distributors for a more liberal bill of rights. . . .

▼

Everything in the film business is a deal and so is the code. It was actually admitted on the floor, but suppose it had not? The conclusion is as obvious as the "R" in Rosenblatt. The strike for 20 per cent cancellations, therefore, will be settled, and gladly, at 15. The bid will go in at 20 and the compromise, if there should be one, will be accepted on a split. It's done every day in the year. . . .

▼

The same idea stepped into the picture from another angle. This was when Morgan A. Walsh, spokesman for the committee on NRA trade practices, crisscrossed cancellations with public agitation for removal of block booking. "If distributors won't give you 20 per cent, it is up to exhibitors to determine whether they will follow the wishes of the public, as evidenced by anti-block booking bills introduced in many legislatures, or the wishes of the producers," he said. This was a direct reference to M. P. T. O. A.'s plans to barter for cancellation concession by intimating it otherwise will get behind opponents of sales in blocks. Is it a trade or is it a trade? . . .

▼

Speculation might then be in order as to the intent behind the

(*Continued on page 2*)

Report Chill On Schenck's Fox Met Deal

Bondholders Are Said to Have Other Offers

A distinct chill on the part of the bondholders' committee of Fox Metropolitan Playhouses toward the plan of reorganization for the circuit developed by Fox Theatres, which would result in placing Joseph M. Schenck at the head of the new company, was reported Saturday to be in evidence, causing sweeping revision of the original plan and resulting in delay in its presentation to the court.

Back of the Fox Met bondholders committee's reputed disinterestedness in the Fox Theatres-Schenck offer is seen the presence of new competitive offers for Fox Met and the unwillingness of the committee to close the bidding to these new interests by any quick acceptance of the Fox Theatres' plan. Reports persist that Harry Brandt, with the financial backing of William Fox, is still in the field with

(*Continued on page 4*)

Approval of Pathe Plan Is Expected

Approval of the plan of financial reorganization of Pathe Exchange, Inc., is expected at the extraordinary meeting of stockholders to be held today.

Under the plan the old Pathe company will be dissolved and a new company formed which will be authorized to issue 30,000 shares of new $7 convertible preferred stock and 2,000,000

(*Continued on page 3*)

Expect Decision on Tri-Ergon Patents

WASHINGTON, March 3.—The possibilities of the Supreme Court handing down its decision Monday on the American Tri-Ergon patents litigation appear to be good, a study of the cases now before the high court indicates.

Final disposition of a number of

(*Continued on page 3*)

Roder-Rubin Hearing Will Go on April 8

CHICAGO, March 3.—Judge Woodward of the U. S. District Court here has set April 8 for calling witnesses and the giving of testimony in the Roder-Rubin case, marking an initial

(*Continued on page 2*)

MOTION PICTURE DAILY

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Ickes Asks Fee for National Park Use

HOLLYWOOD, March 3.—Last year President Roosevelt broadcast an appeal to the American public to visit its National Parks instead of going abroad and invited the picture companies to use these parks for filming to help the movement. At that time, Sol Lesser took advantage of the invitation and secured a permit to film "Dude Ranger" in Zion National Park without any fee.

This year Lesser wired the Department of the Interior for a permit to film "The Cowboy Millionaire" in the same park and received the following wire from Secretary of the Interior Ickes: "Under a new policy laid down by this department adequate compensation will be required in all cases of filming pictures in National Parks or on properties within the jurisdiction of the Department of the Interior. Will gladly issue permit requested upon undertaking by you to pay $5,000 for privilege."

Lesser is holding up his company pending an appeal direct to President Roosevelt basing his claims to the gratis privilege by the company on spending money in Utah and the ultimate publicity the picture will secure for National Park travel.

G. B. Duo Leave Tuesday

Michael Balcon and Arthur Lee leave for the coast tomorrow. Balcon plans to stay from four to six weeks, while Lee will remain for about a week or two and then return east.

Insiders' Outlook

(Continued from page 1)

drastic committee-on-five resolution. On paper, it went so far and would bring about such a radical change in code administration that one national sales manager tentatively cancelled his reservations Thursday night because he thought he had better stick around. This is the action which calls for group of five to confer with Compliance Director Sol A. Rosenblatt on these points, the language excerpted from the text of the resolution itself:

> Whereas, it is apparent to this organization that in the past such administration (of Campi) has not always been prompt, that not infrequently it has been charged with prejudice on the part of individual members. . . .
>
> Whereas, this organization believes that certain changes and amendments should be made in the motion picture code. . . .
>
> Be it resolved, that a committee of five confer with Sol A. Rosenblatt . . . to recommend . . .
>
> (a) Permit of reorganization of the Code Authority to provide for more equitable representation of the various departments of the industry and the various sections of the country.
>
> (b) Provide for greater authority on the part of the local grievance boards with the judgments of the local boards becoming immediately effective and operative until and unless revised or modified by the Code Authority.
>
> (c) Provide for review by the Code Authority of matters or findings of fact resulting in decisions by the local grievance and zoning boards only when such review is necessary to establish or support the legality of the local board's decision.

▼

Not a simple program. Rosenblatt stated here Campi and code agencies had demonstrated their fairness. He was almost openly razzed by subsequent speakers for the sweep of his statement. Wilby it was who pointed out that a Campi with members who never attend any sessions was not the Campi provided in the code and, of course, he is correct. When he also stated that the system of alternates and appeal committees prevalent in New York contravenes the spirit, if not the letter of the code, he again was correct and pointed up the legitimate question if something should not be done about. . . .

▼

Will it? Resolutions won't and an exhibitor association which admittedly gets the bulk of its financial support from affiliated theatres probably cannot. At any rate, New Orleans was swell for parties, food and wet goods. Socially, the convention was a four-star success. . . .

Arthur Caesar Winner

Due to an error in reporting, the Academy award for the best original story was given to Oliver H. P. Garrett and Joseph L. Mankiewicz by MOTION PICTURE DAILY. The story should have given credit to Arthur Caesar, who wrote the original story winner, "Manhattan Melodrama," and not to Garrett and Mankiewicz, who did the screen play from the Caesar story.

Schulberg, Zukor Talk

HOLLYWOOD, March 3. — B. P. Schulberg has been in conference here with Adolph Zukor at the Paramount studios, but both men refused to disclose the purpose of the meeting. It is reported, however, that Schulberg and Zukor are talking another deal whereby the former will again produce pictures independently for Paramount release as he did last year.

Skourases to Sign Contract This Week

(Continued from page 1)

this week. Details of the agreement have been worked out and Leo Spitz, who has been retained by the Skourases to handle the contract, is now completing its final wordage.

Charles Skouras, Charles Buckley and Mike Rosenberg plan to leave for Los Angeles about the middle of the week, by which time the Skourases will have signed the agreement.

Roder-Rubin Hearing Will Go on April 8

(Continued from page 1)

victory for the plaintiffs over the defendants' motion for dismissal.

The setting of a date for the trial upsets the contention of the defense counsel that the case belongs before code boards and established a point in the Federal court's taking cognizance of the Sherman-Clayton Act violation charges.

Skouras in St. Louis

KANSAS CITY, March 3.—After all day conferences here with Elmer Rhoden on Fox Midwest reorganization and other matters, Spyros Skouras left yesterday for St. Louis.

Buck Jones Re-Signed

HOLLYWOOD, March 3.—With two more features yet to complete under his present contract, Universal has signed Buck Jones to a new contract calling for one serial and eight adventure features starting April 15.



Purely Personal

WILLIAM CUNNINGHAM of the Chicago staff of MacFadden women's group has been promoted to western advertising manager for the same concern.

•

SAMUEL GOLDWYN is still undecided whether he'll go to Europe on this trip. He was down with a slight cold Saturday.

Quip of the Day

Joe Stein, irrepressible as usual, now talks about cycles:
"First 'Little Women'. Then 'Little Man, What Now?' Third, 'Little Men'.
"To complete the cycle for all time, why not 'Little Woman, What Now?' Or, perhaps, 'Now, What Little Woman?'"

JOHN STONE, accompanied by MRS. STONE, sailed for California Saturday on the *Santa Paula.*

•

RALPH WHITEHEAD, secretary of A. F. A., is planning a coast-to-coast organizing tour for the early spring.

•

MARY MCCARTHY has sold her original, "Theodora Goes Wild," to Columbia.

•

HAL HORNE left for the coast Saturday. HERB JAEDIKER accompanies him.

Expect Decision on Tri-Ergon Patents

(*Continued from page* 1)

cases on which hearings have been held before the court, among them the Tri-Ergon suits, has been delayed from two weeks to a month by the high court's prolonged study of the gold clause suits, prior to its decision in those cases. A Tri-Ergon ruling was expected at first early in February. With the gold clause cases out of the way, an early decision on the William Fox patents holdings has been expected, with considerable likelihood that it may be forthcoming tomorrow.

Attorneys close to the Tri-Ergon litigation and legal departments here of companies involved, said Saturday that a Supreme Court decision in the case today would not be unexpected.

Would Bar Trial Figures

HARRISBURG, March 3. — Persons connected with sensational trials will be banned from stage appearances in Pennsylvania if a bill just introduced in the Legislature by Assemblyman Edward J. Coleman of Scranton is passed. The bill, which calls for a fine of $300 or imprisonment of the proprietor of any place of amusement that exhibits such persons, has been referred to the committee on general judiciary.

Looking 'Em Over

"Gold Diggers of 1935"

(First National)

NEW ORLEANS, March 3.—The big noise in "Gold Diggers of 1935" is two lavish musical numbers which are standouts in the point of camera magic, production splendor, unique conception and optical illusion. They are sufficient to set this musical into the money division. Busby Berkeley, who directed the attraction, however, was not quite so fortunate in the story that ties the production splurges together.

The story has to do with an eccentric millionairess, played by Alice Brady, who goes into her usual summer show for the Milk Fund and hires Adolphe Menjou, a temperamental Russian producer, to stage it. A parallel theme traces the love yarn of Dick Powell and Gloria Stuart with Hugh Herbert supplying the major portion of the comic elements as the wealthy fiance of Miss Stuart but far more interested in the history of snuff. The direct story thread, which is actually an excuse for the production numbers at the close, is played so broadly it borders, if it does not invade, the realms of slapstick. However, the "Piano" and "Broadway Lullaby" numbers will click with any audience, the effects achieved are novel and arresting. The Broadway number, a combination of the modernistic and impressionistic, struck this reviewer as by far the better of the two.

At its Saenger Theatre debut, which broke up early yesterday morning, audience reaction was all for the picture. Production Code Seal, No. 580. Running time, 95 minutes. "G." KANN

"Square Shooter"

(Columbia)

Tim McCoy again goes villain-busting in "Square Shooter." And again he goes about it in a way that will raise the blood pressure of his fans. It is fast entertainment mixing romance with action.

This time Tim is out to get those who, through a forged will, have seized his uncle's ranch after killing him. The men he is after are Charles Middleton and Wheeler Oakman, who have been preying upon the ranch folk. McCoy rallies those who have been victimized around him and gives the villains a taste of their own medicine. This makes Middleton and Oakman mighty keen to put a hole in Tim, who has a number of close brushes with the fellows.

The villainy gets blackest when Tim puts one over on Middleton and Oakman by getting hold of the original will left by his uncle and making off with it under a hail of lead from the villains' guns.

McCoy almost comes to grief when John Darrow, his pal, in love with Jacqueline Wells, becomes so jealous of Tim that he reveals his hideout to Middleton and Oakman. When McCoy is captured and threatened with death, Darrow becomes remorseful and goes for aid. In the end the romantic problem is solved and the villains are caught.

Erville Alderson and J. Farrell MacDonald are other players. David Selman directed. Code Seal No. 409. Running time, 53 minutes. "G."

"School for Girls"

(Liberty)

In the style of "Maedchen in Uniform," this production spins a story of reform school life with a sentiment that should make it generally pleasing entertainment for the feminine trade. Mingled with the tears is enough humor to save the production from being depressing.

The problems of the young girls, their little tragedies, their yearnings for the world outside, their bitterness—all these are depicted with sympathy and with dramatic force.

The desire of the inmates for a more tolerant attitude toward their plight is the motivating force behind the drama. The story centers around Sidney Fox, who lands there on an unfounded grand larceny charge. A romance develops between her and Paul Kelly, a member of the board of the institution, who, convinced that Miss Fox is innocent and that Lucille La Verne, the head of the school, not only is cruel to the girls but a grafter as well, goes to the governor with a plea for an investigation.

Before Miss Verne can be put on the carpet she is murdered by Lois Wilson, one of the matrons on the side of the girls. The film ends with Miss Fox free and in Kelly's arms and Miss Wilson headed for an easy stretch.

Other good names in the cast are those of Anne Shirley, Dorothy Lee, Toby Wing, Dorothy Appleby, Russell Hopton, Barbara Weeks. Three former stars, Charles Ray, William Farnum and Anna Q. Nilsson, have small parts. William Nigh directed.

No production code seal. Running time, 73 minutes. "G."

(*Additional reviews on page* 4)

Approval of Pathe Plan Is Expected

(*Continued from page* 1)

shares of new common of $1 par value. The new stock will be distributed on the basis of one share of convertible preferred and five shares of common for each share of the old eight per cent preferred; two shares of new common for each share of old Class A preferred, and one-twentieth of a share of new common for each share of old common.

The plan also provides for authorization of the new company to issue collateral secured notes, of which not more than $4,000,000 shall be outstanding at any time. The notes will be convertible into new common stock and may be applied to the retirement of the $2,027,500 principal amount of seven per cent sinking fund debentures outstanding and to obtaining working capital.

While it is learned that Pathe has no immediate plans for reentering production itself, the company will continue its financing of independent production as a correlative activity to its laboratory interests. Capital for the financing of outside production may be derived, when required, from the issuance of the new convertible secured notes.

New directors will also be elected under the plan, but it is anticipated that most or all of the directors of the old company will be elected to the board of the new. The present officers, headed by Stuart W. Webb, president, are also expected to be reelected at a meeting of the new board to be held later.

Under the stock corporation law of New York the reorganization plan may be approved at today's extraordinary meeting if it has the approval of a majority of the stock represented at the meeting, rather than by a majority of the total stock outstanding. Sufficient proxies to assure adoption of the plan have been received by the proxy committee already, it is reported.

Open in Denver Mar. 21

After the Orpheum in Denver reverts to RKO on March 14, the house will be closed for a week for alterations and reopened March 21 with "Roberta" as the initial attraction. Floyd Maxwell is being transferred from Portland, Ore., to replace Bernard Hynes, who is now managing for Harry Huffman.

Radio Re-Signs Reid

HOLLYWOOD, March 3.—Clifford Reid has signed a new two-year contract as a Radio associate producer.

La Hiff's Tavern
A chop house of exceptional merit
156-8 West 48th St., N. Y. C.

Report Chill On Schenck's Fox Met Deal

(*Continued from page* 1)

what may be a tempting offer to the Fox Met committee. Unconfirmed rumors also have Warners and Si Fabian interested in presenting some sort of offer to the committee, and, as yet undisclosed interests of considerable significance are known to have made overtures to the Fox Met bondholders.

The result of the interest being displayed in the circuit has been to place the bondholders in an advantageous bargaining position, thus making it necessary to revise the Fox Theatres-Schenck plan in material respects, all of which are reported to be of greater advantage to the Fox Met bondholders than was proposed in the original offer. This revision of the Fox Theatres plan, being drafted under the direction of Milton C. Weisman, receiver of Fox Theatres has brought about the delay in presenting the plan, or an outline of it, to the Federal court. Originally, it was expected the plan could be given to the court a week ago. Queried late last week, Weisman stated that no date for a court hearing was in prospect yet. Repeated efforts to reach Weisman on Saturday for comment on the new reports in explanation of the delay were unavailing.

However, a reliable source disclosed that the first draft of the revised Fox Theatres' plan had been completed and would be presented to the court about Wednesday. This source admitted that competitive bidders were in the field, but minimized their significance and discounted the reports that the Fox Met committee had "chilled" on the Fox Theatres' plan.

"We confidently expect this plan to go through and to be accepted," this spokesman said. "The delay in presenting the plan means nothing more than the usual lawyer nuisance. Haven't you ever worked with a bunch of lawyers?" he asked.

Van Schmus Denies Deal with Schenck

HOLLYWOOD, March 3.—W. G. Van Schmus, managing director of the Radio City Music Hall, is en route to New York tonight following a two weeks' visit here for the purpose of getting a closer view of production and for conferences with Radio studio officials. Before leaving for the east, Van Schmus denied his trip had anything to do with Joseph M. Schenck, who has already returned east, on a proposed deal giving the Music Hall preference to United Artists pictures.

New SMPE Honor Medal

The Society of M. P. Engineers has created an award known as the Progress Medal to be presented this year to an individual in recognition of any outstanding invention, research or development which in the opinion of the Progress Award Committee shall have resulted in a significant advance in the development of film technology.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Sunset Range"

(*First Division*)

HOLLYWOOD, March 3.—This is the first western on the newly formed First Division program and it should click adequately with patrons of westerns. Following closely on the heels of its star's, Hoot Gibson's, personal appearance tour throughout the country, exhibitors can take advantage of this for pre-release ballyhoo.

Touched with a modern gangster angle, the story has Mary Doran innocently going to a newly purchased ranch with a trunk full of bank robbery money slipped into her baggage by Gangster Walter McGrail. Miss Doran's brother, James Eagles, is roped in with the gang and forced to go through with the hot money job despite his protests. The romance between Miss Doran and Gibson begins when she arrives at the ranch where he is foreman. The gangsters finally show up to collect the stolen dough and a chase begins with the hard riding cowpunchers putting the gangsters on the spot with Gibson and Miss Doran riding to the altar at the fadeout. Ray McCarey directed from an original by Paul Schofield. Editor Ralph Dietrich did a smart job in the chase sequence.

Gibson's followers should like this one. No Production Code Seal. Running time, 52 minutes. "G."

"Big Boy Rides Again"

(*Beacon Productions*)

HOLLYWOOD, March 3.—The producers of this one have combined a western and mystery story with novel effect, making a picture that compares favorably with others in this class.

"Big Boy" Williams, as a hard-riding two-fisted he-man, is given opportunities to ride and makes the most of them. Despite the fact that the story involves kidnapping, buried treasure and murder, plot complications are all made secondary to the show of riding and outdoor scenes, for Williams. Constance Bergin supplies the love interest. Charles Francis, Vic Potel, Lafe McKee and Bud Osborne appear in support. All roles are handled suitably. Albert Herman directed with supervision by the Alexander brothers.

It bids fair to do well in neighborhood houses. No Production Code Seal. Running time, 57 minutes. "G".

Looking 'Em Over

"Oh! Daddy"

(*Gaumont British*)

LONDON, Feb. 18.—Leslie Henson and Frances Day are the attractions here. He has good comedy situations and good lines. She has attractive song numbers and, as a cabaret star, fills the eye pleasantly. There is a suitable role, which might have been bigger, for Robertson Hare as Henson's secretary. That other British comedy certainty, Alfred Drayton, clicks as a purity campaigner.

The story, from a stage farce, is about Lord Pye, who is persuaded by his elderly uncle, Samson, to head a Purity League, which is heartily supported by an obedient tenantry and grows apace, so that Pye finds himself called upon to address a large public meeting. He loses a train and, finding himself in London, decides to investigate vice on the spot, thereby making the acquaintance of a fetching cabaret star without realizing that she is his own step-daughter. Complications due to the unexpected arrival of Lady Pye are balanced by the fact that she has been keeping her dancer-relative a secret and it ends with purity at a heavy discount and everybody happy and unexposed.

Technical values are not too good, the cabaret sequence comparing badly with Hollywood standards.

Running time, 75 minutes. "G." ALLAN

Veiller and Para. Part

HOLLYWOOD, March 3.—Bayard Veiller's contract with Paramount as an associate producer has been terminated by mutual agreement. The pact had until May 15 to run. Veiller will take a three-month rest in England.

Leo Freedman on Coast

HOLLYWOOD, March 3.—Leo Freedman of the Columbia home office, has reported to the studio and will serve as contact for the trade press in the publicity department. Miss Lee Ronell will handle fashion features.

Campi Awaits Direct Forms Of Criticism

(*Continued from page* 1)

Francisco units, no formal complaint has reached New York.

Allied, at its recent directors' meet in Washington, took a sock at the code in the form of resolutions which have not yet been sent to Campi. Various Allied units, at annual sessions in the past year, have taken exception to the main setup in New York. In addition, the regional organizations have gone on record for code changes, but Campi holds these charges have no weight unless they are specific and filed in the proper order.

When Allied invaded Atlanta some months ago, the first resolution passed was for revamping of the local grievance board. A complaint that the board was unbalanced was made to Campi. After investigation of two men whom Allied sought to have removed, Code Authority decided to continue the set-up as constituted.

Sam Moross, assistant to John C. Flinn, was sent to the southern city for a number of days and reported that the local boards had a clean record.

Constant Checkup by Rosenblatt

Activities of local boards and Campi are being constantly checked by Compliance Director Sol A. Rosenblatt, who receives reports from impartial men sitting on the 64 boards. Deputy Administrator William P. Farnsworth, alternating for Rosenblatt at Campi sessions, also reports to his superior. Rosenblatt has a complete record of every case tried before a local board, accompanied by opinions of impartial representatives. While few know it, Rosenblatt has been keeping tabs on the conduct of every board member. In some instances changes have been made, but they are few and far between and only after a thorough checkup.

The M.P.T.O.A. is represented on Code Authority by Ed Kuykendall, Allied by Nathan Yamins. Whether Kuykendall will present to Campi the resolutions adopted at the New Orleans convention is up to the M.P.T.O.A. head. He is not expected at Thursday's meeting, but will probably be on hand at the next session.

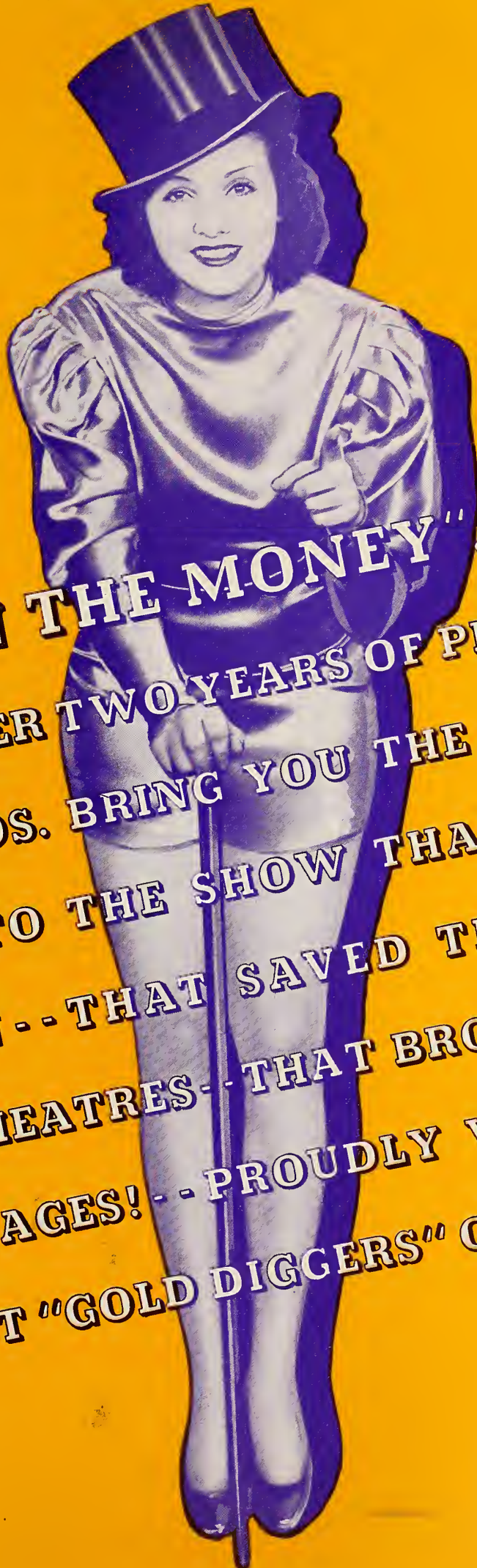
Extras' List Stirs Curiosity on Coast

(*Continued from page* 1)

on March 7. The resolution also will be sent by Campi to Compliance Director Sol A. Rosenblatt, who is understood to be vitally interested in the extras' situation.

All applicants on the extras' list have been working at the studios, which usually call on the Central Casting Agency for extras.

The list does not provide for a closed shop at any of the studios, inasmuch as casting directors can hire persons for atmospheric roles outside the list, it is stated.



"YOU'RE IN THE MONEY"... AGAIN!

FINALLY, AFTER TWO YEARS OF PREPARATION, WARNER BROS. BRING YOU THE SUMPTUOUS SUCCESSOR TO THE SHOW THAT BEAT THE DEPRESSION--THAT SAVED THE LIVES OF SCORES OF THEATRES--THAT BROKE RECORDS IN 87 LANGUAGES!--PROUDLY WE GIVE YOU THE GREATEST "GOLD DIGGERS" OF THEM ALL...



AND NOW THE WHOLE BIG SHOW WITH ITS 100's OF GIRLS

SHUFFLIN' OFF TO NEW ORLEANS FOR A RED

at the Saenger! First pre-release date selected from scores of booking requests a

BACKED BY THE EXPLOITATION BUILDUP O

GOLD DIG

JUST A FEW OF THE SWELL NUMBERS!

THE BALLET OF The BABY GRANDS with 50 grand pianos in amazing "dance formations"!

"THE LULLABY OF BROADWAY" Already famous hit-song breath-takingly staged by Berkeley



ITS INCREDIBLE BERKELEY SPECTACLES, ITS 12 GREAT STARS, IS

FIRE WORLD PREMIERE MARDI GRAS WEEK

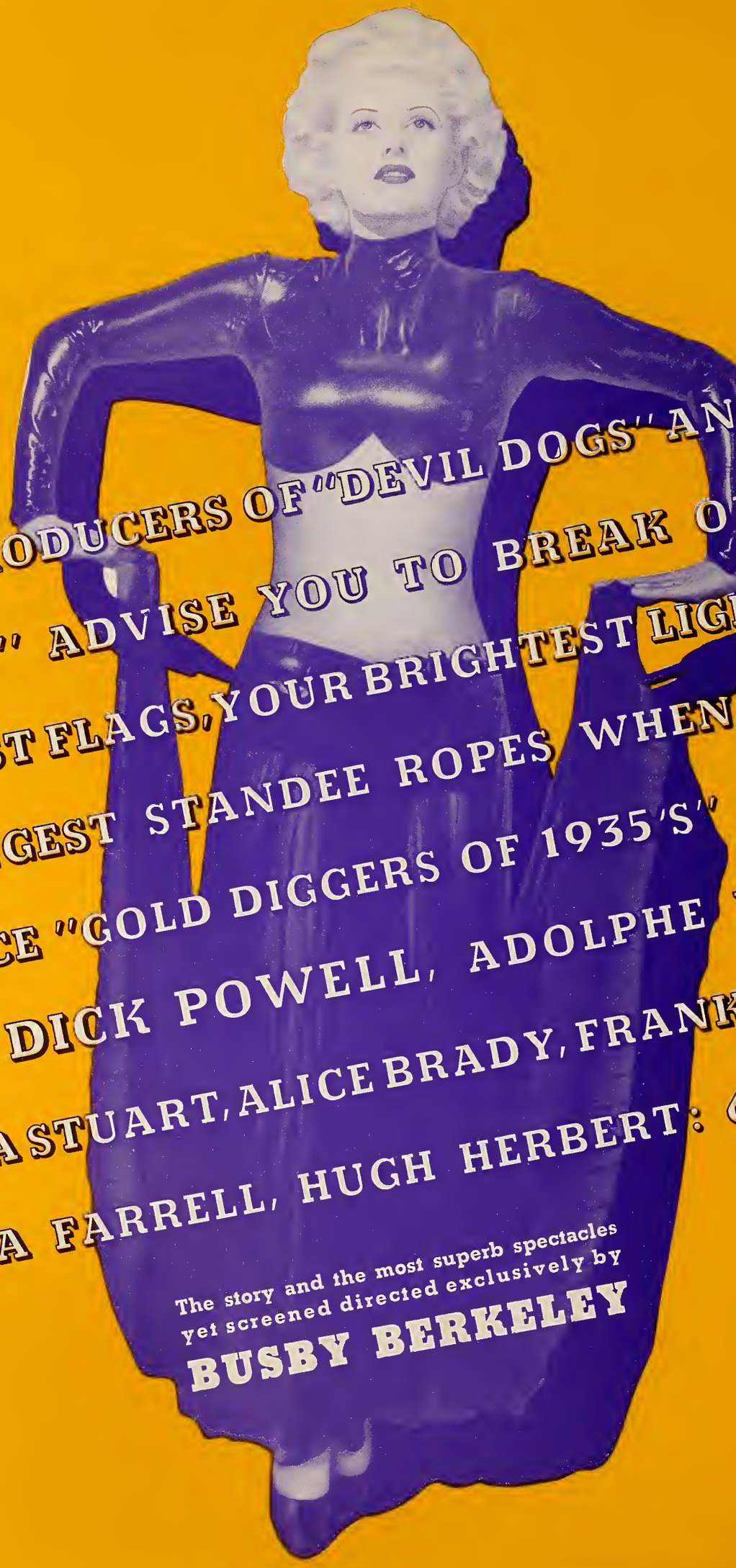
best meeting Warner Bros.' announced promotion requirements, because it will be

THE WORLD-FAMED MARDI GRAS FESTIVAL!

ERS OF TOMORROW

"THE WORDS ARE IN MY HEART"
Another of the great songs by Warren & Dubin, original "Gold Diggers" composers

"I'M GOING SHOPPING WITH YOU"
Still another of the song successes which have been radio-plugged for weeks



THE PRODUCERS OF "DEVIL DOGS" AND "SWEET MUSIC" ADVISE YOU TO BREAK OUT YOUR BIGGEST FLAGS, YOUR BRIGHTEST LIGHTS, YOUR STRONGEST STANDEE ROPES WHEN YOU ANNOUNCE "GOLD DIGGERS OF 1935'S" AMAZING CAST—DICK POWELL, ADOLPHE MENJOU, GLORIA STUART, ALICE BRADY, FRANK McHUGH, GLENDA FARRELL, HUGH HERBERT: 6 OTHERS

The story and the most superb spectacles yet screened directed exclusively by

BUSBY BERKELEY

* Winifred Shaw, Dorothy Dare Joe Cawthorn, Grant Mitchell, and the internationally famous dance team—RAMON & ROSITA

A First National Picture

"Broadway" Is Leader in 4th Seattle Week

SEATTLE, March 3.—"Broadway Bill," in its fourth week was still top attraction here last week. It topped par by $1,800 on a gross of $5,800. It was held another week.

"Sweet Music" was below normal at $4,200, but went to the Blue Mouse for an extended run. The second week of "David Copperfield" was slow and it was pulled after four days at the Fifth Avenue.

Total first run business was $34,950. Average is $37,000.

Estimated takings for the week ending March 1:

"DEVIL DOGS OF THE AIR" (Warners)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. 2nd week of extended run from Music Hall. **Gross:** $3,700. (Average, $4,000)

"DAVID COPPERFIELD" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 4 days, 2nd week. **Gross:** $3,400.

"THE GILDED LILY" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 3 days. **Gross:** $3,200. (Average, 7 days, $7,000)

"BROADWAY BILL" (Col.)
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days, 4th week. **Gross:** $5,800. (Average, $4,000)

"THE GOOD FAIRY" (Univ.)
MUSIC BOX—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,650. (Average, $4,000)

"SWEET MUSIC" (Warners)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $4,200. (Average, $6,500)

"MURDER ON A HONEYMOON" (F. N.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Stage: Vaudeville headed by Dave Seed & Co. **Gross:** $5,400. (Average, $5,500)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
"ROCKY MOUNTAIN MYSTERY" (Para.)
PARAMOUNT—(3,050), 25c-55c, 7 days. Stage: Vaudeville headed by Ruth Mix & William Demarest. **Gross:** $5,600. (Average, $6,000)

'Honeymoon,' Show Lead in Providence

PROVIDENCE, March 3.—Combination vaudeville and film bills continue to take top prizes in this town with the RKO Albee coming down the week's stretch with a take of $10,000 for "Murder on a Honeymoon" and the "Bowery Music Hall Follies" on the stage. Fay's was next in line with "When a Man's a Man" and "Memory Lane Revue." The take here was $7,900. Loew's State was close to average with "After Office Hours" garnering $11,900 and Rudy Vallee's "Sweet Music" hit $8,000, over average by $1,000 at the Majestic.

Total first run business was $46,100. Average is $40,500.

Estimated takings for the week ending Feb. 29:

"AFTER OFFICE HOURS" (M-G-M)
"THE WEDDING TICKET" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c. 7 days. **Gross:** 11,900. (Average, $12,000)

"WHEN A MAN'S A MAN" (Fox)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Memory Lane Revue." **Gross:** $7,900. (Average, $7,000)

"MURDER ON A HONEYMOON" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Bowery Music Hall Follies." **Gross:** $10,000. (Average, $7,000)

"SWEET MUSIC" (Warners)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

"THE IRON DUKE" (Gaumont British)
"WOMEN MUST DRESS" (Monogram)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500)

"FLIRTATION" (First Division)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,300. (Average, $1,000)

Hollywood Personals

Hollywood, March 3.—Jerry Hutchinson, former Radio stenographer, signed as a writer and assigned to "Hurray for Love." . . . Harry Rapf back to hospital for slight operation. . . . Charlie Chase, recovered, at work. . . . Robert Young gets another year with M-G-M.

Victor Fleming back on the Fox lot to start "The Farmer Takes a Wife." . . . John Williams of the publishing firm of Appleton conferring with the M-G-M story department. . . . Gustav von Seyffertitz added to the cast of "She" at Radio. . . . Maxwell Anderson and Hans Szekley wind up their writing assignment at Paramount.

Christy Cabanne to direct "One Frightened Night" for Mascot. . . . Bette Davis back from San Francisco to start work in "Napoleon" for Warners. . . . Jo Swerling, Columbia, ends three-month vacation. . . . Frank McHugh proud papa of a son. . . . Lambert Hillyer to direct "Jim Burke's Boy" for Columbia. . . . Joan Blondell opposite Dick Powell in "Broadway Gondolier."

"Ruggles" Denver Smash at $9,000

DENVER, March 3.—"Ruggles of Red Gap" was a sensation here last week at the Denham where it piled up $9,000. This is $5,000 over average.

Total first run business was $23,700. Average is $20,500.

Estimated takings for the week ending Feb. 28:

"THE WOMAN IN RED" (F. N.)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

"RUGGLES OF RED GAP" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $4,000)

"THE LITTLE COLONEL" (Fox)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

"THE MYSTERY OF EDWIN DROOD" (Univ.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $6,000)

"RED HOT TIRES" (F. N.)
"MAYBE IT'S LOVE" (F. N.)
PARAMOUNT—(2,000), 25c-40c, 3 days, following three last week. **Gross:** $700.

"SOCIETY DOCTOR" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $1,000. (Average for week, $2,000)

Fight Organized on Connecticut 5% Tax

(*Continued from page* 1)

James F. McCarthy of Warners' Strand, Harrison Harries of the Crown, Walter Lloyd of the Allyn and William Stevenson of the Parsons. All are members of the State Theatre Owners' and Managers' Ass'n.

Theatres here are already forced to pay a state seating tax, city license tax, state lease tax, marquee tax, city tax on equipment, real estate tax on buildings, music tax, Federal admission tax, incorporation tax, Code Authority tax and to employ firemen and policemen. No further taxation can be absorbed and must be passed on to the public, according to 17 managers who met at the Chamber of Commerce to discuss the matter.

Zanuck to Do "Ivanhoe"

HOLLYWOOD, March 3.—Darryl Zanuck is planning to film Sir Walter Scott's "Ivanhoe" as a spectacle for next season, with production starting July 16.

Upon completion of 20th Century's "Call of the Wild," the final picture on the current program, the company will delay further production until June 1, when the new season's schedule will be put into work.

Warner Connecticut Managers Are Moved

HARTFORD, March 3.—Five managers of Warner theatres in New England have been shifted. George Hoover, manager of the State, South Manchester, has been appointed manager of the Capitol, Springfield, Mass.

Jack Sanson, who was appointed manager of the Colonial here last week, has been transferred again to the State in South Manchester. David Sugarman, manager of the Embassy, New Britain, will succeed Sanson at the Colonial. John Hesse, manager of the Capitol, Springfield, goes to the Roger Sherman in New Haven, formerly managed by Jack Sanson. John Grace, assistant manager of the Strand, New Britain, is managing the Embassy in the same city.

WILMINGTON, March 3.—Dwight Van Meter, manager of the Aldine, Warner first run here, has been transferred to the Astor, Reading, Pa., first run with vaudeville.

"Lancer" Crashes Royalty

LONDON, March 3.—Paramount's "Lives of a Bengal Lancer" was screened for King George and Queen Mary last night at Compton Place, Eastbourne, the residence of the Duke of Devonshire. It was the first American-made film their Majesties had witnessed in several months.

To Perfect Mo. Sales Tax

JEFFERSON CITY, Mo., March 3.—The final touches will be put to the substitute sales tax bill by the House on March 5. The measure is designed to replace six pending sales tax bills. The substitute measure, favorably reported upon by the House Ways and Means Committee, retains the old one-half of one per cent rate but has been broadened.

Sentry Shows Profit

Sentry Safety Control Corp. earned a net profit of $10,025 in 1934, after depreciation, expenses and other charges, according to a report made public by the company. Together with the report of Universal Sound System, Inc., its subsidiary, which showed a net loss of $7,342, there was a combined net profit of $2,683 in 1934.

"After Hours" Chicago Wow; Gets $43,000

CHICAGO, March 3.—A blizzard swept over this town early last week and raised havoc with most Loop grosses. Only two spots escaped unscathed. One of these was the Chicago, where "After Office Hours" and a show headed by George Olsen hit $43,000, over par by $8,400.

Total first run business was $121,000. Average is $127,600.

Estimated takings:

Week Ending Feb. 28:

"AFTER OFFICE HOURS" (M-G-M)
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: George Olson and orchestra, Ethel Shutta, Raphael. **Gross:** $43,000. (Average, $34,600)

"THE BAND PLAYS ON" (M-G-M)
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Texas Guinan's Gang, Faith Bacon, Chas. Chase. **Gross:** $15,000. (Average, $15,600)

"TRANSIENT LADY" (Univ.)
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Gene Raymond, Weaver Bros. & Elviry, Benny Ross. **Gross:** $22,000. (Average, $22.000)

"BABOONA" (Fox)
GARRICK—(900), 25c-35c-40c, 2nd week, 7 days. **Gross:** $3,000. (Average, $5,000)

"THE COUNTY CHAIRMAN" (Fox)
APOLLO—(1,400), 25c-35c-50c, 2nd week, 7 days. **Gross:** $5,000. (Average, $8,000)

Week Ending March 1:

"SWEET MUSIC" (Warner)
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $11,000)

"HELLDORADO" (Fox)
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Frank Libuse and vaudeville. **Gross:** $11,000. (Average, $15,000)

Week Ending March 4:

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 7 days. **Gross:** $12,000. (Average, $17,000)

Wall Street

Eastman Rises ⅞ on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc (cl)	44	42¼	43¼	– ½
Consolidated Film pfd. (½v)	20	19¾	19⅞	+ ⅜
Eastman	122¼	122	122	+ ⅞
Loew's	36⅛	36	36	.....
Paramount Publix	3⅝	3¼	3¼	+ ¼
Pathe Exchange	⅞	¾	¾	– ⅛
Pathe Exchange "A"	16	15½	16	+ ½
RKO	1⅝	1⅝	1⅝	.....
Warner	3¼	3⅛	3⅛	.....

Sentry Up ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety Control	⅜	⅜	⅜	+ ⅛
Technicolor	16¾	16	16¼	– ⅜

Paramount F. L. Bonds Gain 3½

	High	Low	Close	Net Change
Keith B. F. 6s '46	68	68	68	– ½
Paramount Broadway 5½s '51	50	49⅜	50	+ ⅞
Paramount F. L. 6s '47	75	72	75	+3½
Paramount Publix 5½s. '50	75	72	75	+3
Pathe 7s '37 ww	104	103⅞	103⅞	.....
Warner Bros. 6s '39 wd	53	53	53	– ¾

(c) Plus stock extras. (v) Defaulted in principal but not in interest.)

(Quotations at close of March 2.)

OPENING RECO

Carl Laemmle presents

THORNE SMITH'S

NIGHT LIFE *of the* GODS

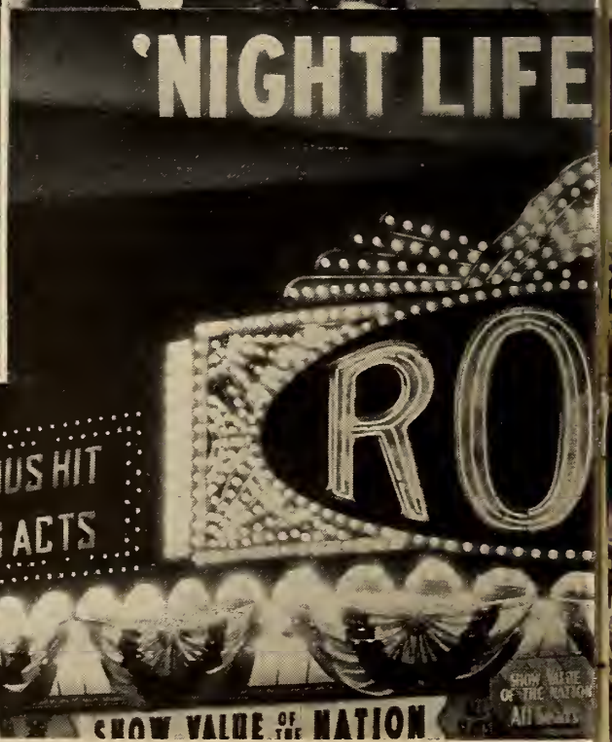
A Universal Picture with

ALAN MOWBRAY · FLORINE McKINNEY
PEGGY SHANNON · RICHARD CARLE
WESLEY BARRY · HENRY ARMETTA
FERDINAND GOTTSCHALK · WM. BOYD

A LOWELL SHERMAN PRODUCTION



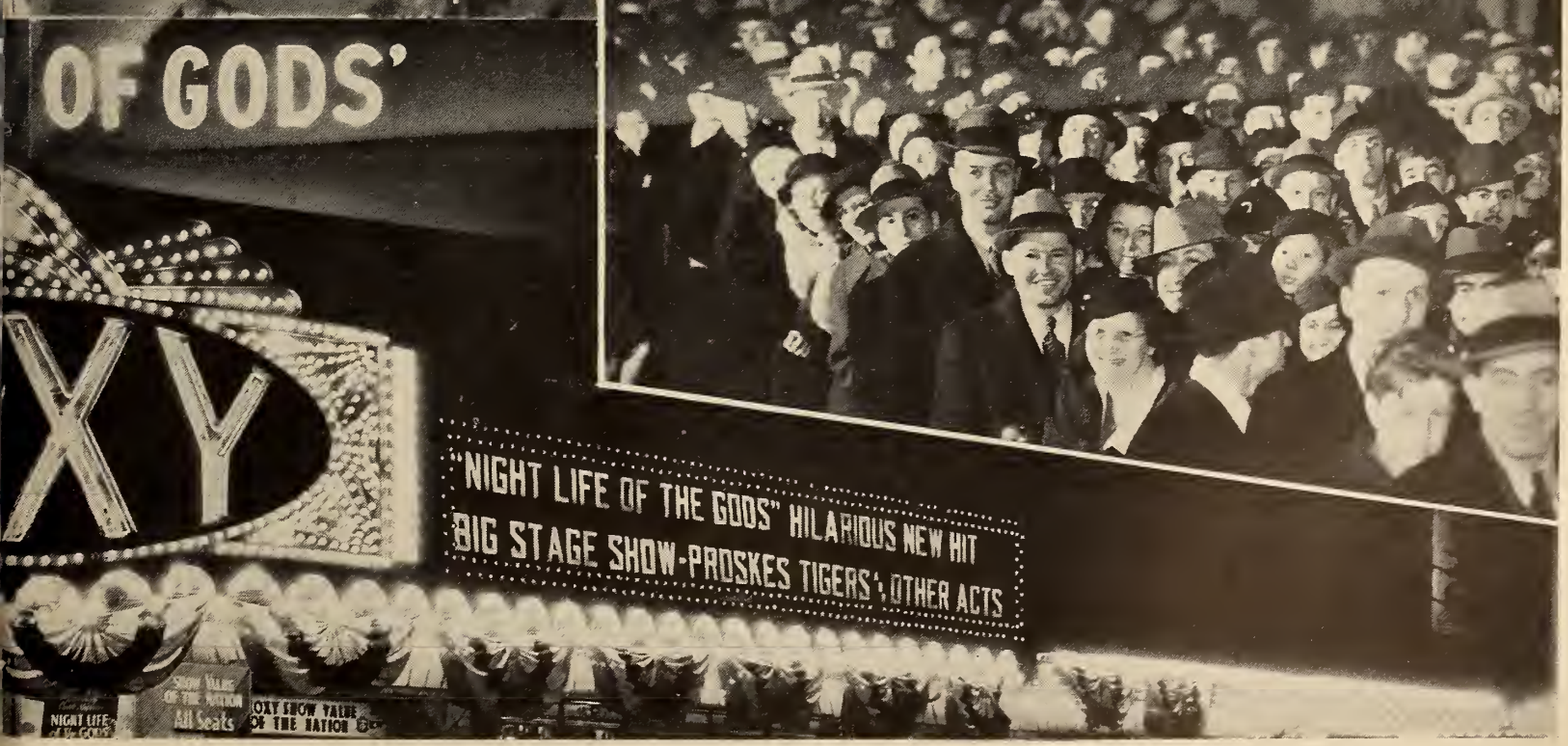




RDS SMASHED



FIRST THREE DAYS' BUSINESS AT N. Y. ROXY GETS BIGGEST GROSSES SINCE "THE INVISIBLE MAN"—AND EVEN BETTERS THE SENSATIONAL BUSINESS DONE BY "IMITATION OF LIFE"!... UNIVERSAL DOES IT AGAIN!



In making proud acknowledgement of the Annual Awards of the Academy of Motion Picture Arts and Sciences, Columbia announces its Fifteenth Anniversary.

It is peculiarly fitting that the organization which had its humble beginning in 1920 with the advent of the "Hall Room Boys" should in successive stages mark its way upward through "Submarine", "Flight", "Platinum Blonde", "Dirigible", "Lady For A Day", "It Happened One Night", "One Night Of Love", "Broadway Bill" and "The Whole Town's Talking" to the highest honors within the gift of a distinguished Academy and simultaneously establish itself in the world-wide confidence of exhibitors.

We acknowledge with thanks the good wishes and congratulations of our friends.

In Preparation

A *New* FRANK CAPRA *production*

A *New* GRACE MOORE *picture*

A *New* CLAUDETTE COLBERT *picture*

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 54 NEW YORK, WEDNESDAY, MARCH 6, 1935 TEN CENTS

Columbia Net On Half-Year Doubles 1933

Total Is $919,184, Or $5.15 on Common

Net profits of $919,184.81 are reported by Columbia for the half-year ended Dec. 29, 1934. After all charges this is equivalent to approximately $5.15 per share of common after deducting preferred dividends, comparing with $2.25 per share on earnings of $404,562.93 for the similar period of 1933.

The consolidated balance sheet as of Dec. 29, 1934, shows current assets of $7,137,715.50 and total current liabilities of $1,418,973.26, or a ratio of over five to one. Earned surplus increased $3,903,488.51 and working capital to $5,718,742.24.

A quarterly dividend of 25 cents per share on the common and voting trust certificates for common stock has been declared, payable April 1 to stockholders of record March 13.

Claim Against Para. Is Cut to $300,000

An order approving a settlement of the $443,390 claim filed against Paramount Publix by the 1432 Broadway Corp. for future rent and other considerations in connection with a disavowed lease on the Empire, was signed by Federal Judge Alfred C. Coxe yesterday.

The approved settlement calls for a reduction of the claim to $300,000 and its allowance as a general claim for that amount in the Paramount reorganization.

Saenger Claims Get N. O. Court Approval

NEW ORLEANS, March 5.—Claims against Saenger Theatres totaling $4,038,425, and of $1,275,720 against Saenger Realty, Inc., have been allowed by the Federal court for the purposes of participating in the plan of reorganization of both companies.

Final determination of several other

(*Continued on page 2*)

California Solon Hits Schenck Move

SACRAMENTO, March 5.—The threat voiced in Miami yesterday by Joseph M. Schenck to move the M-G-M studios to Florida if the tax program of Governor Merriam is put through was characterized as "propaganda" to-

(*Continued on page 18*)

Fox Has One More Chance: To Apply for a Rehearing

By CLARENCE LINZ

WASHINGTON, March 5.—Yesterday's decisions by the U. S. Supreme Court in the Tri-Ergon cases leaves William Fox with but one last shot in his locker, that of appealing for a rehearing.

Rarely sought, because the court's decisions leave little unsaid, it is, nevertheless, possible for the defeated side to secure a new consideration of its case by showing that the court had failed to consider certain important facts which were before it, or had in some way misinterpreted the evidence.

It is not believed that Fox could secure a rehearing on the basis of hitherto undisclosed testimony. All pertinent testimony is supposed to be laid before the court in argument. If there is testimony which was not disclosed in the lower courts, the Supreme Court is not likely to act.

Disposed Of

Here is comment made yesterday by John E. Otterson, president of Erpi, subsidiary of Western Electric, which conducted the defense for Paramount in the Tri-Ergon case:

"The so-called Tri-Ergon patents in question, originally taken out by German inventors, have been used as the basis for numerous infringement suits brought against American manufacturers, motion picture producers and exhibitors in connection with which extravagant claims for damages have been made. The decisions of the Supreme Court declaring these patents to be invalid finally and effectively dispose of all of these suits and the claims incident thereto."

Century-RKO Case Passes 15-Hour Mark

Cross-fire accusations by Mitchell Klupt and Louis Nizer with charges of "indecent, unfair, unethical and dishonest" being bandied about, supplemented by several warnings by the chair to cut down on drawn-out lines of questioning highlighted the fourth day of the Century-RKO Long Island clearance dispute.

Yesterday's session took about four hours and 15 minutes with Nizer making a total of 21 objections to Klupt's 16. Klupt led Nizer in the morning session with a score of 11 to 10, while in the afternoon the Century attorney objected five times to Nizer's 11. Total time consumed in the hearings so far is 15¼ hours.

(*Continued on page 6*)

Kennedy Board to Get Pathe Change

The Securities and Exchange Commission's approval of the new issues of Pathe securities will be sought within the next few weeks as the next step in the company's financial reorganization, the plan of which was

(*Continued on page 18*)

N. H. Zoning Moves Await Test in L. A.

Not until the Los Angeles clearance and zoning schedule is found to be workable to all interests will distributors accede to adoption of further territorial setups based on admission prices, MOTION PICTURE DAILY learns.

First indication of this stand was manifested last week when Campi, by a vote of seven to three, turned down the New Haven plan in its entirety. The trio nodding in favor of the schedule included Nathan Yamins, Charles L. O'Reilly and Arthur H. Lockwood, alternate for Ed Kuykendall. Harold S. Bareford, Sidney Justin, Gordon C. Youngman, Joe

(*Continued on page 6*)

Film Securities Is Finally Dissolved

Film Securities Corp., organized as a holding company for the Fox stock interest in Loew's, Inc., under a government consent decree of 1931, was dissolved and its trustees, John R. Hazel and Thomas N. Perkins, dis-

(*Continued on page 18*)

Weeks Needed To End Suits By Tri-Ergon

First Cases Sent Back To Lower Courts

It may be the end of the month before the various Tri-Ergon patent suits pending in three U. S. District Courts are disposed of. In ruling on the two original suits, one brought in Brooklyn and the other in Harrisburg, the U. S. Supreme Court remanded them back to the courts of original jurisdiction for action. It may take two weeks to get the papers out.

The first suit was filed in Brooklyn against Paramount Publix on use of the double-printer. Last action on the Altoona Publix and Wilmer & Vincent flywheel cases was taken in Scranton before Judge Albert W. Johnston.

During the hectic days following the first Supreme Court refusal to

(*Continued on page 2*)

Connery Labor Bill Reported in House

WASHINGTON, March 5.—The House Labor Committee today ordered favorably reported the bill introduced by Representative Connery of Massachusetts, providing equal representation for labor on all code bodies.

The committee reached its decision after considering the testimony submitted at its recent hearings, when labor representatives charged that many of the ills of various industries were attributable to the lack of labor representatives on enforcement bodies.

No criticism was voiced on the film code, which carries such a lengthy list of wage minima as to make wage cutting practically impossible.

Michael Would Ask That Code Be Ended

NEW ORLEANS, March 5.—His resolution either blocked or lost somewhere between committee room and the floor of the recent M.P.T.O.A.

(*Continued on page 6*)

Campi Relief Given In 667 of Its Cases

Relief has been granted in 667 of 1,121 grievance cases disposed of by local boards and Campi during the eight and one-half months' operation, ending Dec. 31 last, or 58 per cent of

(*Continued on page 6*)

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Wall Street

All Show Loss on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	44½	43⅛	43⅝	— ⅜
Consolidated	5⅝	5⅛	5¼	— ⅜
Consolidated pfd (½v)	19¾	19⅛	19⅛	— ¾
Eastman (5) 120½		119	119	—1¾
Fox Film "A" ..	10	19½	9⅝	— ⅜
Loew's (2)	35⅞	34¼	34¼	—1½
Paramount	3½	3¼	3¼	— ⅜
Pathe	¾	⅝	¾	.....
Pathe "A"	15½	13¾	14½	—1
RKO	1⅝	1½	1½	— ⅛
Warner	3⅛	3	3	— ⅛
Warner pfd	19¼	17½	17½	—2

Technicolor Off ¾ on Curb

	High	Low	Close	Net Change
Technicolor	15¾	15¼	15¼	— ¾
Trans-Lux (.10k)	2¾	2¾	2¾	— ¼

RKO Bonds Drop 2

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	7¾	7½	7¾	+ ¼
General Theatre Equip. 6s '40 ctf	7⅞	7½	7⅞	+ ⅜
Keith B. F. 6s '46	68½	68⅛	68⅛	— ⅝
Loew's 6s '41 ww deb rights..	105¼	105	105	— ½
Paramount B'way 5½s '51	50¼	50	50¼	— ¼
Paramount F. L. 6s '47	74¾	73¼	73¼	—1¾
Paramount Publix 5½s '50	75½	74⅛	74¼	—1⅛
Pathe 7s '37 ww.	103⅞	103¾	103¾	.....
RKO 6s '41 pp....	28	28	28	—2
Warner Bros. 6s '39 wd	51½	50¼	50¼	—2⅝

(c) Plus stock extras. (k) Paid this year. (v) Defaulted in principal but not in interest.)

(Quotations at close of March 5)

Number Two Release Clicks

Drama and comedy, complete with beginning, middle and end, run through the second release of "The March of Time."

By clever juxtaposition of scenes, by impressively dramatic photographic value and astute editorial judgment in the sifting of its subject matter, the five-episode two-reeler lands with a click unmistakable.

The inside story of how the *New York Daily News* pulled the old newspaper stunt of replating plus and minus on the Hauptmann decision, how its bigwigs held their breath while the erroneous and now famous Associated Press flash was wiped out to clear the way for a three-minute beat over competitors, exciting scenes of the presses running—this is "The March of Time's" answer to straight newsreel coverage on the trial of the century. It's swell.

Professor Edgerton of M.I.T. demonstrating wonders of his stroboscopic camera, 150 times faster than the usual camera, and what happens in ordinary phenomena such as breaking electric light bulbs, dropping drops in milk is the second subject.

Three is a yarn complete on its own of the Senatorial move toward greater safety at sea, tying in for the dramatic mixture the *Mohawk* disaster with a startling shot of the camera crew cutting under the bow of the *Talisman* and flashes of the *Morro Castle,* pre-disaster.

Fourth is the human interest yarn of Convict Huddie Ledbetter, known as Leadbelly, who sang his American folksong way out of Texas and Louisiana prisons to freedom and a permanent niche in the Music Division of the Library of Congress.

Living up to the connotations of its title, "The March of Time," for its closing sequence, tells the story of Hitler and explains, by picture and diagram, how the other powers are encircling him with a ring of diplomacy and steel. Comparable to the Japanese episode in the first release, this in point of import and weight, is the reel's standout. Very well conceived, executed and edited, it's the top.

KANN

Reviewers to Hold Three-Day Session

A three-day conference of the National Board of Review will open tomorrow at the Hotel Pennsylvania, with the main topic of discussion "Intelligent People and the Movies."

Tomorrow morning the board members will see a picture at Warners projection room and in the afternoon will take up the general subject, "What Are the Movies Up Against?" Dr. Frederic M. Thrasher, associate professor of education at New York University, will preside. Speakers and their subjects will be: Howard S. Cullman, "Popular Art and Profit"; Margaret G. Mayorga, chairman of motion pictures, Long Island Federation of Women's Clubs, "Legal Censorship"; Dr. Worth M. Tippy, executive secretary Federal Council of Churches of Christ in America, "Indirect Censorship"; Prof. Edward C. Lindeman, N. Y. School of Social Work, "Organized Minorities and Masses."

During the evening there will be a demonstration of the N. Y. U. film course.

"Community Motion Picture Activities" will be the topic of the Friday morning sessions to be presided over by Mrs. Marguerite E. Schwarzman, director, Children's Laboratories, New Rochelle. Afternoon speakers will be: Dr. Francis D. Tyson, Mrs. Jessica G. Cosgrave, John E. Abbott, Prof. Douglas Moore, George Freedley, Mabel Williams, William Lewin and Carl Bohnenberger. Unusual pictures will be shown in the evening.

"Youth and the Movies" will be the topic of the Saturday morning session. The annual luncheon will be held at 12:30 o'clock Saturday.

"City" Gets 3rd Week

"The Lost City" is being held for a third week at the Globe.

Saenger Claims Get N.O. Court Approval

(*Continued from page* 1)

claims has been reserved pending further court consideration. Saenger Theatres creditors have been segregated into eight classifications and Saenger Realty creditors into five for the purpose of voting on the reorganization plan which will be heard in Federal court here Wednesday.

Reports Comerford Has Passed Crisis

WASHINGTON, March 5.—The gain shown by M. E. Comerford during the past 24 hours indicates he has passed the crisis, it was said today by his physician, Dr. W. A. Bloedorn, who expects a continued improvement.

Monogram Tips Budgets

HOLLYWOOD, March 5.—Monogram is upping some more production budgets, according to Trem Carr, who has just returned here. The figures for "The Healer" have been raised 25 per cent and for "Keeper of the Bees" 10 per cent, he says.

On Legislative Front

WASHINGTON, March 5.—C. C. Pettijohn of the Hays office, Ed Kuykendall and Jack Miller are here on legislative matters. Miller goes to New York tomorrow and later to Chicago.

"Sequoia" Coast Smash

HOLLYWOOD, March 5.—"Sequoia" broke all house records at the 4 Star over the week-end. It played eight times Saturday and Sunday to 7,200 customers. The house capacity is 900.

Back from Convention

PHILADELPHIA, March 5.—Jay Emanuel and Mrs. Emanuel, Lew Pizor and his daughter, Al Fischer and his wife, returned from the New Orleans convention this morning.

Weeks Needed To End Suits By Tri-Ergon

(*Continued from page* 1)

review the Circuit Court of Appeals decision, which upheld the patents, suits were filed by Hirsh, Newman, Reass & Becker; Ward, Crosby & Neal and Kenyon & Kenyon against the following: In New York—A-G-R Laboratories, Inc., AmerAnglo Corp., Cinelab Laboratories, Inc., Columbia, Consolidated Film Industries, Duo-Art Film Laboratories, Filmlab, Inc., First Division, Malcolm Laboratories Corp., M-G-M, Monogram, Reliance, Talking Picture Epics, 20th Century, Universal; in Brooklyn—Warners and Vitaphone; in Wilmington—Loew's, Inc., M-G-M Distributing Corp. and Warners.

Tri-Ergon also had filed a claim of indeterminate amount against Paramount Publix in the latter's bankruptcy proceedings, asking an accounting of profits for the alleged patent infringements. The sum was to have been determined on the basis of the accounting sought and was expected to be for a very substantial amount. As a result of the Supreme Court's decision, counsel for the Paramount trustees may now move to have the claim expunged by the Federal court, and will undoubtedly do so in the near future.

Officials of RCA Photophone remained silent yesterday on the disposition of the litigation. John E. Otterson, president of Erpi, however, issued a statement printed elsewhere in this issue.

Milliken in N. E. Talk

Carl E. Milliken, secretary of the M.P.P.D.A., will address the New England Ass'n. of English Teachers at Radcliffe College, Cambridge, Mass., on Friday. His topic will be "The Educational Value of Motion Pictures." The gathering will also hear a debate on censorship between Dr. Henry Longfellow Dana of Harvard and the Rev. Russell Sullivan of the Legion of Decency.

Smith Reports a Pickup

Cresson E. Smith, western and southern sales manager for RKO, just back from a trip that took him to the coast and into the northwest, says there has been a definite pickup in business and a more hopeful attitude has developed. He visited Los Angeles, San Francisco, Portland, Salt Lake City, Denver and Seattle.

Audubon Lease Approved

An order approving the lease by Fox Theatres Corp. of the Audubon to a new company owned by Harry Brandt was signed yesterday by Federal Judge Martin T. Manton, who has jurisdiction over the Fox Theatres' receivership.

Sten Film Here March 15

"The Wedding Night," Samuel Goldwyn's latest starring Gary Cooper and Anna Sten, opens at the Rivoli on March 15.



Isn't it strange that some of the commentators who are touted as newsreel drawing names aren't even mentioned?

EDWIN C. HILL RAN AWAY!

It wasn't even a contest. He was so far in the lead that you couldn't see any of his competitors, even on a clear day. Certainly we mean the *Annual Radio Poll* of the *New York World-Telegram* in which 260 of America's foremost radio editors voted for the favorite commentator of the air waves. Ed Hill got 246 enthusiastic votes. *He won last year, too!* That's why the name of EDWIN C. HILL, Globetrotter of M-G-M's HEARST METROTONE NEWS is bringing extra dough to thousands of Showmen who know what's *top!*

"Colonel" Is $14,000 Hit In Cleveland

CLEVELAND, March 5.—"The Little Colonel" was the big success with a $14,000 gross, or $8,000 over average, at Warners' Hippodrome.

"After Office Hours" went $6,000 over the average at Loew's State, and the Circle ended the week with $5,500, or 82 per cent over par with "That's Gratitude" on the screen and Helen Kane heading a stage show. First run business was very good considering stiff opposition of the Grotto Circus that turned away crowds at every performance.

Total first run gross was $58,200. Average is $41,000.

Estimated takings for the week ending March 1:

"THE GOOD FAIRY" (Univ.)
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $4,100. (Average, $3,000)

"THE LITTLE COLONEL" (Fox)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $16,000. (Average, $6,000)

"WOMAN IN RED" (F. N.)
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: "Anatole's Affairs." **Gross:** $13,500. (Average, $15,000)

"AFTER OFFICE HOURS" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $16,000. (Average, $10,000)

"WINGS IN THE DARK" (Para.)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $5,100. (Average, $4,000)

"THAT'S GRATITUDE" (Col.)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage: Helen Kane as headliner. **Gross:** $5,500. (Average, $3,000)

Pa. Exhibitors Rally Against Gross Tax

HARRISBURG, March 5.—A rally of theatre operators and others opposed to the proposed Pennsylvania 10 per cent tax on gross receipts of theatrical and other amusement enterprises was held here today at the Penn Harris Hotel. From the hotel the protestants, who were drawn from every part of the state, proceeded to the capitol where a hearing was held on the measure before the ways and means committee of the House.

Those oppossed to the bill asserted the tax would have to be passed on to the public as theatres could not possibly absorb it. This, it was declared, would mean a heavy reduction in attendance, with the result many theatres would be driven to the wall.

The hearing was attended by a committee consisting of C. Floyd Hopkins, Harrisburg, vice-president of Wilmer & Vincent, chairman; William Brown, Tarentum; Fred J. Herrington, Pittsburgh, secretary of the M.P.T.O. of Western Pennsylvania; William Walker, Crafton; Michael J. O'Toole, Scranton, representing the Comerford interests; Samuel Schwartz and Oscar Neufeld, Philadelphia; Carter Barren, Washington, Pa., representing Loew's.

Those who addressed the assembled theatre men in opposition to the tax included J. Fred Osterstock, manager of the State and Embassy, Easton, Wilmer & Vincent houses; O'Toole; Lawrence Katz, president of the Harrisburg Union of M. P. Theatre Operators, and David Barrist, Philadelphia, former owner of the *Exhibitor* there.

Hollywood Personals

Hollywood, March 5.—Reginald Barker to direct "The Healer" for Monogram. . . . Robert Middlemass has reported at Columbia, his first assignment being a role in "Air Fury." . . . Alfred E. Green to direct Bette Davis' next for Warners, "Men on Our Mind."

Lew King set to direct "Charlie Chan in Egypt" for Fox. . . . Rouben Mamoulian through directing "Becky Sharp." . . . Evelyn Bostack, English actress, signed by Sol Lesser to play opposite George O'Brien in "Cowboy Millionaire." . . . Oliver H. P. Garrett has checked in at M-G-M to adapt "Hell Afloat," which Fritz Lang will direct.

Werner Richard Heyman, composer who did the music for Fox's "Caravan," has postponed his departure for Europe to March 8. Reason: wife is ill. . . . Adele Jerome, wife of Producer Emanuel Wolf, signed by Radio to assist in staging the dances in "She," in which she will also have a part.

"Colonel" $4,100 Leader at Lincoln

LINCOLN, March 5.—"Little Colonel" routed all the other straight picture houses at the Stuart, top pricer of the town. The take was $4,100, in spite of a snow that fell a foot thick on the second day. That's $1,000 above average.

"Gilded Lily" at the Lincoln suffered with the blizzard after starting like lightning, but gathered $2,800, $600 above the normal. The Orpheum, three days with stage show and "Bordertown" and four days with "Night Is Young," took $3,200, $900 above average. At the Varsity, "Whole Town's Talking" built steadily to $1,500, average.

Estimated takings of the four first runners, $11,600. Average $9,100.

Estimated takings:

Week Ending Feb. 28:

"BORDERTOWN" (Warners)
"NIGHT IS YOUNG" (M-G-M)
ORPHEUM—(1,200), 10c-15c-25c, 3 days. Stage: O'Connor Family, Hagji Ali. Other 4 days straight picture. **Gross:** $3,200. (Average, $2,300)

"GILDED LILY" (Para.)
LINCOLN — (1,600), 10c-25c, 7 days. **Gross:** $2,800. (Average, $2,200)

"WHOLE TOWN'S TALKING" (Col.)
VARSITY—(1,100), 10c-15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending March 1:

"LITTLE COLONEL" (Fox)
STUART—(2,00), 10c-25c-40c, 7 days. **Gross:** $4,100. (Average, $3,100)

Many Changes Made Among N. E. Houses

BOSTON, March 5.—Policy changes, closings and openings, and changes in ownership have been numerous in New England during the past week.

The Fellsway at Medford, an Irving Green house, has dropped first runs for second runs, and the Lyric, Fitchburg, has gone from first runs to last runs.

Openings include the Lakeside, Rangely, Me., operated by H. C. Riddle; Imperial, Pawtucket, and Park, Woonsocket.

Closings are: I.O.O.F., Smyrna Falls, Me., by the Tarbell brothers; Opera House, Gorham, N. H., by C. A. Foster; Memorial Hall, New London, N. H., by W. H. Kidder.

Ownership changes include: Star, Poultney, Vt., from E. Stevenson to R. L. Whitton; Liberty, Pittsfield, N. H., from W. Trayers, Jr., to W. Trayers, Sr.; State, Dover, N. H., from Michael J. White to Fred Couture.

"Iron Duke" Gets $10,500, Montreal

MONTREAL, March 5.—For the last week before Lent, theatres experienced fair to good business, with British and foreign films holding the screen at three houses. "The Iron Duke" at the Capitol led the way with a take of $10,500, while "The Private Life of Don Juan" reached $7,500 at the Princess.

"The County Chairman" was responsible for $9,000 at Loew's. The reopening of the Imperial with "Jeannette" and a stage show resulted in a take of $5,000. All of these were better than previous average with the exception of Loew's, which is now on a straight picture run.

Total business was $34,500. Average is $34,500.

Estimated takings for the week ending March 2:

"THE IRON DUKE" (Gaumont British)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,500)

"THE SHEPHERD OF THE SEVEN HILLS" (Faith)
HIS MAJESTY'S—(1,700), 25c-50c-75c, 7 days, 2nd week. **Gross:** $2,500. First week: $5,000. (Average, $5,000)

"JEANNETTE" (Warners)
IMPERIAL—(1,914), 25c-30c-40c, 7 days. Stage: "Streamline Follies." **Gross:** $5,000. (Average, $3,500)

"THE COUNTY CHAIRMAN" (Fox)
"LOTTERY LOVER" (Fox)
LOEW'S — (3.115), 30c-34c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $10,500)

"THE PRIVATE LIFE OF DON JUAN" (U. A.)
"RUNAWAY QUEEN" (U. A.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $6,000)

Pick "Curly Top" Title

HOLLYWOOD, March 5.—The new version of "Daddy Long Legs," which Fox is preparing to film with Shirley Temple in the top spot, will be titled "Curly Top."

Ray Henderson has been signed to do the music and David Butler will direct.

Lloyd Borrows Butler

HOLLYWOOD, March 5.—Frank Butler, writer for Hal Roach lot, has been loaned to Harold Lloyd to work on Lloyd's next feature. Butler has just finished work on "Laurel and Hardy in India" for Roach.

Switch "Enemy" Title

HOLLYWOOD, March 5.—M-G-M has changed the title of "Public Enemy No. 2" to "Baby Face Harrington."

The picture features Charles Butterworth and Una Merkel and is being directed by Raoul Walsh.

"Wings" Gets $24,500, Top In Pittsburgh

PITTSBURGH, March 5.—There was a definite improvement here last week, only one house of five failing to touch or better avrage. This was the first time here in several months such an excellent showing has been made.

The Penn topped the town easily, Ted Lewis getting chief credit for the $24,500 take, although "Wings in the Dark" was of some help, too. At the Alvin, the box-office combination of Janet Gaynor and Warner Baxter carried "One More Spring" to a neat $11,500, while "The Iron Duke" at $4,400 gave the Fulton its first profit since this house lowered its scale.

Even the Warner felt the general impetus, "The Woman in Red" and "Little Men" collecting $5,000. Only the Stanley was in the dumps, and Rudy Vallee's picture, "Sweet Music," and N. T. G.'s Paradise Cafe Revue on the stage weren't able to weather the tough competition, doing around $11,000.

Total grosses in five first run houses were $56,400. Average is $56,000.

Estimated takings for the week ending Feb. 28:

"ONE MORE SPRING" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Sid Page, ammond's Pets, Paul Gannon, Ruth Ruddie, Peggy Earle, Paul Armento, Three Perkins Brothers, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $11,500. (Average, $10,000)

"THE IRON DUKE" (Gaumont British)
FULTON—(1,750), 15c-25c, 6 days. **Gross:** $4,400. (Average, $4,000)

"WINGS IN THE DARK" (Para.)
PENN—(3,300), 25c-40c, 6 days. Stage: Ted Lewis, Carroll and Chalita, Snowball Whittier, Radio Aces, Lois Sterner, Paul White and Mildred Gaye. **Gross:** $24,500. (Average, $19,000)

"SWEET MUSIC" (Warners)
STANLEY—(3,600), 25c-40c, 6 days. Stage: N. T. G.'s Paradise Cafe Revue with Eddie Stanley, May Joyce, Frank Conville, Kada, Earl, Jack and Betty, Vanessi, Mona Leslie. **Gross:** $11,000. (Average, $18,000)

"WOMAN IN RED" (Warners)
"LITTLE MEN" (Mascot)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,000. (Average, $5,000)

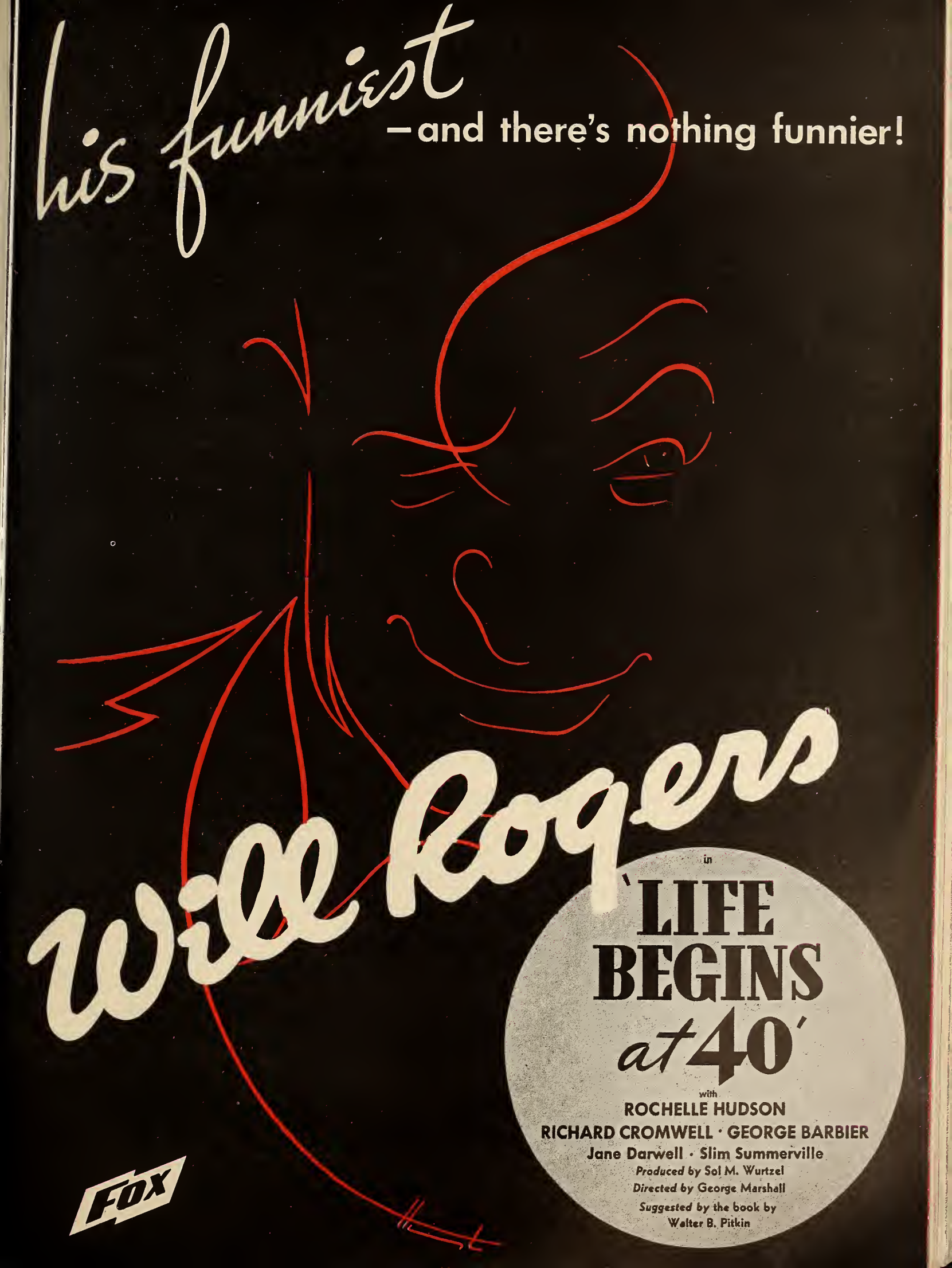
K. C. ITO Offers Last Chance on Clearance

KANSAS CITY, March 5.—As a last resort to obtain clearance relief before proceeding with Federal court action, the I.T.O. is prepared to file tomorrow a complaint against Fox Midwest asking the zoning board to hear its charges against the circuit. It is understood it will be alleged distributors granted excessive protection to Midwest over independent suburbans and the complaint will attack the local clearance setup.

If the board fails to grant the demanded relief, the I.T.O. is definitely decided to bring the matter to the attention of the Federal authorities, it is understood.

MOTION PICTURE DAILY learned tonight that the St. Joseph, Mo., clearance schedule set up by the local board may be probed by the Department of Justice on a monopoly charge filed by Frank H. Cassil of the Rialto, that city, against Dubinsky.

Cassil charges he is unable to increase his admission above 15 cents due to the protection held by Dubinsky, as, regardless of admission, he would still have to follow Dubinsky's 15-cent second run, he charges.


his funniest
—and there's nothing funnier!
Will Rogers
in
LIFE BEGINS at 40
with
ROCHELLE HUDSON
RICHARD CROMWELL · GEORGE BARBIER
Jane Darwell · Slim Summerville
Produced by Sol M. Wurtzel
Directed by George Marshall
Suggested by the book by
Walter B. Pitkin
FOX

Century-RKO Case Passes 15-Hour Mark

(*Continued from page* 1)

Up until yesterday's session there were 464 pages of testimony and it appears that several more hearings will be held before the case winds up before the local board.

Verbal fireworks and an exchange of criticism started when Nizer, in examining Emanuel Friedman, manager of the Fantasy, Rockville Center, openly doubted the veracity of the witness, who was answering questions in regard to the theatre's advertising. Klupt lost his temper and criticized his opponent for making the comments. There was no attempt to stifle sarcasm, which was plentiful.

Before the morning session was halted Klupt was called out of order by the chair. There were many interruptions and Nizer even expressed indignation at Klupt's persistence at interjecting, but Klupt passed it off and told Nizer to continue.

Humor Steals Into Proceedings

The early testimony was not without humor. Harry Novick a bus driver, was asked why he was sure he did not cruise a ballyhoo truck to Far Rockaway when advertising a picture for the Fantasy. He retorted, in a serious manner:

"I know I didn't go there, because I have relations in Far Rockaway and I would have gone to see them if I was in the town."

Robert L. Alberts, general manager of Suburban Bus Advertising Co., was examined and cross-examined for more than two hours on the various bus routes in Long Island and advertising placed by Century. Klupt here again was cautioned by Leo Abrams, chairman, to eliminate repetitious testimony. Walter Gutteridge, manager of the Columbia and Strand, Far Rockaway, followed and again the fireworks broke out when photographs taken on alleged Century advertising were challenged by Klupt.

Holds Photos "Dishonest"

The Century attorney charged the photos were "dishonest." The chairman asked him to try and cut out some of the questioning. He called the board unfair in permitting the opposing counsel to get in remarks on the record "after the damage had been done" without his being permitted to proceed in his own manner. Nizer then demanded that the board call a halt to Klupt's unethical attitude. Eugene Picker, a member of the board, came to the defense of Abrams, who stated he was trying to be as fair as he could to both sides. Klupt apologized.

About three minutes before the meeting adjourned until tomorrow, Klupt made another remark that riled Nizer. Nizer told Klupt and the board that "Klupt will have to toe the mark on these accusations, which are insulting, indecent and unethical. He has made remarks of RKO gypping Century, and he will have to prove them all before this case is through."

Campi Relief Given In 667 of Its Cases

(*Continued from page* 1)

the total number of complaints filed. Of this total, 240 cases were dismissed, 177 withdrawn, 14 adjusted and 23 were pending before local boards. However, Campi as of Dec. 31, had 212 grievances scheduled for appeal. Code Authority affirmed lower boards in 106 and reversed 17 other decisions.

Overbuying complaints totaled 139, premature advertising, 219; price-cutting, 609; non-classified, 28; non-theatrical, 45; interference with lease, 22; enforcing cease and desist orders, four; fraudulent transfer of theatres, 21; change of playdates, three; 10 per cent eliminations, 11; forcing of shorts, two; breach of contract, 11; failure to deliver product, one; monopolies, four.

Total number of clearance and zoning and grievance disputes before Campi for disposition as of Feb. 19 was 39.

Michael Would Ask That Code Be Ended

(*Continued from page* 1)

convention, Jules H. Michael of Buffalo proposes carrying forward his campaign for cancellation of the code as it affects exhibitors by June 30. He proposes petitioning the President to this end.

He would have the exhibition and distribution industry return to "some manner of internal self-government" by means of a "system or plan of arbitration based upon the system previously prevalent in the industry and further in accordance with such terms and conditions as may be formulated by agreement between representative groups of producers, distributors and exhibitors, independent and affiliated."

A second Michael resolution which never saw daylight calls upon Congress for a commission like the Federal Communications Commission to determine music taxes collectable by Ascap.

Editor Praises "Sequoia"

NEW HAVEN, March 5.—Monday's *Journal Courier* carried an editorial heralding "Sequoia" as evidence of the change of films "from mere sophisticated and garish extravagance toward quiet naturalness." The picture "provides a lesson in the powerful possibilities of the cinema," the editorial concluded. "Sequoia" is playing the Bijou. The school picture clubs are cooperating in organizing large parties of students to attend.

Charter Two Companies

ALBANY, March 5.—An equipment and a theatre company have just been chartered here. The former is Cinema Equipment Corp., with $20,000 capital, formed by George H. Tilson, Helen M. Bennett and Sidney Gersten. The other is the Trebor Theatre Corp., Winfield, chartered by Louis Masheb, Hilda E. Scheffler and Hada J. Morris.

Omaha Usherette Wins

OMAHA, March 5.—Miss Allene Fransen, blonde head usherette at the Orpheum, has been chosen by Universal as "the world's most beautiful usherette." It was a beauty contest. She will be featured in a vaudeville act and may get a screen test.

Senate Probe Of NRA Goes On Tomorrow

By BERTRAM F. LINZ

WASHINGTON, March 5.—Investigation of the operation of the Recovery Act will begin Thursday with the opening of hearings by the Senate Finance Committee at which Donald R. Richberg, executive director of the National Emergency Council and formerly right hand man of Gen. Hugh S. Johnson, will be the first witness.

Except for the fact that it will call Richberg and will give consideration to the Darrow board reports, one of which flayed the film code, the committee has made no detailed plans for its hearings, it was declared. Some of the members were said to be in favor of asking General Johnson to appear, but no decision has been reached.

Richberg will be asked to outline the present situation in the NRA. It is possible that a sub-committee will be appointed to conduct the questioning of the witnesses.

Preaches on Film Titles

OMAHA, March 5.—Film titles have furnished the inspiration for a series of sermons during March by Rev. R. W. Cooper, Baptist pastor. He began the series with "The Right to Live." The film is at the Paramount this week. Next Sunday "Under Pressure" is scheduled, followed by "The Man Who Reclaimed His Head," "Life Begins at 8:40," and "Gold Diggers of 1935." Appropriate music will be played during services to harmonize with the titles.

Would End "Love" Suits

SACRAMENTO, March 5.—A so-called "love-pirate" bill has been introduced under the joint sponsorship of Assemblyman Richie and Senator Stow. It is designed to end breach of promise and alienation of affections suits.

Add to Stock Companies

HOLLYWOOD, March 5.—M-G-M and Paramount are both developing their stock companies. Paramount's latest acquisition is six dancing girls, who, the talent scouts hope, will develop dramatic ability.

Order Strike in Mexico

MEXICO CITY, March 5.—A strike in all theatres which employ its members has been called for Friday by the National Cinematographic Workers as a sympathy move in support of a local strike at Monterey on the border.

Name Virginia Theatre

RICHMOND, March 5.—The new theatre to be erected by Walter J. Coulter and Charles A. Somma at Highland Park will be called the Park. The cost is estimated at $75,000.

Mark Kelly in Hospital

HOLLYWOOD, March 5.—Mark Kelly, sports writer, is at the Cedars of Lebanon recuperating from a stomach ailment.

N. H. Zoning Moves Await Test in L. A.

(*Continued from page* 1)

Vogel, E. T. Gomersall, Felix Jenkins and Edward Golden voted in the negative.

Although the clearance and zoning committee, comprising Sidney Justin, O'Reilly and Paul Lazarus, held a session to study the plan and try to work out a feasible system of clearance, it is understood that nothing developed at the session. A report on the New Haven plan is sceduled to be made Thursday, but action will ni all probability be deferred, it is understood.

Despite Campi's efforts to get the coast plan under way, a last minute petition by Fox West Coast for a review of certain phases in it will hold the schedule up until March 15. Code Authority's previous ruling was that the schedule must be put into operation before March 31. It is understood that F.W.C. also objects to the admission angle of the plan.

Kansas City and Milwaukee schedules are next in line for Code Authority approval, but they will be held in abeyance until the coast matter is disposed of.

How Distributors Feel About It

Distributors from time to time have held that protection is a matter of barter and trade between the exchange and the exhibitor; also, that adoption of a schedule based on admissions would create a print shortage in each territory. On the print scarcity angle, distributors point to Chicago as the best example of their argument. Whenever exchanges in that city get a release date, prints from surrounding branches are called in to meet the demands of the circuits.

In turning down the New Haven schedule, distributors held that one plan was enough to experiment with at a time and that no other plan should be accepted until it is found that the Los Angeles setup works out to best interests of exhibitors and distributors. However, F.W.C. contends that in experimenting with Los Angeles the circuit will be injured because of the overlapping geographical and competitive situations. The circuit further adds that if Campi wants to test the workability of schedules it should pick on a territory not so involved as Southern California and Los Angeles.

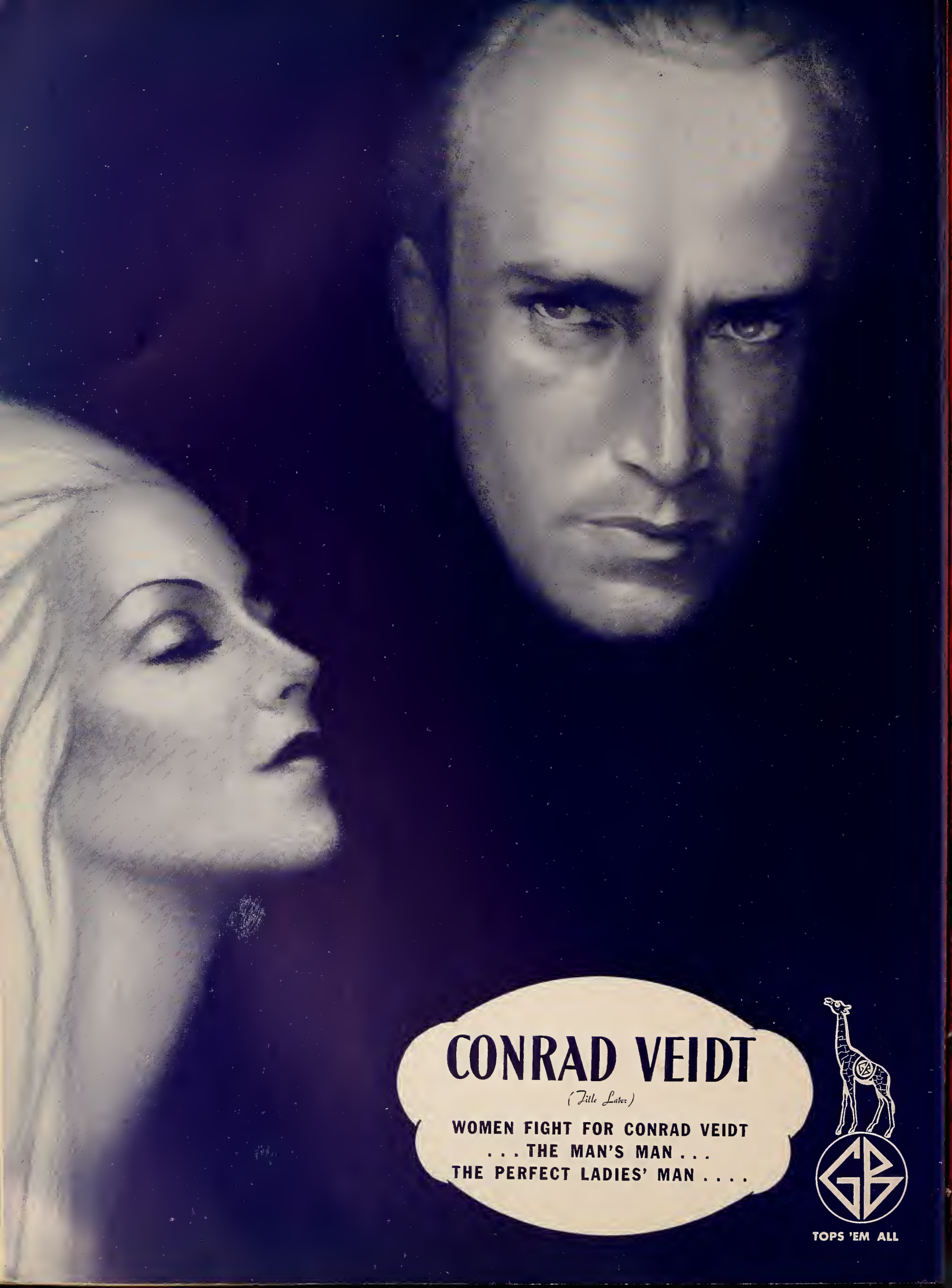
The petition of F.W.C. will be reviewed Thursday. It is expected that Charles Buckley and W. T. Powers, its signers, will appear before the body for further expression on objections.

Richmond's Sunday Benefit Shows Gain

RICHMOND, March 5.—Sunday benefit shows are becoming a regular thing here and the police seem to have given up the idea of interference. Six were given last Sunday.

Funds from last Sunday's shows will be used for the benefit of the Virginia Association of Workers for the Blind. Robert H. Coulter, Elmer H. Brient and Frank Ponton are on a committee named to handle the money.


JAN KIEPURA
THE GREATEST SINGER IN THE WORLD . . . IN
THE TWO BEST MUSICALS EVER PRODUCED . . .
MY HEART IS CALLING
MY SONG FOR YOU
GB
TOPS 'EM ALL


CONRAD VEIDT
(Title Later)
WOMEN FIGHT FOR CONRAD VEIDT
. . . THE MAN'S MAN . . .
THE PERFECT LADIES' MAN . . . .
GB
TOPS 'EM ALL


PUBLIC ENEMY No. 1 . . .
OF ALL THE WORLD
"The MAN WHO KNEW TOO MUCH"
NOVA PILBEAM · PETER LORRE · EDNA BEST · LESLIE BANKS
THE ARCH CRIMINAL... OF
ALL CRIME... OF ALL TIME
GB
TOPS 'EM ALL


THE GREATEST COMEDY FIND SINCE CHAPLIN.
Jack HULBERT
IN
THE CAMELS ARE COMING
EVEN THE SPHINX WINKS AT THE HIGH JINKS
. . . A HAREM-SCARE'EM AVIATOR DETECTIVE
IN SAHARA HAREMS . . . HOT CHA CHA . . .
GB
TOPS 'EM ALL



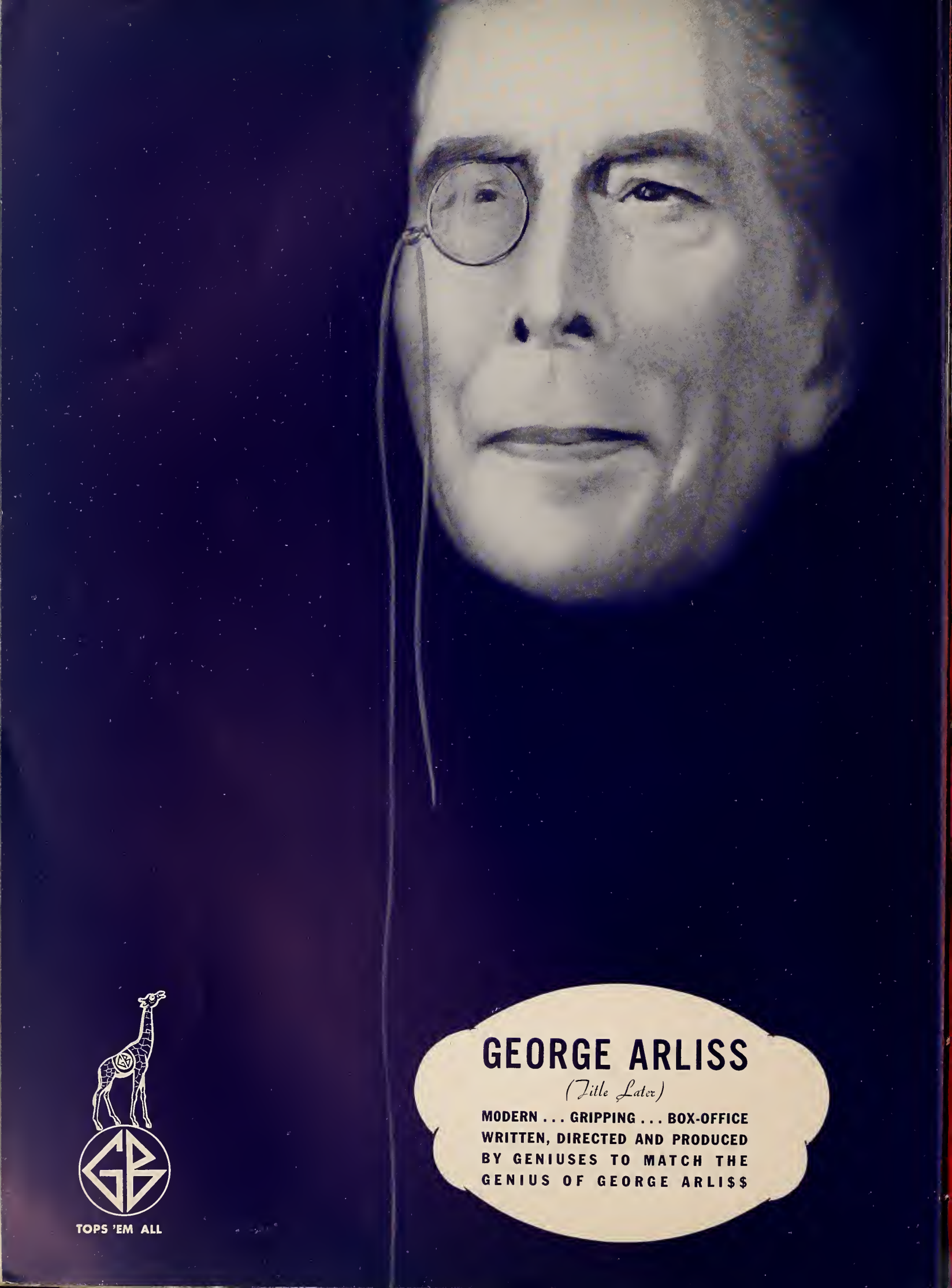
"LOVER DIVINE"

MARTA EGGERTH • HANS JARAY • HELEN CHANDLER

LIKE THE ENORMOUSLY SUCCESSFUL "BLOSSOM TIME"...
IT DRAMATIZES THE LOVES OF FRANZ SCHUBERT...WHOSE
MUSIC KINDLED ROMANCE IN THE HEARTS OF ALL WOMEN

GB

TOPS 'EM ALL


GEORGE ARLISS
(Title Later)
MODERN . . . GRIPPING . . . BOX-OFFICE
WRITTEN, DIRECTED AND PRODUCED
BY GENIUSES TO MATCH THE
GENIUS OF GEORGE ARLI$$
GB
TOPS 'EM ALL



CLIVE BROOK
MADELEINE CARROLL
IN
"The DICTATOR"
WOMEN MADE HIM... WOMEN UNMADE HIM...
A TOEPLITZ
PRODUCTION

TOPS 'EM ALL


"MAN OF ARAN"
ROBERT FLAHERTY'S SAGA OF THE SEA
"THE BEST PICTURE OF THE YEAR"
. . . NATIONAL BOARD OF REVIEW
. . .
NOW IN ITS 22nd WEEK ON BROADWAY
GB
TOPS 'EM ALL
PHYSICAL DISTRIBUTION • FOX EXCHANGES • CANADA, REGAL FILMS, LTD.

Purely Personal

E. L. Alperson, Charles MacDonald, Johnny O'Connor, Morton Van Praag, Toby Gruen, George Weltner, Louis Phillips, Laurence Bolognino, Sidney Justin, Robert Benjamin, Leo Abrams, Henry Randel, William Ferguson, Judge Levy and Harry Shiffman congregated at the M.P. Club for luncheon yesterday.

•

Lou Smith of the Paramount publicity department and Harry Browning, director of publicity and advertising for the M. & P. theatres, have been making a whirlwind tour of New England contacting film editors.

•

Phil Reisman, who sails Saturday on the *Conte di Savoia* for Italy and France, expects to bring home a ping pong trophy which he hopes to win on the liner. He's practicing assiduously these days.

Quip of the Day

Laurence Stallings fell recently and broke his left arm.

That's the side where a German cannon removed a leg.

When he showed up at the Fox Movietone News offices with a plaster cast, he remarked:

"I'm completely fireproofed on this side now."

Eric Hatch, writer, who recently finished work on "Fly-by-Night" for Fox, and Royer, Fox style artist, are in New York. Hatch will go to his Long Island home and Royer will see what's what.

•

Neil Agnew, Milt Kusell, Joe Unger and Abe Waxman tried out Jack Dempsey's new place for lunch yesterday. Not in one party, however.

•

Ernest Shomo, formerly on the Chicago staff of *Physical Culture*, has been placed on the Chicago advertising staff of *Photoplay*.

•

Jack Springer will leave tomorrow for Miami to join Sam Cocalis who is now vacationing in the winter resort.

•

L. W. Conroy, eastern operating chieftain for Erpi, returned from the M.P.T.O.A. convention yesterday.

•

Halsey Raines, who has been vacationing in New Orleans, leaves that city for home territory today.

•

Leslie E. Thompson has returned from Miami, but Major I. E. Lambert is still there.

•

George Hunter of the Campi legal staff was down yesterday with a cold.

•

A. H. Schwartz leaves for Key West and another vacation today.

•

Ben Bernie and his band will open at the Capitol Friday.

Drop Oil City Houses

Oil City, Pa., March 5.—The Harris Amusement Co. has given up its leases on the Drake and Lyric here.

"After Office Hours" Hit In K. C.; Draws $16,700

Kansas City, March 5.—"After Office Hours" was the Midland's smash hit at $16,700 and left other first run takes far behind. "Devil Dogs of the Air" did nicely at the Newman with $6,000, and "Evergreen" held up well at the Uptown for $3,400 in a second week. "The Good Fairy," another holdover, garnered $6,500 at the Tower.

Bad weather cut in heavily on Sunday and Monday grosses.

Total first run business was $41,000. Average is $35,500.

Estimated takings:

Week Ending Feb. 28:

"THE WOMAN IN RED" (F. N.)
MAINSTREET—(3,100), 25c-35c-40c, 7 days. Stage: "Folies de Paree," featuring Bernie & Walker, Currie & Naida, Diane Quellaire, Mlle, Janis, Les Jacksons, Cleora's Parisian Melodians, others. **Gross:** $8,400. (Average, combination shows, $9,000)

"AFTER OFFICE HOURS" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $16,700. (Average, $9,000)

"DEVIL DOGS OF THE AIR" (Warners)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

"THE GOOD FAIRY" (Univ.)
TOWER—(2,200)), 25c, 7 days, 2nd week. Stage: Violet Carlson, Rhythm Redheads, Wilbur Hall, Hector & His Pals, others. **Gross:** $6,500. (Average, $8,000) (First week's gross, $10,500)

Week Ending March 1:

"EVERGREEN" (G B.)
UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $3,400. (Average, $3,500) (First week's gross, $5,600)

"Anne," at $2,600, Oklahoma City High

Oklahoma City, March 5.—"Anne of Green Gables" was the best film draw of the week here. It reached $2,600, over the line by $600, in seven days at the Capitol.

A combination of a stage show and "Hat, Coat and Glove" for the first four days of the week at the Liberty took $2,200. Average for a week is $2,500. Other grosses were pretty weak.

Total first run business was $12,900. Average is $13,500.

Estimated takings for the week ending March 2:

"LIVING ON VELVET" (F. N.)
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,400. (Average, $5,000)

"SWEET MUSIC" (Warners)
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,900. (Average, $4,000)

"ANNE OF GREEN GABLES" (Radio)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,600. (Average, $2,000)

"HAT, COAT AND GLOVE" (Radio)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,200. (Average week, $2,500)

"THEIR BIG MOMENT" (Radio)
LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $800. (Average week, $2,500)

Report Cleanup Has Advanced Good Will

Hollywood, March 5.—Evidence of nation-wide appreciation of the improvement in the tone of screen entertainment and advertising matter was placed before publicity executives at the Hays office today by J. J. McCarthy and Lupton Wilkinson of the M.P.P.D.A., who reported that the results of a national survey showed public sentiment in favor of the industry had been in an upcurve since last summer.

Many channels are using material that gives a distorted idea of Hollywood and the picture folk, Wilkinson pointed out.

"If clean pictures and clean ads have paid dividends at the box-office, it follows that wholesome material will also pay dividends for the columns, fan magazines and other media that derive circulation from copy about Hollywood," said Wilkinson. "The trend of the times is that the way pictures and picture ads have prospered by weeding out the meritricious so can our friends who write about the business equally prosper by presenting heart appeal, wholesome humor and thrilling accomplishment."

No changes were made in the preview list at the meeting. The request of Fawcett Publications that art matter be issued to them directly on the coast was held a matter for each studio to decide for itself.

Stallings to Speak

New Haven, March 5.—Laurence Stallings, Fox Movietone News editor, will deliver the first of two talks before the Yale University Law School Thursday afternoon. His subject will be "The Camera Eye." On March 14 he will talk on "The American Newsreel."

"Colonel" Is Heavy Detroit Draw, $23,600

Detroit, March 5.—Practically the only big business in town last week went to "The Little Colonel" at the Fox where the $23,600 take was over normal by $8,600. There were five acts of vaudeville on the stage.

"After Office Hours" was comparatively strong at $21,700 in the Michigan and a dual, "Little Men" and "The Winning Ticket," was over par at $6,300 in the State. "David Copperfield" slipped to $8,200 in its third week at the United Artists.

Total first run business was $67,300. Average is $60,000.

Estimated takings for the week ending March 1:

"GRAND OLD GIRL" (Col.)
"WEST OF THE PECOS" (Radio)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,400. (Average, $5,000)

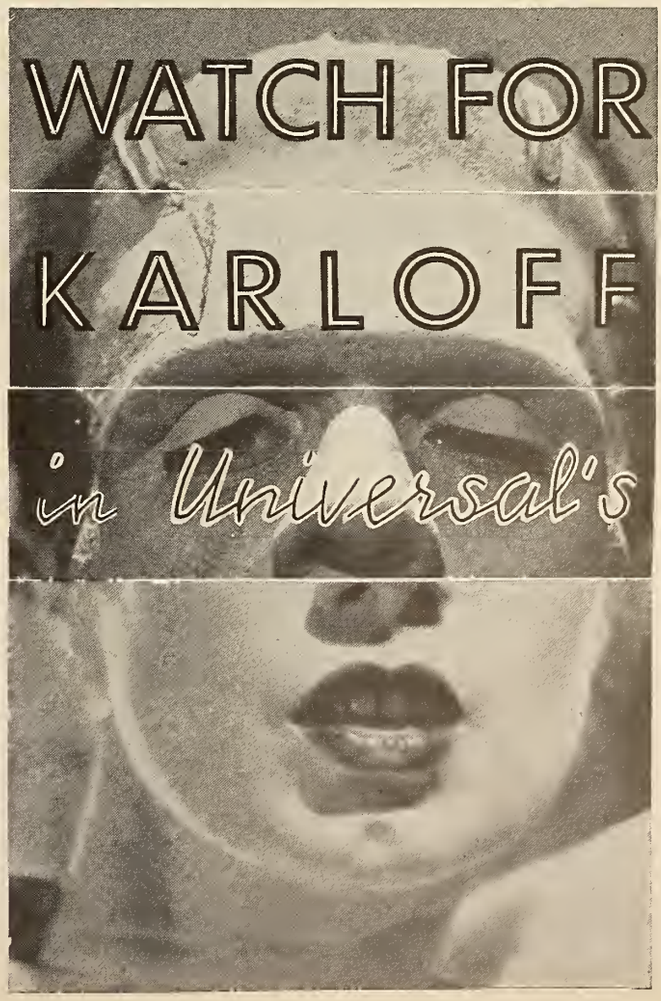
"THE LITTLE COLONEL" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage: Five acts of vaudeville. **Gross: $23,600.** (Average, $15,000)

"FORSAKING ALL OTHERS" (M-G-M)
"MURDER IN THE CLOUDS" (F. N.)
FISHER—(2,975), 10c-40c, 7 days, 2nd run. **Gross:** $4,100. (Average, $5,000)

"AFTER OFFICE HOURS" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $21,700. (Average, $20,000)

"LITTLE MEN" (Mascot)
"THE WINNING TICKET" (M-G-M)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $6,300. (Average, $5,000.)

"DAVID COPPERFIELD" (M-G-M)
UNITED ARTISTS—(2,070), 15c-55c, 7 days, 3rd week. **Gross:** $8,200. (Average $10,000)



Short Subjects

"Spice of Life"

(*Columbia*)

A satisfactory eight minutes of jokes, prepared and edited by *The Literary Digest* with "Doc" Rockwell and Gracie Worth interpolating the business of gags. This is Number 5 in the series. Production Code Seal 0300. Running time, 8 mins. "G."

"Meet the Professor"

(*Universal*)

This Mentone production shifts the usual locale from that of a night club to a college and the entertainment handed out is average. The cast includes Joe Browning, Bernice Claire, Clarence Nordstrom, Columbia University Band, The Glee Club Singers, The Four Brachards, Helen and Earl Tucker and the 12 Mentonettes. Production Code Seal No. 0309. Running time, 19 mins. "G."

Legion's Postcards New Worry in Omaha

OMAHA, March 5.—The Legion of Decency has contrived a new way to create local headaches by the use of the postcard system. Theatre men have learned that nearly 40,000 cards have been printed with a form announcement protesting against Class C pictures or stage shows. Blanks are left for the protester to sign. After that he has only to scribble the address of the theatre and drop it in the mail. The Paramount has been the recipient of several hundred of these cards.

Daigler Quits Hamrick

SEATTLE, March 5. — Personnel of John Hamrick's circuit in this city, Portland and Tacoma has been shaken up. Hal Daigler, general manager of the 10 houses, and Joseph Rosenfield, advertising director, have resigned. Daigler has been with the organization for the last three years, and Rosenfield for more than a year.

Effective immediately, the active management of the circuit will be taken over by John Hamrick personally. Supervising the advertising department will be Edwin B. Rivers, now in the Hamrick ad office in Portland. Rivers will establish Seattle headquarters and will direct the publicity for all three cities.

Capital Belasco Shifts

WASHINGTON, March 5.—The Belasco, for many years No. 1 legitimate house, has switched to films as a part of Radin and Levine's circuit of foreign film spots.

The inagural attraction was the Amkino release of "Chapayev" (The Red Commander).

L. Stoddard Taylor, who, for nearly 30 years, has been a familiar figure at the house, will continue as manager.

Charter Alliance Films

ALBANY, March 5.—Alliance Films, Ltd., New York, has been chartered here by Maurice Arthur Dent, Robert Clark, Hilda Geier and Arthur J. Homans.

Looking 'Em Over

"Strictly Illegal"

(*Joe Rock—Gaumont-British*)

LONDON, Feb. 21.—First effort of Leslie Fuller Prod., which, with Joe Rock as producer and Ralph Ceder as director, aims to put over Fuller, a sure bet in British neighborhood and provincial theatres, in the London "West End" and in America.

The West End means a lot less than America and doesn't seem to have received particular attention in the shaping of "Strictly Illegal," which, so far as the star himself is concerned, is according to Fuller precedents; in fact, he has been funnier. For America, however, there is a concluding sequence with the whole cast in a chase in the carriages, and on the running boards and roofs of a speeding train which is very good stuff of its kind.

Fuller is a street bookmaker who thinks he has killed a cop and, stealing the clothes of a clergyman, finds himself guest in a country house in which his own wife, after a quarrel with him, has secured a post as maid. The daughter of the house is preparing to elope with a musician and the story develops on the usual farcical lines of mistaken bedrooms, with a Keystone chase when the police turn up and a further complication when it is discovered that the victimized clergyman was himself a disguised thief after jewels. Finally, thieves, jewels, police, lovers and the old lady of the house all board the same train for London, and the chase continues in and out of the carriages and all over the train until things are straightened out.

The railroad sequence should make it a useful programmer on your side. Fuller is a natural droll, and there are plenty of good comedy situations, but some of the support is weak and it looks as though L. F Prod. will have to use more polish on the details of production before they can put Leslie over as a Broadway star.

Running time, 70 minutes. "G."

"Dandy Dick"

(*Associated British Pictures*)

LONDON, Feb. 21.—William Beaudine made this at Elstree and, without spending too lavishly either of time or money, has turned out an entertaining, light feature of second attraction category.

A Pinero play provides a good plot, the pith of which is that a clergyman, in order to finance repairs to his church steeple, is persuaded to back a horse at long odds. Trying to administer a tonic to the steed, he is seized by a cop and, afraid to admit his identity, is being carried to jail when he manages to escape and, in scarecrow garb, witnesses the victory of the outsider.

Will Hay, big variety and radio name here, is excellent in the lead and the script and director have given him every chance. There is a very funny scene in which, joy-flying at the church bazaar, he is hooked out of his seat by the parachute and descends on the steeple. All through the characterization is amusing. Of the support, Robert Nainby scores as a deaf churchwarden, but the juveniles won't cause any enthusiasm.

Running time. 70 minutes. "G." ALLAN

"Secrets of Chinatown"

(*Syndicate*)

This is the sort of melodramatic entertainment that was ground out in the swaddling days of the industry. The film tries very hard to be weird and mysterious, but merely succeeds in being somewhat dull and a little silly.

It is the old, old story of strange goings-on in Chinatown. All the stock devices associated with this type of picture are again put to use. Secret doors through which people vanish as in thin air, hooded figures, clouds of incense, mystic incantations, Oriental daggers, these are but a few of the familiar standbys to be found in this film.

All this hocus-pocus is started by a Chinatown murder that sends the police through a maze of secret passageways before the solution is arrived at. The unmasking of the culprit is not brought about by any brilliant plot development, but by such preposterous means as a Yogi's efforts to stir the memory of a dope peddler saved from the clutches of the villain. It is all too improbable for belief.

While this is hardly intelligent entertainment, the kids may get a goose pimple or two out of it.

The cast doesn't offer the exhibitor much to work with. The only players who may mean anything are Nick Stuart and Lucille Browne. Fred Newmeyer directed this Northern Films production.

No production code seal. Running time, 54 minutes. "G."

(*Additional review on page* 18)

Des Moines Charges Cause Many Orders

DES MOINES, March 5.—Bank nights and alleged shortage of second-run product involving four theatres at Marshalltown, Iowa, caused a series of hearings before the grievance board.

Don Thornburg, proprietor of the Strand and Family at Marshalltown, who had previously been ordered to stop bank nights, was complainant on all the charges.

C. C. Dunsmore of the Capitol, it was charged, had "threatened use of cash night, a device similar to bank night." Both complainant and respondent were ordered to stop threats to use devices in violation of the code.

Thornburg complained Warners and United Artists were conspiring to deprive him of second-run produce. The complaint was dismissed, but Thornburg was told he could attempt to prove a shortage.

The board ordered Dunsmore to stop advertising pictures as exclusive in Marshalltown when his contracts failed to specify this. Thornburg was ordered to cease "making announcements from his stage detrimental to his competitors." Both Thornburg and Dunsmore were ordered to stop violating the minimum admission clauses in their contracts. M. C. Roskoff of the Casino, also charged with cutting under contract minimums, was told to stop.

Complaints by all three exhibitors that M-G-M, Fox and Paramount were depriving them of second-run product were dismissed.

Milwaukee Removes House; Builds One

MILWAUKEE, March 5.—The Majestic, downtown house dark for almost three years, will be torn out of the 14-story Majestic Bldg. and replaced with store and office space. The Majestic was built in 1908, and for many years was the home of the old Orpheum vaudeville circuit.

At the same time work will start on remodeling a garage building on the city's west side to house Milwaukee's first Translux theatre. The project is being undertaken by Frank Fischer, former owner of the Fischer-Paramount houses in Wisconsin, and Joe Eskin, Richland Center operator.

Jersey Allied Will Show Safety Short

TRENTON, March 5.—More than 100 Allied of New Jersey exhibitors recently pledged support to Governor Harold G. Hoffman in a movement to further safety on the highways. A short, "Once Upon a Time," dealing with highway safety, will be shown in all New Jersey theatres, it was agreed.

The session was held at the Stacy-Trent with the Governor and other state officials making short speeches.

Ohio Has Two-Man Bill

COLUMBUS, March 5.—A two-man-in-a-booth bill, said to be sponsored by the operators' unions, has been introduced in the General Assembly.

The majors always have had two operators. A similar requirement previously was imposed on the independent houses, but this was rescinded when a settlement was made with the operators about two years ago.

Scotchman Buys Almanac

THE EVENING TIMES

SCOTLAND'S GREATEST EVENING NEWSPAPER

65 Buchanan Street

Glasgow, c.1. January 3, 1935

Motion Picture Herald
1790 Broadway, New York.

Gentlemen:

I would be very much obliged if you would ask your shipping department to send me and debit to my account the latest edition of Motion Picture Almanac, with instructions to send it yearly until further notice.

I should like to congratulate you on your interesting, authoritative and really excellent journal of the world's movie events. Always I find it very useful and informative, and often turn the news in it to account, as you may see even in my article of today's date.

Yours sincerely

John Brown

MOTION PICTURE ALMANAC

1935-36 Edition Now in Preparation

Film Securities Is Finally Dissolved

(*Continued from page* 1)

missed under a court order signed yesterday by Federal Judge John Knox.

The company has been preparing for its final dissolution for the past year. Following the sale at auction on Dec. 19, 1933, of the 660,900 shares of Loew's, Inc., which constituted the sole asset of the company, it realized the purpose for which it had been organized, namely, to end the dual control of Fox and Loew's by a single interest.

William Fox acquired the Loew's shares in 1927 at a reported aggregate cost of $76,000,000. The government subsequently brought anti-trust proceedings which resulted in the consent decree of 1931 under which Film Securities Corp. was organized to take over the Fox control of Loew's, represented by the 660,900 shares.

Subsequently, Film Securities issued notes in the aggregate amount of $18,300,000, secured by the Loew's stock, and when the notes were defaulted in 1933 the stock was placed on the auction block and bid in by the noteholders, who exchanged the defaulted obligations for it.

A. T. & T. held $8,000,000 of the notes and received 260,000 shares of the Loew's stock, the bulk of which is reported to have been disposed of in the open market since. Another 260,000 shares went to Chase National Bank, which held $4,000,000 of the notes; to Dillon, Read & Co., which held $2,000,000, and to Hayden, Stone & Co., which held another $2,000,000. An additional 140,900 shares went to small, scattered accounts which held the remaining $2,300,000 of notes. The three financial houses disposed of their stock in the open market subsequently. The bidders paid a total of $18,604,335 for the stock at a time at which its market value was $19,827,000. Its market value subsequently has increased more than $5 per share, or a total increase in market valuation of $3,304,500 for the block.

Yonkers Explosion Victim Takes Stand

WHITE PLAINS, March 5.—Isabella Williams, 11, first to sue as a result of the explosion in front of Proctor's Theatre, Yonkers, on Feb. 23, testified in her own behalf in Supreme Court here today. Her father is seeking $250,000 in damages, charging that the girl is permanently disfigured.

Defendants are: Yonkers Electric Light & Power Co., Edwards Electrical Contracting Co., RKO-Proctor Corp., Yonkers Theatre Corp. and Westinghouse Electric and Mfg. Co.

Ickes Cuts Fee for Zion Park Location

HOLLYWOOD, March 5.—As a result of Sol Lesser's objection to a $5,000 fee for permission to use Zion National Park for location purposes Secretary of the Interior Ickes has wired that he can have it for $2,000.

Lesser is hesitating. He still thinks he should be allowed to use it without charge in view of President Roosevelt's appeal last spring to film companies to use national parks to encourage domestic travel.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Private Worlds"

(*Wanger Prod.-Paramount*)

HOLLYWOOD, March 5.—Dramatizing in celluloid that heretofore untouchable area of the mentally deranged, Walter Wanger with guts and courage has produced a great picture, an important picture, directed with heart-breaking tenderness and sympathetic understanding by Gregory La Cava and flawlessly acted by Claudette Colbert, Charles Boyer, Joan Bennett, Joel McCrea, Helen Vinson and others.

Into its production must have gone painstaking preparation, loving care and a penetrating exploration of this hitherto forbidden field, made evident by La Cava's treatment on the screen of Lyn Starling's screen play adapted from Phyllis Bottome's best-selling novel.

Miss Colbert and McCrea, as doctors in a lunatic asylum, achieve success by the modern scientific approach of kindness in treating the unfortunate. Boyer, appointed superintendent, thwarts McCrea's ambitions for his job. He dislikes women doctors and attempts to separate Miss Colbert and McCrea until the former demonstrates her ability to handle the men patients, particularly Big Boy Williams, who goes berserk.

Boyer's sister, Miss Vinson, steps out with McCrea, causing Miss Bennett, his wife, to go nearly insane. By scientifically eliminating Miss Vinson, McCrea and Miss Bennett come to an understanding, and Miss Colbert substitutes Boyer for her ghost lover.

The production is suffused with beauty and value in every concept of its expression. It satisfies the eye and ear, sending warm thrills to the heart. Its people are all human, likable, understandable. All their frailties are X-rayed with sympathy and delicate revelation. Laughs blend with sobs. Terrific drama is conjured up from the harrowing atmosphere in the background and the human yearnings for love and affection in the foreground.

All performances are of a high order. Besides the leads, Esther Dale, as a matron; Samuel Hinds, as Doctor Arnold, and Jean Rouverol, as "Crazy Carrie," also stand out. Leon Shamroy's photography is excellent, highspotted by the scene where Miss Bennett becomes unbalanced.

"Private Worlds" is one of the finest films of the year. Judging from the audience reaction and inquiries after the preview, women will get a terrific boot out of it. The subject matter is controversial, but people probably will recommend seeing it.

Having been daringly and thoughtfully produced, it demands and merits daring and thoughtful exploitation.

Production Code Seal No. 644. Running time, 85 minutes. "G."

"Ruggles of Red Gap," tonight's premiere at the Paramount, was reviewed by wire from Hollywood on Feb. 4.

"Roberta," opening tomorrow morning at the Radio City Music Hall, was reviewed by wire from Hollywood on Feb. 13.

"Enchanted April," tomorrow night's preview at the Roxy, was reviewed by wire from Hollywood on Dec. 7.

"After Office Hours," which will open at the Capitol on Friday, was reviewed from Hollywood by wire on Jan. 31.

Para. Invites Stars

Paramount has invited a collection of its own and other celebrities to the opening of "Ruggles of Red Gap" at the Paramount tonight. Among them are: Claudette Colbert, Gary Cooper, Fred Waring, Ben Bernie, Eddie Cantor, Jack Dempsey, Hannah Williams, Ben Hecht, Charles MacArthur, Beatrice Lillie, Fred Allen, Lanny Ross, Margo, Jane Froman, Walter O'Keefe, Mitzi Green, Paul Whiteman, Abe Lyman, Dorothy Mackaill, Lois Moran and Carlyle Blackwell.

"Aran" to Be Published

Robert J. Flaherty's "The Man of Aran" is to be published in book form in the spring by E. P. Dutton & Co. Pat Mullen, a native of the islands, is the author. The story has already been published in England by Faber & Faber.

N. O. Theatre Raided

NEW ORLEANS, March 5.—Police last night raided the Crescent where "Children of the Sun" was being screened with Lady Eve and her nudist girls on the stage. The entire house staff as well as the players were arrested.

Bar Portland Pickets

PORTLAND, March 5.—Pickets have been ordered by the court to remain away from the entrance to the Rivoli which has been picketed for the past four years. "Gold Diggers of 1935" has been booked by J. J. Parker to open March 9.

Feinberg in Dallas

DALLAS, March 5.—George Feinberg is here from New Orleans and returns to New York in about 10 days.

Kennedy Board to Get Pathe Change

(*Continued from page* 1)

approved by an extraordinary meeting of stockholders on Monday.

The step will bring this particular phase of Pathe's rehabilitation under the jurisdiction of Joseph P. Kennedy, former Pathe head, now director of the S. E. C. No decision has been made yet by the Pathe board on the form of registration under S. E. C. which will be chosen. Several methods are possible.

Thereafter, the plan will be ratified by the Pathe board, the present company will be dissolved and the new Pathe company organized. Following the transfer of the new securities for those of the old company on the basis prescribed in the plan, a meeting of the new stockholders will be called to elect the board of the new company. Officers will be elected by the new board at its first meeting thereafter. Few changes are expected in either the new directorate or the officers.

California Solon Hits Schenck Move

(*Continued from page* 1)

day by Assemblyman Morgan of Los Angeles, who is co-author of a bill calling for a penny tax on each foot of film sold or distributed in the state.

Schenck's threat was inspired chiefly by legislation seeking to tax incomes at one-third the Federal rate and to raise the franchise levy from two or four per cent.

Attorney General Webb has declared constitutional a measure providing license fees for each unit operated by a chain organization outside the county where it has its headquarters. Theatre circuits are included under the provisions of the bill. The measure, sponsored by Senator Keough, sets the fee for each such unit at $100 multiplied by the total number of units. Where a circuit operates 12 or more theatres outside the county where its offices are located the fee is $1,200 for each unit.

MIAMI, March 5.—Joseph M. Schenck says he will confer with S. R. Kent at Boca Raton on the proposal he has in mind to move studios to this state to escape the heavy taxation impending in California. Schenck's proposal is that Floridians invest funds to build the plants at an interest rate of about two and one-half per cent and guarantee producers against future heavy taxation.

HOLLYWOOD, March 5.—Louis B. Mayer of M-G-M revealed today he discussed with Joseph M. Schenck over the long-distance phone last week the possibility of transferring production activities to Florida.

"The situation in Florida and other states offering inducements to the industry to move there is being investigated in the event that legislative measures developed in California effect hardships on the industry that will preclude activity here," he said.

Carl Laemmle, Sr., had this to say on the idea of transferring production activity to Florida or elsewhere: "I've been in California 20 years and I've never seen any reason to move."

"I don't think it will ever happen," was the comment of Walter Wanger.



WILL IT BE a bull's-eye? Of that the producers of THE MARCH OF TIME cannot be sure. No one can.

But of this much MARCH OF TIME's editors *can* be sure—*are* sure: the new release of THE MARCH OF TIME is *better* than the first.

They have done much to tighten up this month's new MARCH OF TIME. They have made it crisper, faster, cleaner. The rushes more than fulfill promise of that.

It is MARCH OF TIME's determination to make each new release a more complete, a more skillful "News-magazine of the Screen."

GET YOUR SHARE OF THIS GIGANTIC AUDIENCE

For the second release of THE MARCH OF TIME—a national advertising campaign even stronger than last month's! Advertisements in TIME and FORTUNE to a combined audience of more than 2,548,000—advertisements in 109 local newspapers to an additional 17,747,284—spot radio advertising in 38 cities to 20,842,444—and a dramatic 24-sheet campaign in 37 cities to an audience estimated at 25,095,129 daily! All of this advertising will bring customers to theatres showing the new release of THE MARCH OF TIME.

Released by **FIRST DIVISION**—Harry H. Thomas, *Pres.,* Radio City, N. Y.

THE MARCH OF TIME

PLAY IT TO WIN!

"SWEEPSTAKE ANNIE"
NOW PLAYING LOEWS, WARNERS AND RKO DE LUXE THEATRES ...BOOKED BY SKOURAS, RAND-FORCE, CONSOLIDATED, SPRINGER & COCALIS, CENTURY CIRCUITS

with

TOM BROWN
MARION NIXON

WERA ENGELS
INEZ COURTNEY
IVAN LEBEDEFF
LUCIEN LITTLEFIELD
DOROTHY PETERSON

Screen Play by W. Scott Darling
Suggested by Evelyn Law

Directed by
WILLIAM NIGH

M. H HOFFMAN
presents



SWEEPSTAKE ANNIE

"Continuous Uproar of Laughter"

"This picture would do credit to any major release and the production as a whole can be recommended to more than hold its own on any bill. The story is quite human and is a beaut. It's loaded with good clean romance. The dialogue and action provide almost a continuous uproar of laughter. JOE BLAIR, SHOWMEN'S TRADE REVIEW.

"In The A Number One Class"

"A darn good, entertaining picture and one that seems certain to please. It has plenty of laughs and a good portion of drama. Production, direction and acting of a high order. Put it in the A number 1 class."

FILM CURB.

"Packed With Laughs"

"Family squabbles are hilarious and human and the picture is packed with laughs. Well directed by William Nigh."

BOX OFFICE.

"Entertaining Picture"

'Sweepstake Annie' is an entertaining picture for mass audiences. Parts are well taken and story includes plenty of meat. Show is okay in all departments and has a salable title as well."

JAY EMANUEL PUBLICATIONS.

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Possible Abandonment Of NRA Now Envisioned

Reports Spread After George Pays Visit To White House

By BERTRAM F. LINZ

WASHINGTON, March 6.—Possible abandonment of the NRA was envisioned today following a visit to the White House by Senator George of Georgia, conservative Democrat, after which he indicated that he had told the President the most which could be put through Congress in the way of legislation would be the transfer of fair trade practices provisions to the Federal Trade Commission and control of wages and hours to the Department of Labor.

A plan to this effect was broached to the Senate Finance Committee by Senator King, Utah Democrat, who has been fighting the Recovery Administration. The suggestion for the scrapping of the NRA has considerable support at the Capitol.

The spreading of the attack followed the announcement that S. Clay

(*Continued on page 7*)

First of Bankruptcy Law Staff Evacuates Paramount Building

The first contingent of the small army of attorneys and clerical help which has been working on the Paramount bankruptcy proceedings for more than two years past evacuated the Paramount home office yesterday, offering the first physical evidence of the approaching wind-up of the company's bankruptcy experience.

The departing group included Adrian Leiby, George E. Johnson and Leo Rosen, attorneys of the Root, Clark, Buckner & Ballantine staff, which is counsel for the Paramount Publix trustees. The group was prominent in handling for the estate many of the large creditor claims filed against it and also in the development of many of the reorganization plans for subsidiary companies in bankruptcy. Rosen assisted in the development of the Saenger reorganization plan.

The attorneys and clerical staff assigned to the trustee's activities have occupied the bulk of the eighth and ninth floor space in the Paramount Bldg. While the evacuation is expected to increase in proportions during the next few weeks, it is not believed that it will be concluded before June.

FWC Petition For Rehearing On Tap Today

Rezoning in Los Angeles Stirs Up Objections

Petition by Fox West Coast for a rehearing on the Los Angeles schedule will be acted upon this morning by Campi. If Code Authority grants the hearing, attorneys for the circuit will appear before the body and present objections to the combination of certain zones and division of others. About 11 situations are involved, including Santa Monica and Los Angeles, where the same exchange serves both cities. Despite the proximity of the two cities, they clear from different focal points. This makes them separate zones.

Julius Charnow's clearance and zoning dispute involving the Leonia,

(*Continued on page 7*)

Ohio Censor Rules He Can Cut "Time"

COLUMBUS, March 6.—Although newsreels are exempt from censorship in Ohio, John W. Bricker, attorney general, and Dr. Beverly O. Skinner, censor chief, have definitely ruled that "March of Time" must be censored before showing in this state. This is looked upon as a matter of formality, as both officials have indicated to First Division that no eliminations will be made.

The second issue, to be released March 8, will be censored the day previous.

Report S. A. Lynch Eyes Detroit Spots

DETROIT, March 6.—It is reported here that a New York combine, represented by S. A. Lynch, may invade the local first-run field. Representatives of the combine are said to have been here this week looking over both the RKO Downtown and the Broadway-Capitol theatres, which have been closed for some time. It also was said they were considering leasing the Madison from George W. Trendle. Trendle is operating the latter theatre now as a second-run house.

Taylor Warns Gross Tax Due on March 15

Business concerns in New York yesterday were warned by Comptroller Frank J. Taylor that despite the

(*Continued on page 10*)

Bill to Stop Block Booking Reaches House

By CLARENCE LINZ

WASHINGTON, March 6.—Legislation to outlaw block booking and blind selling was introduced in the House today by Congressman Pettengill of Indiana.

Declaring that his measure is not a censorship bill but simply permits the exhibitor to select his pictures, Pettengill explained that it would prohibit the offering of films in groups

(*Continued on page 10*)

Report 9,000 Shares Favor Para.'s Plan

The Paramount stockholders' protective committee reported yesterday that 9,000 additional shares had been deposited with it to be voted in favor of the company's plan of reorganization. The committee also reported that none of its original representation of 1,800,000 shares had been withdrawn by depositors since its notice of acceptance of the plan was sent out a week ago. Stock depositors

(*Continued on page 7*)

Sunday Opening Measure Suffers Defeat in Kansas

TOPEKA, March 6.—A Senate bill to legalize Sunday shows in Kansas has been killed by the committee on Federal and state affairs. Introduced by Senator Miller of Tonganoxie, assertedly to benefit the exhibitor in that community, the measure failed to receive the support of exhibitors.

The industry in Kansas did not deem the time propitious to move for repeal of the blue law. The procedure whereby theatres operate on the Sabbath where local sentiment permits despite the state prohibition is considered satisfactory for the time being.

(*Continued on page 10*)

Court Sanction for Saenger Plans Seen

NEW ORLEANS, March 6.—The Federal district court here indicated following a hearing today that it would approve the plan of reorganization for Saenger Theatres and Saenger Realty on Friday.

Details of the reorganization plan, which has already been approved by the Federal court at New York, were outlined to the court here at today's hearing. No opposition to the plan was voiced by creditors. Ethan D. Alyea, of counsel for the Paramount Publix trustees, appeared for them at the hearing.

Rumor Brandt After Six More Spots Here

Harry Brandt is reported negotiating for six local theatres to add to his circuit, which now numbers more than 30. Houses reported involved

(*Continued on page 10*)

California's Circuit Tax May Be Changed

SACRAMENTO, March 6.—Answering the protests of independents, Senator Keough said today that if unaffiliated theatre men can show they come under

(*Continued on page 10*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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McKay Is Conferring

HOLLYWOOD, March 6.—Willard McKay, general counsel for Universal, is here conferring with Carl Laemmle. A particular job which brought him west was detail attendant upon transfer of the rights of "The Great Ziegfeld" to M-G-M.

Universal will deliver another William Powell vehicle in place of "The Great Ziegfeld."

Sprecher Host to Press

Marcel Sprecher, general secretary of Union Syndicale des Distributeurs de Films en France, who recently brought "Itto" to this country, was host to the daily and trade press yesterday at the Hotel Pierre.

Sprecher is in this country for the purpose of making distribution arrangements for outstanding French product.

Raynor Joins U. A. Staff

William Raynor, formerly with Pathe and First Division, has joined the U.A. sales staff as salesman in Atlanta. James Schorgl and George Shorey have been added to the Kansas City force.

Charles Stern, who has been in Philadelphia for the last week, returns tomorrow or Saturday.

Pettey with Hays Office

Tom Pettey, *Herald-Tribune* reporter, has joined the public relations staff of the Hays office. He will start work next week.

Randel Is Chairman Of Film Board Group

Henry Randel, Brooklyn branch manager for Paramount, has been named chairman of the executive committee of the New York Film Board of Trade. Others on the committee are Leo Abrams, Universal; Jack Bellman, Hollywood; Jack Bowen, M-G-M; Morris Epstein, First Division; Harry Hummel, Warner-First National; Joseph J. Lee, Fox; Edward Schnitzer, Columbia; Moe Streimer, U.A., and Robert Wolff, RKO Radio.

Robert J. Fannon has been named as a committee of one on free shows, Myron Sattler, on transportation, and Schnitzer, entertainment.

Randel will call a special meeting of his committee within the next few days. Because Lee is in Europe on a vacation and Streimer is upstate on business, the regular meeting of the local board scheduled last night was postponed until March 20.

Eureka Files Denial On "Ecstasy" Charge

Eureka Prod., Inc., yesterday filed an answer in the action started by the Government in U. S. District Court here Tuesday to exclude "Ecstasy," Czechoslovakian film which the company is seeking to exhibit in this country.

A copy of the answer, filed through the firm's attorney, Henry Pearlman, has been served on U. S. District Attorney Martin Conboy, who is handling the case for the Government. Denial is made by Eureka that the film is obscene or subject to confiscation or destruction.

Some time ago the Treasury Department ruled against importation of the film.

Flint Deal on Duals Will Start April 1

DETROIT, March 6.—Flint exhibitors have agreed to put their dual-billing ban into effect on April 1. The agreement calls for the use of one double-bill program a week and exhibitors may also show a "guest" picture on one program each week. No double bills may be shown on Sundays.

Some exhibitors already are grumbling over being forced into the agreement and doubt has been expressed if it finally will be carried out. Exhibitors in that city have reached such agreements several times before, but never have put them into effect.

Paper Town on "Ruggles"

Boris Morros and Jack McInerney of the Paramount Theatre are plastering the town with billboards on "Ruggles of Red Gap," which opened last night, and is slated for a two-week run. The billboard lineup calls for 200 28-sheet stands, 500 eight-sheets, 1,000 three-sheets, 5,000 one-sheets, 1,000 window cards and 100 jumbo cards.

Mickey Shown at Club

Walt Disney's first Mickey Mouse in color, "The Band Concert," was shown Tuesday at the regular weekly meeting of the Dutch Treat Club. Among the guests were: Feodor Chaliapin, Charles Winninger and General Hugh S. Johnson.

It's an Heir

Hollywood, March 6.—The vigil is over and the LeRoys and Warners have an heir.

A six pound son was born to Mervyn and Mrs. LeRoy (Doris Warner) late Tuesday night. Mother and child are doing well; Mervyn is now a father as well as a director and Harry and Mrs. Warner are grandparents. That also makes Jack and Major Albert uncles. Warner Lewis is the boy's name.

Wall Street

Eastman Pfd. Up on Big Board

	High	Low	Close	Net Change
Columbia vtc (1)	45⅜	42½	42⅞	— ¾
Consolidated	5½	5	5	— ¼
Consolidated pfd (½v)	19⅝	19	19	— ⅛
Eastman (5)	119¼	117	118	—1
Eastman pfd (6)	150	150	150	+4½
Fox "A"	9½	9⅛	9⅛	— ½
Loew's (2)	35½	34	34⅞	+ ⅝
Loew's pfd (6½)	104¾	104⅜	104¾	+ ¼
Paramount	3⅜	3	3⅛	— ⅛
Pathe	¾	⅝	⅝	— ⅛
Pathe "A"	14¾	13½	14¼	— ¼
RKO	1⅝	1½	1½	.....
Warner	3⅛	2⅞	3	.....
Warner pfd	17¼	16⅞	17	— ½

Technicolor Off ¼ on Curb

	High	Low	Close	Net Change
Sentry Safety Control	¼	¼	¼	— ⅛
Technicolor	15½	14¾	15	— ¼

Loew's Bonds Up ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40...	7⅝	7½	7½	— ⅜
General Theatre Equip. 6s '40 ctf	7⅞	7½	7½	— ¼
Keith B. F. 6s '46	68⅛	68⅛	68⅛	.....
Loew's 6s '41 ww deb rights...	105½	105¼	105½	+ ½
Paramount B'way 5½s '51	48¾	48¾	48¾	—1¼
Paramount F. L. 6s '47	73¼	71½	71½	—1¾
Paramount Publix 5½s '50	74¼	72½	73½	— ¾
Parthe 7s '37 ww.	103¾	103¾	103¾	.....
Warner Bros. 6s '39 wd.....	50½	49½	49½	— ¾

(v) Defaulted in principal but not in interest.

(Quotations at close of Mar. 6)

Heavy Lineup for Ampa

Twenty-three headliners will grace the Ampa rostrum at the M. P. Club today, marking one of the biggest programs put on since the induction of William Ferguson as president. Among those scheduled to appear are Frank Morgan, Constance Cummings, James Barton, George Bancroft, Sylvia Froos, Walter Connelly, Bob Hope, Jane Wyatt, Buster Collier, Patsy Flick, Joe Weber, Stepin Fetchit, Noar Beery, Nicholas Hannen, Buck & Bubbles, Louis Waldman, Jack Powell, Charlie Cantor, Teddy Bergman, Mickey Harmon, Adele Ronson, Adia Kuznetzoff and Ruth Davis.

Moley on "New Deal"

Raymond Moley, editor of *Today*, will discuss the New Deal and its relation to the film business at the next M.P. Club Forum on Monday. Other speakers on the same program will be Francis Walter, editor, and Frank Tichenor, publisher of *New Outlook*, and Martin Weyrauch, managing editor of the *Brooklyn Eagle*.

Film Daily's 17th Year Book Appears

Its cover embossed in tan and blue and its page total running to 1088, the 17th edition of *The Film Daily Year Book* made its appearance yesterday.

The volume, once again edited under the supervision of Jack Alicoate, breaks down into six major classifications. Production, including detailed lists of feature releases with credits, a list of 14,573 features released from 1915 to date, releases by companies, original titles as well as the work of players, directors, authors, scenarists, editors, cameramen and songwriters slides easily into first position in point of pages devoted to its manifold phases.

The personnel division blankets producers, distributors, exhibitor and social organizations, while the section on exploitation classifies various types of standard stunts for celluloid ballyhoo. Theatres by cities and states, as well as groupings by circuits fill over 100 pages in addition to which there are lists of equipment dealers and a buying guide for exhibitor aid. The foreign section discusses each country in the world in detail.

This year, the comprehensive scope of the volume has been stepped up to include a discussion of the code by Louis Nizer and an array of code board decisions by various exchange centers.

An interesting feature is a history of the industry starting in 1824. K.

Schenck Move Stirs New Tax Proposals

SACRAMENTO, March 6.—Senator Culbert Olson, a Los Angeles Democratic leader, has answered Joseph M. Schenck's threat to move studios to Florida with a proposal to raise $100,000,000 through an income tax levy during the next two years.

Olson has asked the Legislature to reject Governor Merriam's budget and to accept his plan, which, in addition to an income tax, includes increases in the bank and franchise taxes on net profits and business and nuisance taxes to raise $283,500,000.

Is Taking No Chances

HOLLYWOOD, March 6.—In anticipation of the passage of legislation detrimental to the industry, Joseph M. Schenck is understood to have ordered Darryl Zanuck back to Hollywood from Florida with instructions to abandon all plans for the $250,000 construction program at United Artists and to stop all other studio improvements for the time being.

The construction project was to have started Monday.

Stromberg Heads East

HOLLYWOOD, March 6. — Hunt Stromberg, enthusiasm for "Naughty Marietta," his last supervisory effort, rampant at the studio, is en route to New York to see current plays.

Friedlander on "Raven"

HOLLYWOOD, March 6.—Universal has switched Louis Friedlander from the direction of serials to "The Raven" which will get underway March 18.

TO HEADLINE THE COMIC SECTION OF YOUR PROGRAM

An uproarious new laugh-star sensation . . . .



Discovered and developed to continue the comedy leadership of Vitaphone . . . .



Sky-rocketed to fame by the millions who go to the movies for the *fan* of it!



If you've never seen him, ask for a screening of one of his "Big V Comedies" . . . .



Be your own preview audience . . . . test him on yourself . . . .



You'll see why his name on your front is going to mean money in your cash-drawer!



SHEMP HOWARD IN VITAPHONE SHORTS





NAUGHTY MARIETTA

The Greatest Singing Picture Ever Made!

THE Film Daily

Feb. 20, 1935

"NAUGHTY MARIETTA"

with Jeanette MacDonald, Nelson Eddy, Frank Morgan, Joseph Cawthorn

M-G-M (HOLLYWOOD PREVIEW) Approx. 80 mins.

SURE MUSICAL HIT WITH FINE CAST PUTTING OVER VICTOR HERBERT SCORE AND PLENTY OF COMEDY TO HELP.

This is a smash musical hit, which serves as a triumphal screen introduction for Nelson Eddy, noted baritone. Together with Jeanette MacDonald, who is at her best, he has made the Victor Herbert operetta a joyous songfest that should appeal to all types of audiences. "Sweet Mystery of Life" and "I'm Falling in Love With Some One", old favorites, and "Southern Moon", stand out. The picture is also rich in comedy, with Frank Morgan and Elsa Lanchester supplying most of the laughs. Director Van Dyke, who has done an excellent job, shows his versatility in guiding a musical. Jeanette, as a French princess, refuses the King's command that she marry one of his aides. Instead, she takes the place of her maid, who was to have sailed for New Orleans with a boat-load of brides-to-be. Eddy, a scout, falls in love with her—and love triumphs.

Cast: Jeanette MacDonald, Nelson Eddy, Frank Morgan, Elsa Lanchester, Douglas Dumbrille, Joseph Cawthorn, Cecilia Parker, Walter Kingsford, Greta Meyer, Akim Tamiroff, Harold Huber, Edward Brophy.

Director, W. S. Van Dyke. **Book and Lyrics,** Rida Johnson Young, **Music,** Victor Herbert, **Screenplay,** John Lee Mahin, Francis Goodrich, Albert Hackett; **Musical Adaptation,** Herbert Stothart; **Additional Lyrics,** Gus Kahn, **Cameraman,** William Daniels; **Editor,** Blanche Sewell **Direction,** Aces. **Photography,** A-1

Feb. 18, 1935

THE Hollywood REPORTER

'NAUGHTY MARIETTA' A HIT;

MacDonald, Eddy Charm in Operetta

"NAUGHTY MARIETTA"

(MGM)

Direction. .... W. S. Van Dyke
Original Opertta· Victor Herbert and Rida Johnson Young.
Screen Play: John Lee Mahin, Frances Goodrich and Albert Hackett.
Lyrics . .....Gus Kahn
Photography..... .....William Daniels
Producer. ....Hunt Stromberg

Cast Jeanette MacDonald, Nelson Eddy, Frank Morgan, Elsa Lanchester, Joseph Cawthorn, Douglas Dumbrille, Cecilia Parker, Walter Kingsford, Greta Meyer, Akim Tamiroff, Harold Huber, Edward Brophy.

Lilting music that trills its way throughout the picture and thrills by its performance. The lovely, familiar Victor Herbert arias are at once the hero and heroine and raison d'etre of the production and, as sung by Jeanette MacDonald and Nelson Eddy, they are something one can't afford to miss It's a picture that should be labelled, "Must See."

There is in the picture another debt the public owes itself and that is the privilege of hearing Nelson Eddy He sings his way through with the greatest of ease, with a voice that has a surprisingly great range, with a personality that is easy-going and charming, and he has all the physical attributes of a hero. There's gold in that thar voice for Mr. Eddy, the producers and the exhibitors.

Those are the outstandingly important features of "Naughty Marietta." The plot doesn't matter, because it's delightfully hidden by the music and direction, the acting and the spare dialogue The whole thing is necessarily made up of individual credits. Van Dyke turns his talents on a musical and manages to give it the same moving pace that he injects into all his pictures The big song numbers have been staged very well and he has gotten that same feeling of the actors having fun while working that impresses in everything he does

Herbert Stothart is the one to thank for the grand scoring of the picture. It must have been a terrific task and he has done a gorgeous job. And to continue with the music, Gus Kahn has contributed fresh lyrics that help tremendously in the pleasure of renewing acquaintance with old favorites. The screen play has been cleverly and amusingly done by John Lee Mahin, Frances Goodrich and Albert Hackett.

Jeanette MacDonald has the happiest role that's been handed her in a long time. She looks so beautiful in the costumes and her voice is an inspiration. Frank Morgan, good old Frank Morgan, is a joy as the governor trying to forget what he married. What he married was Elsa Lanchester in her first sizable part on the American screen and there's an actress who should become a very valuable factor in our fair business. She's grand, she's so realistically awful Harold Huber and Edward Brophy as a couple of palsy walsys in Daniel Boone outfits are priceless Cecilia Parker is lovely and very charming as a little maid. Joseph Cawthorn, Douglas Dumbrille, Walter Kingsford, Akim Tamiroff and Greta Meyer are all excellent in supporting roles.

William Daniels photography does much to enhance the beauty of the production, and for that production itself Hunt Stromberg may take a bow Hunt seems to be clicking along rather merrily these days. All in all, this picture is something to shout about for the whole family

U. A. Is Ordered to Cancel DeKalb Show

United Artists has been ordered by Campi to cancel "Catherine the Great" at the Egyptian, DeKalb, Ill., following a complaint by F. W. Anderson, operator of the house, that the distributor would not comply with the 10 per cent cancellation clause of the code.

The case was certified by the Chicago grievance board to Campi, which heard it on June 8, when the complaint was remanded to the local board for rehearing because of a conflict in the evidence. The exhibitor stated that he had bought the entire 21 pictures offered by U. A. at the same time. After the rehearing, the case was again certified to Code Authority, which held that the exhibitor was entitled to the elimination.

Campi reversed a unanimous overbuying decision of the Salt Lake grievance board in the complaint of Joe George and Orissa M. George of the Rio, Idaho Falls, Idaho, against the Paramount, Gayety and Rex, same city. The local board granted the complainant a number of films, but Code Authority found that the respondents had not overbought.

Lower boards were upheld in three other decisions. They include dismissal by the New York clearance and zoning board of the protest by the Washington, Washington, N. J., against the Embassy and State, Easton, Pa.; Music Hall, Clinton, N. J., and Strand, Hackettstown, N. J.; the reduced admissions complaint by J. Blumenfeld, American, Oakland, Cal., against Morgan A. Walsh of the T. & D., same city; the theatre lease issue filed by F. L. Liggett, National, McRae, Ga., against J. H. Thompson, Hawkinsville, Ga. E. A. Alger of the Peru, Peru, Ill., was ordered to cease and desist from premature advertising.

Kenosha Cut Scales Are Ordered Ended

MILWAUKEE, March 6.—Kenosha Theatre, Kenosha, operated by Standard Theatres, Inc., has been ordered by the grievance board to discontinue 15-cent matinee and 25-cent evening admissions on Fox, Paramount, RKO, Columbia and Vitagraph product.

It was declared that the distributors' contracts with Warner Bros. Theatres, predecessor of Standard, specified admission prices of not less than 35 cents at night and 25 cents at matinees, and that no new contracts were entered into with Standard. The distributors contended that their contracts are with Warner Bros. Circuit Management Corp., and that the Kenosha has charged lower admissions than they agreed upon.

Standard Theatres, Inc., also was ordered to discontinue bank nights at its Kenosha and screeno at its Strand in Oshkosh and at its Bay in Green Bay. The bank night complaint was brought by the Saxe Amusement Management, Inc., the screeno complaints by the Wisconsin Amusement Enterprises, Inc.

Students Demand Cuts

COLUMBIA, Mo., March 6.—University of Missouri students are threatening to go on strike unless the local theatre cuts its night top below 35 cents.

Looking 'Em Over

"Soviet Russia Today"

(Amkino)

Red Russia attempts to justify its political philosophy in this Soyuzfilmnews production by offering a camera record of what has been achieved there under Soviet rule. Everything that might have the effect of gaining sympathy for Communism has been flung into the film.

Needless to say, the picture presents a one-sided view of Soviet Russia. It tries to do for Communism what "Mussolini Speaks" tried to do for Fascism—simply to reveal the bright side of the picture.

The film lingers fondly on some of the most prominent of the Soviet achievements, such as the reduction of illiteracy, the rehabilitation of the criminal and transformation of Moscow into a seaport through an elaborate system of canals. There are times when the photography is extremely effective; there are others when it is quite ordinary.

The only conceivable interest this film can have for American audiences lies in its travelogue qualities. The production has English titles, and a spoken commentary in English accompanies the early part of the film.

No production code seal. Running time, 67 minutes. "G."

N. H. Board Decides Two Clearance Cases

NEW HAVEN, March 6.—The clearance and zoning board has ruled on two cases involving Bridgeport and Hartford. The first was the protest of the Black Rock, Bridgeport, against Loew's Palace, Majestic, Globe and Lyric Theatres. The board decided unanimously that the Lyric and Black Rock are not in competition and ordered that Bridgeport first runs shall have a maximum clearance over the complaining theatre of not more than 30 days.

Joseph Shulman presented the case of the Rivoli, Hartford, vs. Warners' Colonial and Lyric Theatres. This protest was originally filed last June, and decided as part of the Hartford clearance and zoning schedule set up by the local board. Since there is little hope that a schedule will be approved for Hartford by Campi, the protest was reheard locally. The protestant expressed willingness to continue under an existing compromise arrangement and withdrew the complaint.

Indignation was expressed by a number of exhibitors present over Campi's apparent rejection of the Dixwell complaint against College, exclusive second run, and of clearance and zoning schedules in general.

ITO Files Complaint Against K. C. Zoning

KANSAS CITY, March 6.—Warning its action was a last attempt to obtain clearance relief before resorting to legal measures, the local I.T.O. today filed a complaint with the zoning board attacking the protection schedule here.

The complaint, which did not mention Fox Midwest by name, was directed at all theatres having protection over independent suburbans and proposed a new clearance plan, which, however, was rejected by Midwest. The same proposals were submitted to Campi recently for consideration in the drafting of a new schedule.

The board meets Monday to discuss the complaint and decide if under code procedure a hearing can be held, since Campi is already pondering a schedule for Kansas City. If a hearing is granted, it will be held on March 13.

Find K. C. Discharge Violated Section 7A

KANSAS CITY, March 6.—Violation of Section 7-A of the National Recovery Act was charged to Edwin S. Young, Central Theatre, in a decision of the Regional Labor Board. The Independent M. P. Operators' Union filed the complaint after one of its members, G. D. Blackmore, had been discharged and Young switched to Local 170, I. A. T. S. E.

The board found Blackmore was dismissed from the booth not because of his affiliation with the independent union but because Young wanted to employ a member of Local 170. After discharging Blackmore as operator. Young retained him as assistant manager at the same salary, later dismissing him entirely because of his union affiliation. The board found the latter act in violation of Section 7-A.

The labor body found itself unable to order Blackmore's reinstatement as assistant manager because the position apparently has been abolished. It recommended, however, that should Young employ an assistant within the next six months, he offer the position to Blackmore before employing any one else.

The independent union has announced it will file an appeal to the National Labor Board.

Fifth RKO-Century Hearing Due Today

Fifth round in the Century-RKO clearance dispute in Long Island will be staged today. Four previous sessions have consumed a total of more than 15 hours and today's hearing is slated to add four hours to the total.

The case is the longest so far on record in point of hours spent by a board listening to clearance arguments. Verbal fireworks have exploded at each of the four sessions and the record now shows a total of 129 objections, 68 raised by Louis Nizer, representing RKO, and 61 by Mitchell Klupt, attorney for Century.

Sitting on the board are Leo Abrams of Universal, chairman; Robert Wolff, RKO Radio; Ex-Judge Alfred E. Steers, impartial member; Eugene Picker, Loew's; Edward Rugoff, Laurence Bolognino and Harry Shiffman, independent exhibitors.

Coast Board's Order Again Goes to Court

LOS ANGELES, March 6.—More litigation looms over the grievance board's film stoppage orders, but the next move is up to the theatres—the Oxnard at Oxnard and the San Gabriel at San Gabriel.

These are the two houses that defied the board's ban on bank nights some time ago and lost an injunction appeal in Federal Court on the ground that they still had an appeal to Compliance Director Sol A. Rosenblatt which they had not used. Since then Rosenblatt has ruled against them and they have again gone into court, but the temporary injunction arrived after the board has issued a new order yesterday. Now they must go into court again to get the order extended to apply to distributors.

The board ruled against the Fairfax on a premature advertising charge brought by the Hollywood Pantages. It also ordered the Park and Colorado, Pasadena, to stop script books.

A request by the York Theatre for a 33 per cent elimination from all exchange contracts on grounds of overbuying was dismissed by the board on the theory that it had no jurisdiction.

Neth Is Ordered to Stop Premature Ads

CINCINNATI March 6.—The grievance board has ordered J. Real Neth, Columbus, to discontinue premature advertising at the Eastern, State and Clinton, neighborhoods. Complainant was Loew's Ohio and Broad, same city.

A cease and desist order also was issued to Neth on premature advertising at the Clinton. Complainant in this case was the RKO Palace, Columbus.

Complaint of premature advertising was brought by the Loew houses against P. J. Perkas, Ritz, neighborhood, Columbus. A cease and desist order was issued respondent.

In the case of Frank Cole, operating the Lincoln, Cincinnati colored house, against Universal, complainant disputed respondent's right to reallocate price on "The Good Fairy," after it had been cancelled. The board ruled that, while complainant was within his rights in cancelling the picture, respondent also had the right to reallocate it from a higher to lower classification. This case, it is understood, will be appealed.

All of Frisco Bank Nights Under Fire

SAN FRANCISCO, March 6.—Bank night business is up in the air here. Herman Cohen of the United Artists and Strand theatres has upset the apple cart by filing with the grievance board a complaint against every theatre in San Francisco using bank night or race night. The whole situation will be ventilated next Monday.

All during the time the wrangling was going on between the neighborhoods, with suits, counter suits, retaliation bank nights, and so on, Herman was gradually preparing for his big offensive. This action brings to a head the rows involving theatres run by the Levins, the Nasser Brothers, Robert A. McNeil and independents. All these theatres are principals in bank night litigation now pending.

FWC Petition For Rehearing On Tap Today

(*Continued from page* 1)

N. J., is on the docket for the ninth time and again will be delayed. The committee trying to effect a settlement hoped that the acquisition by Adam Adams, of the Park Lane, Palisades Park, N. J., would remedy the situation, but this has not worked out and now another means of settlement will be sought, it is stated.

Although no resolution has been passed, MOTION PICTURE DAILY learns no action will be taken on New Haven, Kansas City and Milwaukee schedules for some time. Campi members first want to see how the Los Angeles plan works out before others are approved. With the N. I. R. A. expiring on June 16, Code Authority is not anxious to upset territorial clearance schedules generally until it knows whether the act will be continued, and if it is, what changes, if any, are in store for the film code.

Distributors are still holding out admission prices as a basic factor in schedules. While this angle was permitted in the L. A. plan, sales heads conceded it for experimental purposes.

Certification of the resolution adopted last week approving the extras' registration list in Hollywood is also on the calendar.

Report 9,000 Shares Favor Para.'s Plan

(*Continued from page* 1)

who oppose the plan are permitted to withdraw.

New deposits with the Paramount Broadway bond committee and the Vanderlip debenture committee are also reported being received daily. It is not anticipated that any difficulty will be encountered by the committees in obtaining the necessary stock and bond representation required to make the plan effective; that is, two-thirds of the bonds and a majority of the outstanding stock.

Paramount Hopeful Cuban Ban Will End

An airmail print of "Rumba" left New York last night for Havana for showing today to Cuban officials in the hope entertained by Paramount that the government's decision banning the film will be revoked. Cuban officials demand the picture be destroyed and an apology made if Paramount product is not to be barred from future distribution in the island republic.

Paramount stated yesterday the ban was ordered despite the fact Cuban officials had not seen the picture.

Paramount Meet May Go to Coast in May

Paramount is considering holding its annual sales meet in Hollywood late in May. The last convention was held on the coast, but because of the changes in personnel, the company is figuring on taking the sales forces to the studios again to get acquainted with the men making the pictures.

Fox is also planning on a coast convention, but definite decision is awaiting return of S. R. Kent from Florida.

U. A. may convene its sales forces on the coast sometime in June, but last minute switches may bring the men together in Chicago.

Columbia is talking convention with some men preferring the east and others Pinehurst, N. C., sometime in May or June. The decision, however, rests with Harry Cohn.

Pari-Mutuel Hearing Draws Boston Group

BOSTON, March 6.—Organized industry attended a public hearing on pari-mutuel racing yesterday and heard the internal fight between horse and dog men burst into the open.

The most important development of the day was Corporate Counsel Foley's ruling that recently passed referendums do not repeal the laws of 1856 relative to local jurisdiction over any racing location. Foley contends permits granted by the State Racing Commission are invalid without local consent. The ruling is held important as citizens who voted for the tracks do not want them near their homes.

Theatre men elsewhere who are fighting competition from tracks are looking to developments in Massachusetts.

Hamrick Shifts Policies

SEATTLE, March 6.—John Hamrick's Music Hall next week will become a third run, double feature spot at 10 and 15 cents. Dan Redden, assistant manager, will replace James Q. Clemmer as manager.

On the same date, the Music Box will again become the key house, with an elaborate opening of "Roberta." The scale will be 25 to 55 cents.

Sparks Dropping Shows

TAMPA, March 6.—The unit companies of about 20 people which have been played by Sparks Victory here for the past three years will be discontinued after this week.

For some time the shows were given a run of three days each week, but for the past year the showing has been cut to two days weekly.

Hollywood Personals

Hollywood, March 6. — Wallace Beery to New Castle, Del., to pick up his new plane. . . . Freddie Bartholomew back in town. . . . Dorothy Deering and Ann Nagel, both natural sorrel tops, spotted in Fox's "Redheads on Parade."

Ray Walker goes into "Secret Lives." . . . Gilbert Roland completely recovered from his appendix attack.

Herb Stothart left for New York on one hour's notice. . . . Dr. and Mrs. Will Durant luncheon guests of Will Rogers and Billie Burke at Movietone City. . . . Greg Toland, United Artists cameraman, to Palm Springs as soon as "Les Miserables" finished. . . . Garbo is taking lessons in the "Mazurka." . . . Bob Taylor is recuperating from a tonsil operation at Palm Springs.

Louise Fazenda in "Broadway Gondolier" with Dick Powell and Joan Blondell. . . . Phil Regan will sing in "Crashing Into Society." . . . William Powell, Ginger Rogers, and Stephen Roberts luncheon hosts to cast and crew of "Star of Midnight." . . . Stuart Stewart of the Edington-Vincent office another "flu" victim.

Para. Buys Herbert Yarn

HOLLYWOOD, March 6.—Paramount has bought the life story of Victor Herbert from his estate along with about 500 of Herbert's musical compositions. Ernst Lubitsch says he will make an all-star musical for next year's program, using the Herbert story and music.

Barrons Take Another

PRATT, Kan., March 6. — Mr. and Mrs. Charles H. Barron, who operate two theatres here, have acquired an interest in the Novelty at Anthony, Kan.

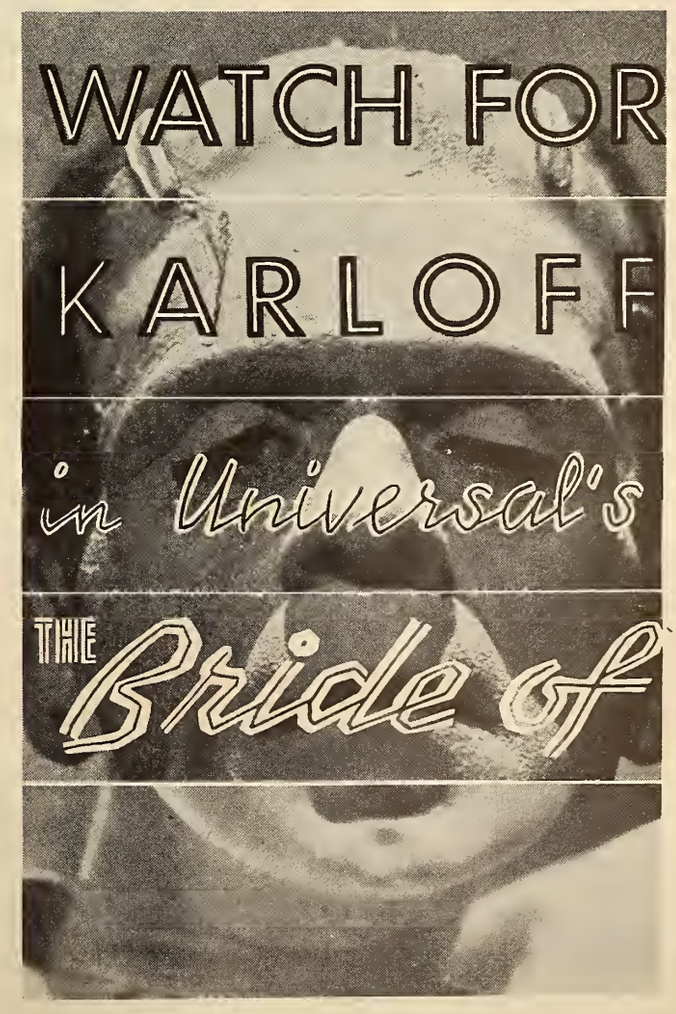
Now Envision Possible NRA Abandonment

(*Continued from page* 1)

Williams, chairman of the National Industrial Recovery Board, was soon to follow General Hugh S. Johnson into private life. Williams took the position on a purely temporary basis. During his administration, the cigarette code was adopted with a 20 cent minimum wage, arousing the bitter opposition of organized labor. Aside from this, the Recovery Board has apparently done little and the NRA has been steadily slowing down.

The Capitol today was awaiting the words of Donald Richberg, executive director of the National Emergency Council, slated to appear before the Finance Committee Thursday, confident that he would speak the mind of the President and that he might outline in more detail the definite form of legislation desired by the White House.

If Richberg indicates the President's acceptance of the plan to scrap the NRA, no further investigation will be necessary, it is believed. If, however, the President is represented as still desiring continuance of the Recovery Act as now written, the probe will go on and will be directed toward the half dozen or so major codes in view of the Administrations's announcement that codes affecting intrastate commerce only may be dropped.



KEEP TIME OPEN FOR HERE'S EXTENDED RUNS



THREE OF THE NATION'S FAVORITES

IRENE DUNNE

THE GOLDEN GIRL WITH THE SILVER SONG . . AND

FRED ASTAIRE

GINGER ROGERS

DANCING STARS OF "GAY DIVORCEE"

From the play "Roberta." Book and lyrics by Otto Harbach

Directed by WILLIAM A. SEITER A PANDRO S. BERMAN PRODUCTION

RKO-RADIO PICTURE

WHY . . .

"BUSINESS TERRIFIC. WE NEED THEATRE WITH RUBBER WALLS"
—*Coulter & Somma, Byrd Theatre,* **RICHMOND, VA.**

"BREAKS RECORD BY 20 PER CENT. LOOKS LIKE FOUR WEEKS"—*Izzy Rappaport, Hippodrome Theatre,* **BALTIMORE**

"CAPACITY BUSINESS. IN FOR INDEFINITE RUN. YEAR'S BEST"
—*John F. Kumler, Pantheon Theatre,* **TOLEDO**

"BEST OPENING YEAR AND A HALF. GROSSES SENSATIONAL"
—*Wire report from* **RKO** *Branch Manager, regarding Stanley,* **PITTSBURGH**

"BREAKS ALL TIME HOUSE RECORDS IN ATTENDANCE"
—*Wire report from* **RKO** *Branch Manager, regarding Mainstreet,* **KANSAS CITY**

"SATURDAY'S GROSS LARGEST IN HISTORY OF THEATRE"
—*Wire report from* **RKO** *Branch Manager, regarding Brandeis,* **OMAHA**

"BEST BUSINESS OF ANY PICTURE FOR YEAR AND A HALF"
—*Wire report from* **RKO** *Branch Manager, regarding Majestic,* **DALLAS**

"OPENING SENSATIONAL. THOUSANDS TURNED AWAY"
—*Wire report from* **RKO** *Branch Manager, regarding Keith's,* **DAYTON**

"MR. CONSTANT AND I BELIEVE WILL DO SENSATIONAL BUSINESS"
—*George A. Delis, District Manager. Constant's Ohio Theatres,* **CANTON, OHIO**

"A TOP GROSSER. BACK IT WITH EXTENDED RUNS"—*Chick Lewis, Showmen's Trade Review*

"SWELL. WOMEN WILL RAVE. WORTH EXTENDED PLAYING TIME"
—*Emanuel, Jay Emanuel Publications*

"WORTH TWICE AS MUCH AS KERN'S STAGE PLAY"—*Pittsburgh Post-Gazette*

"IT IS UNMATCHED. IT'S THE TOP"—*Pittsburgh Press*

"TAKE OFF YOUR HAT. RKO HAS DONE IT AGAIN"—*Pittsburgh Sun-Telegraph*

"THE BEST TUNE TALKIE AS YET FROM RKO-RADIO"—*Memphis Commercial Appeal*

"POLICE HAD TO BE CALLED TO HANDLE CROWDS AT ORPHEUM"—*New Orleans Tribune*

ROBERTA

JEROME KERN'S DAZZLING MUSICAL ROMANCE . . . SURPASSING ON THE SCREEN ITS MIGHTY STAGE SUCCESS . . . with RANDOLPH SCOTT ★ HELEN WESTLEY ★ VICTOR VARCONI ★ CLAIRE DODD

Kansas Sunday Opening Bill Meets Defeat

(Continued from page 1)

At some future session, when general demand for Sunday shows is sufficiently strong, the industry may get behind a movement to bring about seven-day operation.

Exhibitors are interested in legislative battles over proposals to impose a sales tax and hike the income tax levies ranging as high as 400 per cent. Of three sales tax bills introduced, the one gaining most support is a three per cent levy, which would hit theatres.

Bills killed by committee action include: To establish a state NRA; to prevent state courts from issuing temporary injunctions in labor disputes and prescribing permanent injunctions after a hearing on the issues; a boiler inspection bill, and a measure to tax chain stores which would have affected theatre circuits.

PORTLAND, March 6.—Regular film shows will be permitted Sundays after 3 P. M. if the bill of Representative Udell Bramson is passed by the Legislature. Not waiting for action, theatres are now escaping legal action by running as benefit shows and allotting a percentage of the intake to charity.

ALBANY, March 6.—A bill has been introduced in the New York State Assembly by Albert D. Schanzer, Democrat of New York, making it a misdemeanor to fail to give a benefit performance in a theatre at time and place printed on ticket without refunding moneys received therefor.

A bill introduced by Assemblyman J. E. Stephens, Democrat, of New York City would permit the adoption of local ordinances admitting children to theatres unaccompanied by adults in the daytime outside school hours and on Sundays to witness films suitable for the young. Theatres would have to have one female attendant for every 75 children and every child would have to be provided with a seat.

BALTIMORE, March 6.—Senator John G. Callan has introduced a bill in the Senate at Annapolis calling for the doubling of the present license fees for theatres. The new bill would also add an additional tax to circuits. All houses charging more than five cents admission will be affected by the new bill.

Taylor Warns Gross Tax Due on March 15

(Continued from page 1)

fact the city recently passed a two per cent sales tax, the tax of one-tenth of one per cent on gross receipts is still in effect, and the first payment is due March 15. Tax forms to make returns on this tax are being mailed to 60,000 business firms which paid the tax last year.

The tax on grosses applies regardless of operating expense, profit or loss. Local exhibitors have been complaining about the impost for months, alleging it to be discriminatory.

Purely Personal

LEO SPITZ leaves for Chicago today. He has been sitting in conferences with Chase bank attorneys as representative for SKOURAS BROTHERS on a 10-year F.W.C. operating contract, which is still unsigned.

•

J. J. UNGER leaves for Miami tomorrow for a vacation. MYRON SATTLER on April 15 will go on a southern cruise while MILT KUSELL takes his vacation starting March 29.

•

JACK MILLER arrived from Washington yesterday. His son and new daughter-in-law get in from New Orleans Friday. The trio will shove off for Chicago Sunday by air.

Quip of the Day

Sidney Justin of Paramount, who read his name in the MOTION PICTURE DAILY *the other day as one of three in the sick bay, queries:*

"What kind of a resort is this sick bay?"

G. R. O'NEILL has returned from Lexington, Ky., where he previewed "Countryside Melodies" produced with the cooperation of the Iroquois Hunt Club.

•

ARTHUR UNGAR, editor of *Coast Variety*, who hopped in from the New Orleans convention, leaves for Hollywood today.

•

RUDOLPH BERGER, Washington branch manager for M-G-M, has returned to his office after a Florida vacation.

•

JACK FULD left for New Haven last night to exploit "The Scarlet Pimpernel" for U.A. He'll be gone a week.

•

FRANK Z. CLEMENTE, head of Latin Artists Pictures Corp., has moved into a new suite in the RKO Building.

•

FRANCES GOODRICH and ALBERT HACKETT, M-G-M writers, arrive in New York Friday on a vacation trip.

•

LAURENCE BOLOGNINO and ROBERT WOLFF have been trying to shake off colds for the last week.

•

EDDIE GRAINGER off on another Fox sales trip today.

ANNY REINER of M-G-M makes his Broadway debut as master of ceremonies tomorrow night when he will introduce the 20 mannequins at the Congress Restaurant in a Pageant of Fashion.

•

GUS SCHAEFER, general manager for Paramount in Germany and Central Europe, arrives tomorrow on the *Washington* instead of today. The liner is a day late due to rough seas.

•

ED KUYKENDALL, recuperating from the New Orleans convention at his Columbus, Miss., home, has delegated LEWEN PIZOR to appear as his Campi alternate today.

•

PINKY TOMLIN arrives from the coast tomorrow and will make personal appearances at the Capitol starting March 15.

•

C. C. PETTIJOHN returned to his office yesterday after a tour of the southern and middle western legislative circuit.

•

AL WHEELER, formerly M-G-M booker in Kansas City, has been transferred to the New York exchange.

•

RALPH ROLAN has gone to Detroit to meet HARRY H. THOMAS. AMOS HIATT has returned from the automobile city.

•

LOUIS K. SIDNEY is back from another week-end in Chicago on Loew's proposed theatre invasion plans.

•

TOM GERETY is on the *Rotterdam* cruising south. He'll be back at his M-G-M desk in two weeks.

•

MAX FELLERMAN has returned to his office, but is not yet fully recovered from that cold.

•

HALSEY RAINES is due back from New Orleans and a vacation on Monday.

•

JACK BENNY may do a picture for M-G-M. A deal is on the fire.

•

DAVE PALFREYMAN is due back in town today from New Orleans.

•

W. G. VAN SCHMUS arrives from the coast today.

•

EDWIN MARIN gets in from Hollywood on Sunday.

Amalgamate at Kirkland

KIRKLAND LAKE, ONT., March 6.—Famous Players Canadian Corp. has become associated with a new local syndicate, of which Harry Atkins is managing director, which has taken in hand the erection of a theatre in the booming mining town of Kirkland Lake to be completed next June at a cost of $100,000. They will also acquire the present two theatres, the Capitol and the Strand. The new house, to be known as the Uptown, will seat 775 persons while the two older houses now controlled by Famous Players, will mean a total accommodation of 2,190 seats after the Uptown has been opened. Kirkland Lake has a population of 20,000.

Bowen with Air Concern

KANSAS CITY, March 6.—Archie Feinberg, sales executive of U. S. Air Condition Corp. of Minneapolis, has appointed Frank H. Bowen as Kansas City representative to handle theatre accounts. Feinberg has left for Oklahoma City.

Epidemic Hits Oskaloosa

KANSAS CITY, March 6.—The De-Luxe, Oskaloosa, Kan., was closed two weeks by a mayor's quarantine order closing all public gathering places and schools because of a meningitis epidemic. Other towns in that part of the state have been hit.

Bill to Stop Block Booking Reaches House

(Continued from page 1)

at a group price only and the requiring that an exhibitor lease all of the group in order to get any of the films. The bill further makes unlawful such variation between group and individual prices as would produce coercion of choice or tend to restrain trade.

The bill also would require that an accurate synopsis be furnished the exhibitor at the time of leasiing of a film, the synopsis to be made a part of the contract and be sufficiently comprehensive to permit the exhibitor to determine whether it is suitable for his patrons.

In the event of substantial variation in a film from its synopsis the exhibitor would be permitted to cancel without liability and to recover damages for the variation, or to exhibit the film despite the variation and recover damages as for a breach of warranty.

The enforcement provisions of the act provide for criminal penalties and injunction relief. Interstate shipment of any films leased or intended to be leased in violation of the anti-block booking provisions would be prohibited. The bill would become effective one year after enactment.

Rumor Brandt After Six More Spots Here

(Continued from page 1)

are the Beacon, Tivoli, Times, Columbus, Arena and Ideal.

All but the Beacon are operated by Consolidated Amusements. Laurence Bolognino, head of the circuit, yesterday stated he had "never heard of such a deal." The Beacon negotiations are understood between Brandt and the bondholders.

Brandt would not discuss any deals yesterday, but stated: "We are negotiating for a number of theatres in the Times Square sector and hope to close them shortly."

California's Circuit Tax May Be Changed

(Continued from page 1)

the provisions of the measure, he will amend his bill setting a license fee for each unit operated by a chain organization outside the county where it has its headquarters.

The independents assert they can be regarded as being included under the provisions of the measure through a clause stipulating that each such unit "shall for the purpose of this act be treated as being under a single or common ownership, supervision or management if directly or indirectly owned or controlled by a single person or any group of persons having a common interest in such commercial establishment."

Von Stroheim to M-G-M

HOLLYWOOD, March 6.—Eric von Stroheim, who has been signed by M-G-M to adapt an original he wrote himself, will also assist Clarence Brown in the military sequences of "Anna Karenina."

Out today

UNIVERSAL FORCES RADIO RETRACTION OF GOSSIP

the motion picture's first victory over a growing evil

COMPLETE TEXT OF SUPREME COURT TRI-ERGON DECISION

another important document now presented in full in the Herald's manner of coverage

and all the other news and all the departments of the film industry's great service journal

MOTION PICTURE HERALD



There is no substitute for circulation.

"Sweet Music" Hits $35,000, Boston Smash

BOSTON, March 6.—"Sweet Music" was a sensation at the Metropolitan, helped by a stage show with Mitzi Green and a cast of 60. The $35,000 gross was over normal by $13,000.

It was a big week all around despite variable weather with snow and rain. "The Good Fairy" was $9,000 up on a take of $21,000 at Keith's Memorial; a dual, "After Office Hours" and "The Best Man Wins," took $14,500 at Loew's State; another dual, "All the King's Horses" and "The White Cockatoo," was $3,000 up at $8,500 in the Paramount.

Total first run business was $97,000. Average is $65,000.

Estimated takings for the week ending March 1:

"ALL THE KING'S HORSES (Para.) "THE WHITE COCKATOO" (Warners)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $5,000. (Average, $4,500)

"THE GOOD FAIRY" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. Stage: Eddie South & Orchestra. **Gross:** $21,000. (Average, $12,000)

"AFTER OFFICE HOURS" (M-G-M) "THE BEST MAN WINS" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,500. (Average, $10,000)

"SWEET MUSIC" (Warners)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Mitzie Green heading cast of 60. **Gross:** $35,000. (Average, $22,000)

"ALL THE KING'S HORSES" (Para.) "THE WHITE COCKATOO" (Warners)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $8,500. (Average, $5,500)

"NIGHT LIFE OF THE GODS" (Univ.)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Blackstone, the Magician, Bert Walton, Three Rhythm Kings. **Gross:** $13,000. (Average, $11,000)

"Spring" Portland Leader at $8,600

PORTLAND, March 6.—"One More Spring" secured the heaviest take of the week. It was over normal at the Paramount, with the assistance of stage show, by $3,600, securing $8,600.

Total first run business was $30,600. Average is $25,000.

Estimated takings for the week ending March 1:

"MYSTERY OF EDWIN DROOD" (Univ.)
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"THE LITTLE COLONEL" (Fox)
MAYFAIR—(1,700), 25c-35c-40c, 7 days, (2nd downtown week). **Gross:** $3,500. (Average, $3,000)

"THE MARINES ARE COMING" (Mascot)
ORIENTAL—(2,040), 25c-35c-40c, 7 days. Stage show. **Gross:** $4,000. (Average, $2,000)

"GOOD FAIRY" (Univ.)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000)

"ONE MORE SPRING" (Fox)
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,600. (Average, $5,000)

"THE SCARLET PIMPERNEL" (U. A.)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

Knight Suit Is Settled

HOLLYWOOD, March 6.—Leo Morrison's suit against June Knight over commissions allegedly due him was settled out of court today. The exact sum was not mentioned. Morrison was discharged as the actress' agent last September.

"Colonel" Is Philadelphia Hit, $25,000

PHILADELPHIA, March 6. — "The Little Colonel" was the standout last week in a generally prosperous film program. The Shirley Temple film knocked off $25,000 at the Fox. Though originally booked for only one week, it went into its second and may get a third.

"After Office Hours" got an extra day at the Boyd with a total take of $14,000; likewise "Sweet Music" at the Stanley, with $13,000. "Sequoia" took two extra days at the Stanton for a total of $7,500.

Persistent rumors of closing of Mastbaum—which actually took place on Saturday—were no help to the last program, which got $32,000, considerably under average, for "Living on Velvet." The bill was retained an extra two days to lead up to a Saturday closing.

Total first run business was $123,700. Average is $125,230.

Estimated takings for the week ending Feb. 28:

"SCARLET PIMPERNEL" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days, 3rd week. **Gross:** $6,000. (Average, $7,000)

"LIVES OF A BENGAL LANCER" (Para.)
(2nd Run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,700. (Average, $2,400)

"AFTER OFFICE HOURS" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 7 days. **Gross:** $14,000. (Average, 6 days, $12,000)

"I AM A THIEF" (Warners)
EARLE—(2,000), 25c-35c-55c, 6 days. Stage: "Parisian Scandals." **Gross:** $14,000. (Average, $12,000)

"THE LITTLE COLONEL" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Al Bernie, Helen Denizon & Co., Stone and Lee, Sakura Family. **Gross:** $25,000. (Average, $12,000)

"GIGOLETTE" (Radio)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,200. (Average, $3,500)

"DAVID COPPERFIELD" (M-G-M) (2nd run)
KEITH'S—(2,000), 30c-40c-50c, 5 days, 2nd week. **Gross:** $3,300. (Average, 6 days, $4,000)

"THE IRON DUKE" (Gaumont British)
LOCUST—(1,300), 55c-65c, 6 days. **Gross:** $4,000. (Average, $5,000)

"LIVING ON VELVET" (Warners)
ROXY MASTBAUM—(4,800), 40c-55c-65c, 8 days. Stage: Roxy revue. **Gross:** $32,000. (Average, 6 days, $33,000)

"SWEET MUSIC" (Warners)
STANLEY—(3,700), 35c-40c-55c, 7 days. **Gross:** $13,000. (Average, 6 days, $12,000)

"SEQUOIA" (M-G-M)
STANTON—(1,700), 30c-40c-50c, 8 days. **Gross:** $7,500. (Average, 6 days, $6,000)

Pens Are Poised in Memphis Palace Deal

MEMPHIS, March 6.—M. A. Lightman's deal for the Palace here is expected to be closed in time to assume operation of the theatre Saturday. In such an event the first film will be "The Good Fairy." It is understood papers will be signed Friday.

Francis Deering, Loew's State manager, left tonight for Houston to manage Loew's State there. Col. Cecil Vogel, Loew city manager, moved his office today from the Palace to the State, where he will continue in charge.

The deal marks the final dissolution of the Loew-Paramount pool here. Paramount will be Lightman's partner in the operation of the Orpheum and Palace, but not the Strand.

Back Unscalped

Omaha, March 6.—I. Mortimer Weiner, Columbia salesman, returned to the branch office with an order for pictures and a painted sign which he induced an Iowa exhibitor to give him.

The sign read: "$50 reward offered for the scalp of any film salesman bothering this wigwam."

Weiner said it made him sore.

"With all the dough I've spent on hair tonic I figured my scalp was worth $100 at least."

"Pimpernel" Washington's Hit, $18,000

WASHINGTON, March 6. — "The Scarlet Pimpernel" skyrocketed RKO-Keith's into top position last week with a take of $18,000, sending the U. A. picture into its second week. Gross was $6,600 over average.

Runner-up was the Earle with Rudy Vallee's "Sweet Music" and a personal appearance of Carmela Ponselle. The take was $18,900, over par by $1,300.

Still sensational was the business done during the third week of "David Copperfield" at Loew's Palace, where the Dickens' story took $11,000, which was $3,500 under average for the first week.

First week under the screen policy, Belasco Theatre took in $1,000. "Chapayev" was the inaugural attraction for the house which will be devoted to the showing of foreign-made pictures.

Total gross for the week was $77,300. Average is $71,200.

Estimated takings, exclusive of tax, for the week ending Feb. 28:

"CHAPAYEV" (Amkino)
BELASCO—(720), 25c-65c, 7 days. **Gross:** $1,000. (No average available)

"SWEET MUSIC" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Carmela Ponselle, Joe & Jane McKenna, the Valors, Peggy Taylor. **Gross:** $18,900. (Average, $17,600)

"SOCIETY DOCTOR" (M-G-M)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $4,200. (Average, $3,100)

"SEQUOIA" (M-G-M)
LOEW'S FOX—(3,434), 25c-66c, 7 days. **Gross:** $20,000. (Average, $20,500)

"DAVID COPPERFIELD" (M-G-M)
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 3rd week. **Gross:** $11,000. (Average, first week, $14,500)

"RED HOT TIRES" (Warners)
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,100)

"THE SCARLET PIMPERNEL" (U. A.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $18,000. (Average, $11,400)

Calls Nudist Film Clean

NEW ORLEANS, March 6.—Eddie Chittenden, operator of the Crescent, who was arrested along with the rest of the house staff on Monday for showing "Children of the Sun," nudist film, entered an affidavit before Judge Nat Bond today asking for an injunction and return of the film and claiming that the picture was decent and was being shown in many theatres of the country.

"Colonel" Is Frisco Smash; Gets $28,000

SAN FRANCISCO, March 6.—Getting off to a flying start with a big matinee business which held up all week, "The Little Colonel" grabbed $28,000 at the Warfield. This is $5,000 above normal.

All the other first runs were weak, except a dual made up of "Woman in Red" and "Little Men" at the Fox which took $10,500.

Total first run business was $76,000. Average is $82,000.

Estimated takings:

Week Ending Feb. 26:
"THE NOTORIOUS GENTLEMAN" (Univ.)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,500. (Average, $13,000)

Week Ending Feb. 27:
"WOMAN IN RED" (Warners) "LITTLE MEN" (Mascot)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,500. (Average, $10,000)

Week Ending Feb. 28:
"GOOD FAIRY" (Univ.) "MYSTERY MAN" (Monogram)
ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $4,500. (Average, $9,000)

"DEVIL DOGS OF THE AIR" (Warners)
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days, 2nd week. **Gross:** $6,500. (Average, $8,000)

"CLIVE OF INDIA" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 3rd week. **Gross:** $5,500. (Average, $8,000)

"LIVING ON VELVET" (Warners) "ALL THE KING'S HORSES" (Para.)
PARAMOUNT — (2,670), 25c-35c-40c, 7 days. **Gross:** $8,500. (Average, $11,000)

"THE LITTLE COLONEL" (Fox)
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $28,000. (Average, $23,000)

"Woman in Red" Indianapolis Wow

INDIANAPOLIS, March 6.—"Woman in Red," with Earl Carroll's "Vanities" on the Indiana stage, ran away with the big business here last week. The $12,000 gross was over par by $5,000.

"The Scarlet Pimpernel" was strong at the Circle, going $1,000 over the line for a total of $5,000.

Total first run business was $29,750. Average was $24,500.

Estimated takings for the week ending March 2:

"ONE MORE SPRING" (Fox)
APOLLO—(1,100), 25c-40c, 2nd week, 7 days. **Gross:** $2,250. (Average, $2,500)

"SCARLET PIMPERNEL" (U. A.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

"WOMAN IN RED"
INDIANA—(3,133), 25c-40c, 7 days. Stage: Earl Carroll's "Vanities." **Gross:** $12,000. (Average, $7,000)

"MURDER ON A HONEYMOON" (Radio)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,500. (Average, $7,000)

"AFTER OFFICE HOURS" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,500)

Oliver Garver Made President of Wampas

HOLLYWOOD, March 6.—Oliver Garver has been elected president of the Wampas. Maxwell Shane has been named vice-president; Joe Reddy, second vice-president; Lindsley Parsons, secretary; Wilson Heller, treasurer; Leroy Johnston, Fred Stanley, Mark Larkin, Thornton Sargent, Sam W. B. Cohn and Al Parmenter, directors.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 56 NEW YORK, FRIDAY, MARCH 8, 1935 TEN CENTS

Para. Setup Gets General Creditor Aid

Munger Group Only One Still Not Assenting

The Paramount Publix general creditors' committee, representing claims of more than $3,000,000, yesterday recommended acceptance of the Paramount plan of reorganization to all merchandise and other general creditors whom it represents. This leaves the Munger debenture committee as the only organized group which has not assented to the plan.

In a letter sent out over the signature of R. E. Anderson, chairman of the general creditors' committee and treasurer of Erpi, notice is given that general creditors who favor the plan should execute their acceptances in the form approved by the court and forward them either to the committee for

(*Continued on page* 10)

Production Gains; 41 Features Going

HOLLYWOOD, March 7.—Production increased last week over the preceding week with 41 features and four shorts before the cameras as compared to 38 and five for the previous week. In addition, a total of 16 features and 13 shorts were in the final stages of preparation, while 38 features and 19 shorts were in the cutting rooms.

Fox took the lead with eight features in work, three preparing and seven editing. Radio reported eight,

(*Continued on page* 10)

Balcon Nears Coast On a Talent Search

ALBUQUERQUE, March 7.—Michael Balcon, Gaumont British production head, passed through here today on his first trip to Hollywood, where he will remain three or four weeks looking over the field for talent. He has small hope of getting any desirable American artists tied up by a contract, however. He said he had no intention of raiding American studios,

(*Continued on page* 10)

Licenses Seen for Television Makers

A license system for manufacturers of television equipment under patents developed in the industry will be adopted to aid the orderly development

(*Continued on page* 10)

Richberg Asks 2 More Years For NRA with Modifications

By CLARENCE LINZ

WASHINGTON, March 7.—Continuance for two years of the Industrial Recovery Act, with such changes as will meet criticisms which have been directed at the present law, was asked today by Donald R. Richberg, former chief counsel of the NRA and now executive director of the National Emergency Council.

Appearing before the Senate Finance Committee, Richberg outlined the desires of the President for extension and possible perpetuation of the present setup. Changes in the law, he declared, should include a better definition by Congress of its policy; exemption from the anti-trust laws should be restricted to code provisions written in compliance with the anti-monopoly sections of the act; the machinery for enforcement should be

(*Continued on page* 6)

Fox May Ask Rehearing on Patent Cases

William Fox may avail himself of his last legal resort in his effort to establish the validity of the American Tri-Ergon double print and flywheel patents, namely, a petition to the U. S. Supreme Court for a rehearing.

This was disclosed yesterday by John H. Hazelton of Fox's firm of patent attorneys, Ward, Crosby & Neal. Hazelton stated that Fox had been in conference with the firm on

(*Continued on page* 10)

'Twas a Busy Day for Campi Pinch-Hitters

For the first time in its brief history, Campi yesterday convened without an original appointee of President Roosevelt sitting. The first and second alternates for Code Authority members extended as far as the government representative, Deputy Administrator William P. Farnsworth substituting for Compliance Director Sol A. Rosenblatt.

Due to illness Charles L. O'Reilly was absent for the first time. His

(*Continued on page* 6)

Code Objectathon Hears About a Card for Hours

Box Score by Days

	1st	*2nd*	*3rd*	*4th*	*5th*	*Total*
Nizer	26	14	5	21	21	87
Klupt	17	14	15	16	19	81

Testimony revolving around a window card, jointly advertising the Rivoli, Hempstead, and the Fantasy, Rockville Center, L. I., which appeared in a dairy store in Far Rockaway consumed most of the four and a half hours in the fifth day's marathon hearing yesterday of the Century clearance complaint against RKO in Long Island. During the course of the hearing, 12 different witnesses were put on the stand.

Caustic remarks, sarcasm and continued warnings by Leo Abrams, chairman, to eliminate repetitious testimony featured the day's hearing. A new record high for time spent on a single case was reached yesterday when the total of 20 hours was clocked

(*Continued on page* 7)

Code to Stay; Theatres' End Undetermined

Speculation Rife Over Outlook in Capital

By BERTRAM F. LINZ

WASHINGTON, March 7.—The film code, along with steel, textiles and a number of other commodities, is considered one of the basic props of the NRA and is expected to stand under whatever new form the Recovery Administration may assume. Therefore, abandonment of a number of codes, which, it has been intimated, the Administration may order in the near future, will have no effect on the film industry as an industry.

However, speculation was afoot in Washington tonight over the possibilities for board modification in the present code structure, as indicated by Donald R. Richberg, former chief counsel of the NRA and now executive director of the National Emergency Council, and their effect on the

(*Continued on page* 6)

Rosenblatt Coming For New Wage Talk

With the NRA fact-finding committee failing to get together on a basic wage schedule for operators in this territory and reports prevalent Local 306 is planning to restore pickets, Compliance Director Sol A. Rosenblatt is due today from Washington for a series of conferences to end the stalemate on the local union situation.

Since the public hearing before Rosenblatt in Washington about two

(*Continued on page* 6)

Van Schmus Asserts Rivoli Deal Chilled

Negotiations between the Music Hall and United Artisis for acquisition of the Rivoli in connection with a United Artists franchise for the Radio City house are in status quo, W. G. Van Schmus, managing director of

(*Continued on page* 7)

Industry May Flee Tax, Says Giannini

LOS ANGELES, March 7.—That the industry may be driven out of California should the state's tax program meet with success in the legislature was the warning sounded by A. P.

(*Continued on page* 7)

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Ampa Meet Big Success

William R. Ferguson was welcomed back to the Ampa yesterday with a swell turnout, both in talent and attendance. He opened the session and expressed his gratitude to the members for carrying on during his vacation in Miami. After the short speech Ferguson turned the gavel over to Major Walter Brown, who introduced a number of celebrities.

Teddy Bergman then was declared master of ceremonies for the day and he introduced Adele Ronson, Dorothy Brown, Mickey Harmon, Pauline Starke, William Collier, Jr., Walter Connolly, the Dixie Four, Frances Drake, Noah Beery, Melville Cooper, Louis Waldman, George Bancroft, Harry Hershfield and Buck and Bubbles.

All did a little something to keep the members entertained.

Shows $127,470 Loss

Century Circuit, Inc., of Delaware, and its subsidiaries, showed a loss of $127,470 for the year ending Aug. 31, according to a report made public yesterday. This is after $30,223 excessive depreciation for prior years, expenses and other charges. The statement for the corresponding period last year showed a loss of $80,825.

Laemmle Signs Sheriff

HOLLYWOOD, March 7.—Carl Laemmle, Jr., has signed R. C. Sheriff to write a dramatic original for Irene Dunne. It will be made following "Showboat."

Insiders' Outlook

By RED KANN

HAVING tallied an impressive count in publicity for his suggestion that Hollywood talent be accorded representation on the new Paramount board, Morris L. Ernst, member of the Vanderlip bondholders' committee, now has a lively topic of banter to shuttle across, over and around the bar at Tony's and "21." The out-of-town reader probably will have to be told these are two lively and expensive New York restaurants (nee speakeasies) where many wisecrackers and wisecracks hold court before admiring and doting entourages. Of definite gag, if of no other, value is his suggestion that the Screen Writers' Guild, as well as the Screen Actors' Guild, prepare a panel of nominees. Whether or no they will is yet to be determined. If they do, the guilds will be guilty of the worst kind of sucker play for reasons obvious, including what follows. . . .

▼

How they can go about presenting their candidates, if they name any, or obtaining consideration for them, which they won't get, are twin mystery facts in the situation. Moreover, Ernst appears to be giving both questions no consideration whatsoever. The Writers' and Actors' Guilds have no standing, legal or otherwise, in Paramount's reorganization. How they might hope to get a hearing on their recommendations at the reorganization meeting slated for April 4 not even Ernst is prepared to state. Yet having thrown out the suggestion, he adds he himself does not expect to make any presentation from those sources to the court. Left hand, right hand stuff, sadly lacking in coordination. . . .

▼

Less indefinite by his own words is Ernst's declared intention of opposing the board at large and John D. Hertz, in particular. The obvious inconsistencies in his stand lead to natural speculation as to exactly what he is driving at. Leaping bravely from speculation to something perhaps more concrete results in this: Ernst is a well known lawyer around town. His clients embrace a number of Hollywood writers. Could all his balderdash be construable as propaganda on the part of writers *per se?* Could it be designed to convince those on the Ernst retainer list that he was snappily on his toes, carrying their fight forward for princely salaries and option renewals? Or could it be that Ernst, owning a perfect headline name, so brief is it, is consorting with newspaper clippings and scrapbooks? . . .

▼

At the moment, there is no evidence worthy of serious consideration to indicate any change whatever will be made in the presently agreed upon 16 members of the board. There is some sentiment, and this in significant reorganization quarters, favoring a board of 18. But the opposition to it is so strong that objective could not be attained without throwing open again the entire and highly controversial subject of the board's membership. None of the responsible creditor groups is likely to pay so big a price to gain its point. . . .

▼

Opposition to Hertz continues more pronounced than to any other single member of the board. It is based on the part the former chairman of Paramount's finance committee played in the bank credit transaction of 1932, which later became the subject of litigation by the trustees, and on the fact that Hertz has been made a defendant in another action for recovery of Paramount assets by the trustees. Other criticism charges the bulk of the Paramount securities which he has been named to represent was acquired late in the reorganization. The opposition, however, is confined to small, disorganized groups, the most important elements of which are Ernst and the Munger debenture committee. . . .

▼

Pitted against them in Hertz's favor are the impressive security holdings of Lehman Bros. and Lehman Corp., the support of the important Fortington creditors' group and the inclination of all major creditor groups not to reopen the subject of board membership unless it becomes necessary through the exercise by Federal Judge Alfred C. Coxe of the right he reserved for the court to veto any member of the initial board proposed. This last remains as the one possibility of a change in the board membership occurring prior to reorganization. The conclusions are now yours to draw. . . .

▼

While the Fortington group presently is in the market for acquisition of the entire $13,800,000 claim of Paramount's bank creditors—"if the price is right," as a spokesman for the group puts it—even the transfer of that claim would not alter the initial membership of the board as now plotted. The Fortington group could not vote its newly acquired holdings until the first board vacancies occur, one year after reorganization. The reason is at once as simple and as binding as all that. . . .

▼

Miscellany: In its drive for new season contracts, Fox is reported to have approved 1,000 deals to date. Companies, their push already launched, include Warners and RKO, not to overlook Paramount. . . Harold B. Franklin is or is not working on a booking combine with Fox West Coast malcontents or opposition as charter members. . . . Marlene Dietrich and Claudette Colbert, fresh arrivals from the sunkist land, went to see the Elisabeth Bergner show, "Escape Me Never," as a first order of business and that's a genuine professional compliment. . . . More important to Harry Warner than deals right now is his delight over the new grandson. . . . Alex Kempner, currently in Hollywood purloins, denies he is representing William Fox. And from Philadelphia, Albert M. Greenfield says he's not interested in purchasing Universal. Heigh, ho! . . .

M-G-M Is Now Using Three Sound Tracks

CHICAGO, March 7.—M-G-M has inaugurated a new method of releasing three separate types of prints on each feature, incorporating different volumes for A, B and C houses. This is to conform with reproduction requirements in variously classified theatres, said Hunt Stromberg, M-G-M producer, as he passed through here today on his way to New York.

The method aims to achieve higher sound quality, diversified in volume according to the size of the theatre, Stromberg continued. He will attend a screening of "Naughty Marietta" at the Army and Navy Club in Washington Friday and look over the background in Connecticut for "Ah, Wilderness."

Stromberg said the industry's self-imposed censorship was achieving higher standards and greatly needed reforms in weeding out the crude, vulgar and obvious and placing a premium on intelligence, versatility and originality.

Stromberg in Washington

WASHINGTON, March 7.—Hunt Stromberg, producer of "Naughty Marietta," for M-G-M, is here with a print of the picture for the special showing to be given tomorrow night at Loew's Fox. William Ferguson is due tomorrow night from New York.

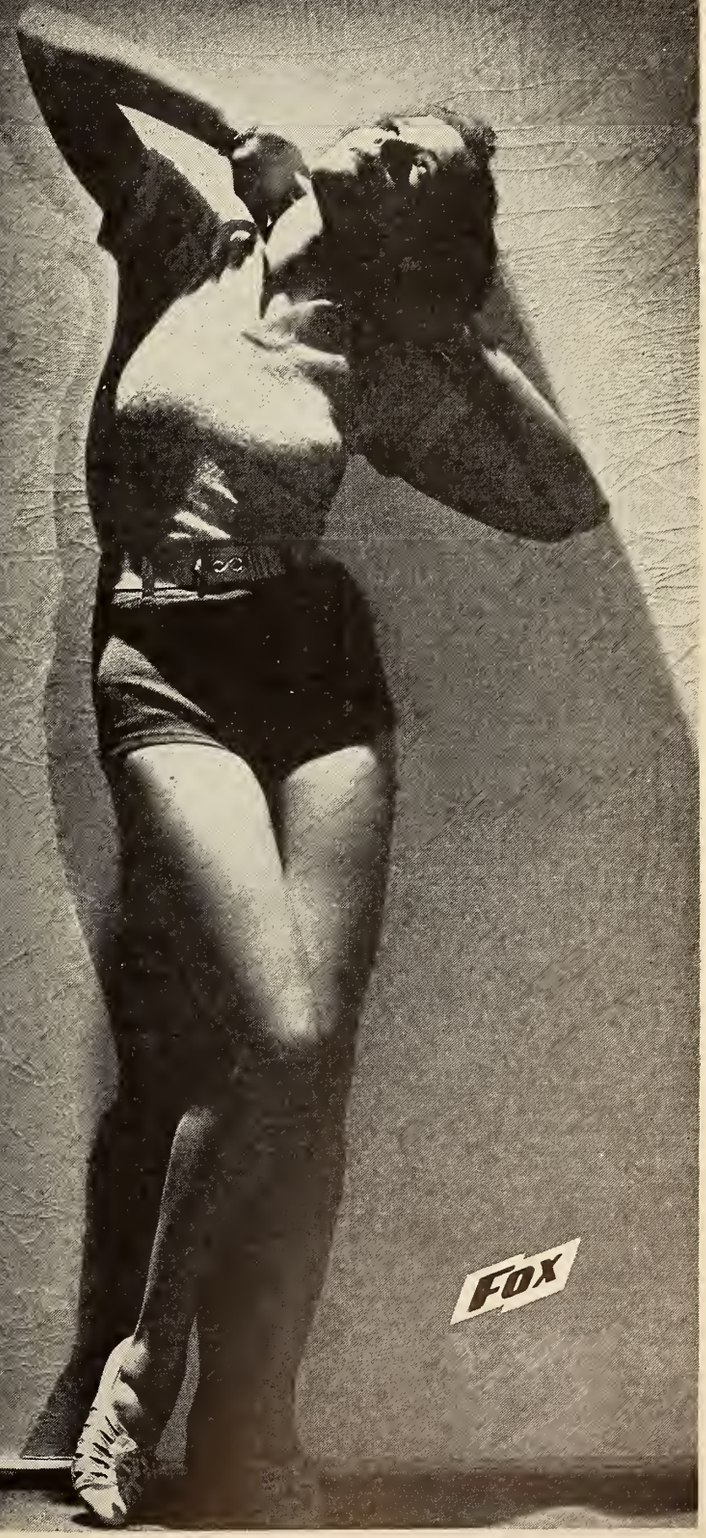
"Rumba" Issue Delayed

A mixup in air transportation prevented a print of "Rumba" from reaching Cuban government officials yesterday with the result that Havana's objection to the Paramount picture remained unchanged yesterday. The print is due to reach its destination today with a final decision on the issue to follow immediately.

Cuba is reputedly distressed over the film's content and wants Paramount to destroy it.

GEORGE WHITE'S GENIUS HAS NEVER SHONE BRIGHTER!

THE crowning triumph in a career aglitter with triumphs . . . George White comes through with a show 365 times better than his last year's hit . . . sprinkled with stars and beauties . . . sparkling with gaiety, romance and sheer gorgeousness!



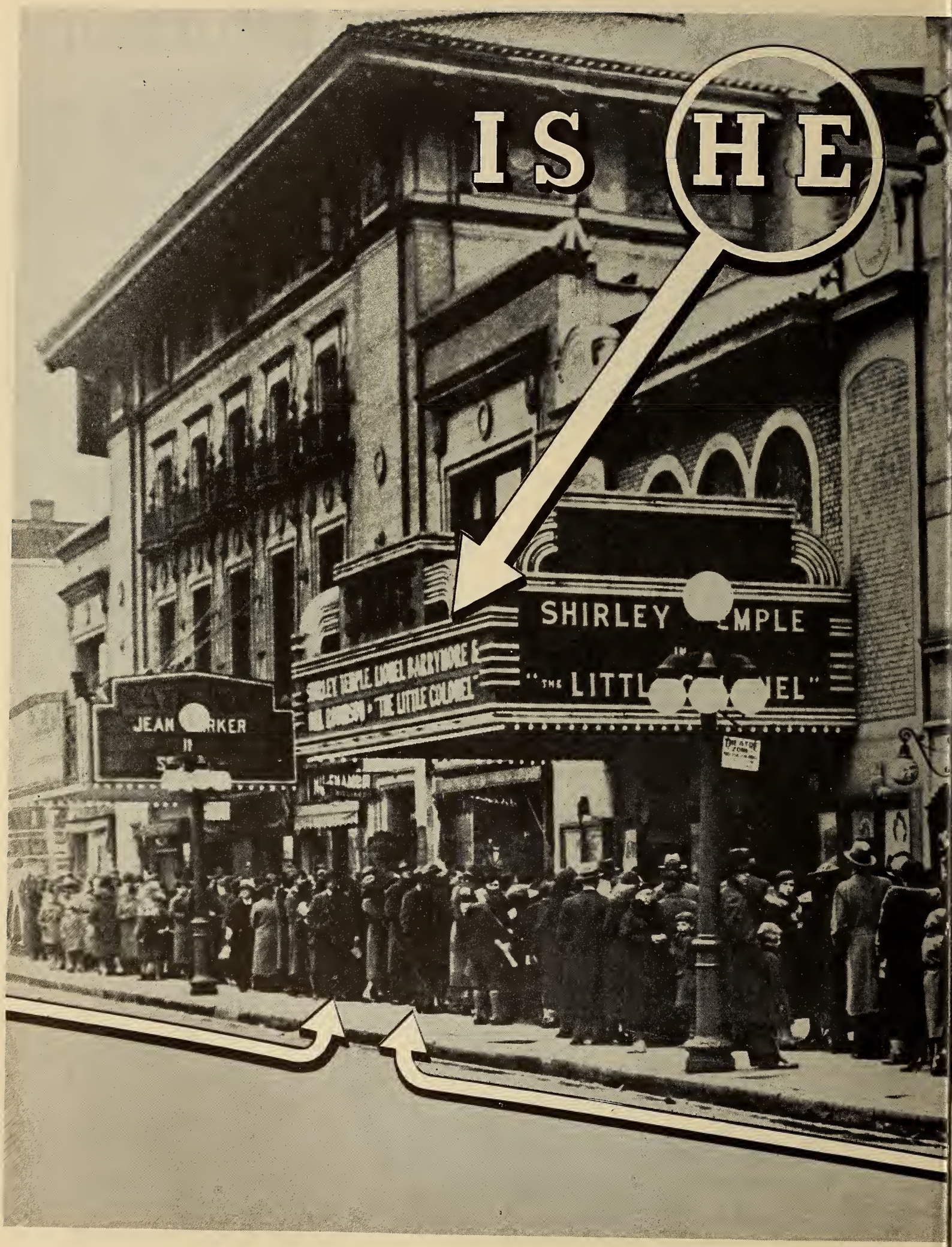
GEORGE WHITE'S 1935 SCANDALS

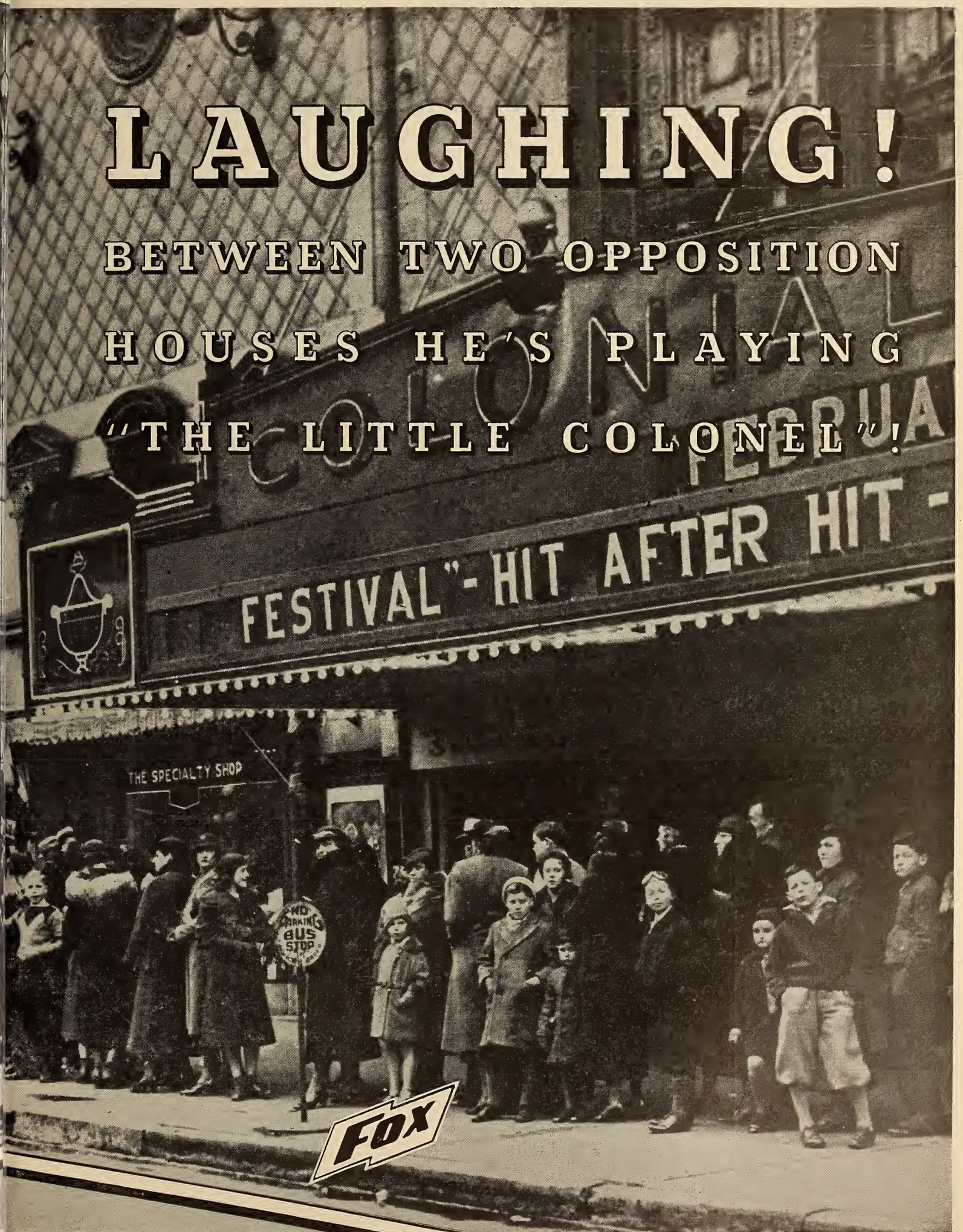
ALICE FAYE • JAMES DUNN
NED SPARKS
Lyda Roberti • Cliff Edwards • Arline Judge
Eleanor Powell • Benny Rubin • Emma Dunn
GEORGE WHITE

Entire production conceived, produced and directed by George White

Screen play by Jack Yellen and Patterson McNutt. Based on a story by Sam Hellman and Gladys Lehman. Songs by Jack Yellen, Cliff Friend, Joseph Meyer. Additional lyrics by Herb Magidson.

FOX


IS HE
SHIRLEY
"THE LITTL
IEL"
JEAN
RKER


LAUGHING!
BETWEEN TWO OPPOSITION
HOUSES HE'S PLAYING
"THE LITTLE COLONEL"!
COLONIAL
FEBRUA
FESTIVAL"-HIT AFTER HIT-
THE SPECIALTY SHOP
NO PARKING BUS STOP
FOX

'Twas a Busy Day for Campi Pinch-Hitters

(*Continued from page* 1)

alternate, F. Thomas Murray, was not present either. He appeared before the local clearance board on behalf of Century circuit which has a dispute against RKO in Long Island. Lewen Pizor sat for Ed Kuykendall, the M.P.T.O.A. head being confined to his home in Columbus, Miss., recuperating from the recent New Orleans convention. Max Levinson alternated for Nathan Yamins, Allied member.

Felix F. Feist of M-G-M substituted for J. Robert Rubin, alternate for Nicholas M. Schenck; Felix A. Jenkins alternated for S. R. Kent, now vacationing in Florida; Sidney Justin sat for George J. Schaefer; Leslie E. Thompson, for M. H. Aylesworth; Edward Golden, for W. Ray Johnston; E. T. (Peck) Gomersall, for R. H. Cochrane; Harold S. Bareford, for Harry M. Warner.

Up to yesterday's meeting there has been at least one original appointee of the President at each Campi session.

Five FWC Men Are Heard

Five Fox West Coast representatives appeared to protest the Los Angeles schedule. They were: Charles Skouras, president of the circuit; Mike Rosenberg, a partner in a number of the coast houses; Edward Alperson, buyer; Charles Buckley and William T. Powers, attorneys.

After a lengthy discussion of F. W. C.'s objections, John C. Flinn was delegated to visit the coast and investigate the several situations involved. He plans to leave by plane tomorrow on a week's trip. In any event, the schedule must go into effect before March 31, but not before March 15, as previously ruled by Campi.

A rotating chairmanship for the Extras' Standing Committee in Hollywood was decided upon, following resignation from the post by Mrs. Mabel Kinney, who still continues as one of the 15 on the committee.

No date for the next hearing has been set. Thompson was chairman yesterday when 33 appeals were decided. Nothing was done on the Leonia clearance and zoning dispute or on appointment of impartial men as permanent chairmen of local boards.

Rosenblatt Coming For New Wage Talk

(*Continued from page* 1)

months ago, no progress has been made by circuit and independent exhibitor heads and I.A.T.S.E. representatives on the two operators' schedules presented. One was submitted by Charles L. O'Reilly, president of the T.O.C.C., and the other by the international union.

Independent exhibitors have threatened to withdraw from the fact-finding committee and negotiate a deal of their own with the I.A.T.S.E. if no unified plan is adopted. Leslie E. Thompson, chairman of the fact-finding committee, returned from a Florida vacation earlier in the week and there have been no indications of a meeting.

Rosenblatt plans to spend a few days here before returning to the Capital. While here he is expected to confer with George Browne, head of the I.A.T.S.E., in an effort to stay the return of pickets and also try to work out a common operators' schedule.

Richberg Asks 2 More Years For NRA with Modifications

(*Continued from page* 1)

strengthened by providing for the prevention of violations by equity procedure; making violations punishable by fine only and making the remedies of the Federal Trade Commission Act available for enforcement.

Today he contented himself with making a formal statement outlining the desires of the President and on Friday will appear before the same committee again to make a more detailed explanation.

Discussing the charges which have been levied at the NRA, Richberg asserted that the general proposition that the effect of codes upon small enterprises has been harmful cannot be sustained.

"It may be true," he told the committee, "that under some codes small enterprises have continued to suffer from disadvantages under which they have suffered for many years. But it is also true that the detailed record of code after code shows that new protections have been extended to small enterprises and, in many instances, the major purpose and effect of code provisions have been to protect the smaller enterprises against their large competitors."

Suggestions that the best method of handling the situation would be to abandon the NRA and turn enforcement of the act over to the Department of Labor and Federal Trade Commission today drew fire from the American Federation of Labor which announced that such action would be unacceptable to labor.

The plan to sink the NRA was laid before the President Wednesday by Senator George of Georgia. While it has considerable support in Congress, it is generally considered that it could not be put through in the face of Administration opposition, but its possibilities will probably be explored by the Finance Committee during its consideration of the legislation.

The President's power to impose conditions upon his approval of a code or to require amendments or modification thereof, Richberg also said, should be explicitly given "but the proponents of voluntary codes should have the right to withdraw their consent from codes so modified as to be unacceptable to them."

"There should be a clear grant of power to the President to impose a limited code wherever there is no code in effect," he continued, "which limited codes should contain only certain requirements, such as minimum wages, maximum hours, the prohibition of notoriously unfair business practices. The Congress should itself set the standards of minimum wages and maximum hours for administrative application in limited codes. Some flexibility in these standards is absolutely necessary, but the area of executive discretion should be rather narrowly defined."

In order to maintain the continuity of present codes and, at the same time, insure any necessary revisions, Richberg recommended a requirement that all codes be extended for a limited period within which they shall be revised to conform to the requirements of the new act.

Charge Chiseling on Pay

Charging violation of the wage clause of the code during their engagement in "Romance of a People" on the Roxy stage last September, 32 chorus girls yesterday appeared in Commercial Frauds Court here against Meyer W. Wiesgal and M. W. W. Prod., whom they charged with paying them $12 for a week's work when the industry NRA pact specifies a $30 minimum for dancers.

The theatre was absolved of any blame by Samuel Shayon, manager of F. & M. Stage Shows, bookers of the production, who said that Wiesgal had assured him the girls were receiving code wages.

Would Permit Fight Film

WASHINGTON, March 7.—A bill seeking to lift the Federal ban against interstate transportation of fight films was offered in the House today by Representative Quinn, Pennsylvania Democrat.

Uphold Shea Clearance

BUFFALO, March 7.—The 21 days' clearance enjoyed by Shea's Seneca, Buffalo, over the Ridge in suburban Lackawanna has been upheld by the clearance and zoning board, but the time in which the Seneca may play pictures after availability was cut from 21 to 14 days. In no instance, it was determined, shall availability to the Ridge be more than 35 days after conclusion of the Buffalo first run clearance.

Failure of the Seneca to exercise its availability rights within 14 days automatically will mean waiving of those rights in favor of the Ridge. Mike Morad, Ida and Joe Williams of the Steel City Theatre Corp. were the protestants, against the Shea Theatre Corp.

Stop Wisconsin "Nights"

MILWAUKEE, March 7.—The grievance board has ordered the Venetian and Princess, Milwaukee; the Parkway, Madison, and the Grand, Green Bay, to discontinue bank nights. The first three houses are operated by Wisconsin Amusement Enterprises, Inc., and the complaints were brought against them by the Saxe Amusement Management, Inc., while the Grand is operated by George Hannon, and the complaint against him was brought by the Wisconsin Amusement Enterprises.

Code to Stay; Theatres' End Undetermined

(*Continued from page* 1)

exhibition end of this industry. Richberg, in his talk before the Senate Finance Committee, declared provisions should be made in the new act for the voluntary submission of codes but that "codification should be limited to those trades and industries actually engaged in interstate commerce or affecting it so substantially that the establishment and enforcement of standards of fair competition therein are necessary for the protection of interstate commerce."

Observers read into this statement the possibility that a large number of industries now codified might be relieved. Continuation of the exhibition section of the film code, for instance, might therefore depend upon the determination of the extent to which exhibition affected interstate commerce in pictures.

Hears NIRA Will End

KANSAS CITY, March 7.—"Congress is preparing to let the NIRA expire by limitation June 16 without any extension or any law to replace it," states a copyrighted Washington dispatch to the *Kansas City Journal-Post*, which adds:

"An earnest effort is being made to save at least the blue eagle's feathers by extending the wages, hours and child labor provisions of the NIRA.

"The impression prevails generally on Capitol Hill that NRA has outlived its usefulness, if any, and now may be regarded as just another new deal experiment that failed to work."

Bank Nights General In Kansas—Missouri

KANSAS CITY, March 7.—Despite numerous cease and desist orders by the grievance board against exhibitors using bank night, the practice is in effect at 80 individual and circuit theatres in the Kansas-western Missouri territory, according to R. W. McEwan, local distributor.

Dubinsky and Commonwealth circuits are employing the stimulator, as is Fox Midwest to a limited extent. In several towns the stunt is run under the name of cash night, and it is charged this is an infringement of the copyright held by the bank night owners.

In connection with Fox Midwest's appeal from the local board's decision against cash night at the Beyer, Excelsior Springs, Mo., L. J. McCarthy, Fox district manager, has filed an affidavit showing that the Casino, same town, is running bank night on Sunday. McCarthy asked that Campi take the new evidence into consideration. The Casino was the complainant against Fox Midwest.

Campi Budget Approved

WASHINGTON, March 7.—Approval of Campi's budget for 1934 was announced today by the NRA. The budget is as submitted at the recent hearing, providing for the retention of the surplus and the provision for distributor collection of producer assessments.

New Gross Tax Gets Study in California

SACRAMENTO, March 7.—The flood of tax bills continues. The State Equalization Board has offered four bills to the Legislature designed to increase treasury receipts by assessing sales tax rates against leases and rentals or automobiles, office and accounting equipment, films made available to theatres and other tangible property.

State Controller Riley is working for a low rate gross transaction tax to operate with the retail sales tax. He believes one-quarter per cent on wholesalers and one-half of one per cent on manufacturers' transactions would raise $50,000,000 biennially. These rates would be in addition to the proposed income tax.

Pittsburgh Fulton To Raise Its Scale

PITTSBURGH, March 7. — After a month at a 15-25c scale, the Fulton next week will return to its former admission prices, 15, 25 and 40 cents. It's the first counter step in the recent price war and is expected to send at least one and perhaps two more houses back to the old scales.

Theatres have found that, despite low scales, grosses haven't shown any improvement. In many cases they have fallen off and even attendance figures have proved that it's still the attraction around here. They'll buy at any price if they want it. If they don't want it, you can't give it to them for nothing.

Duffy to 20th as Associate Producer

LOS ANGELES, March 7.—Henry Duffy, for several years a legitimate producer on the coast, has signed a long-term contract as an associate producer for 20th Century and special adviser to Darryl Zanuck. The pact becomes effective June 1, when 20th Century starts its new program.

Duffy made no statement regarding disposition of his lease on the El Capitan.

Research Group to Meet

HOLLYWOOD, March 7.—The subcommittee of the Academy research council, composed of sound engineers and appointed to devise ways and means of establishing closer contact between studio sound men and theatre projectionists, will hold its first meeting on Friday night.

The council believes it essential to map some form of educational campaign this year when so many improvements in recording are taking place. It feels that best results will be obtained in sound reproduction in theatres by furnishing projectionists with technical data regarding these new developments.

Safety Short Finished

George Gullette and Emerson Yorke, producer and director, respectively, have completed production of "Stop-Look-Listen." The picture has been made in association with Welfare Prod. to cooperate with the New York City Police Department campaign on safety. The picture will have its initial showing at the Skouras, Jamaica, and will be shown in selected areas throughout the city.

Code Objectathon Hears About a Card for Hours

(*Continued from page* 1)

by MOTION PICTURE DAILY. Although the board made a special plea to the attorneys to eliminate as many objections as possible in an effort to get through with the case, Louis Nizer registered five in the morning and 16 in the afternoon while Mitchell Klupt chalked up 14 in the forenoon session and five after lunch, making a total of 21 for the day by Nizer and 19 for Klupt. The grand total of objections made by both lawyers during the five hearings is now 168.

Four of the witnesses put on the stand by Nizer during the morning were photographers who testified to the authenticity of a photograph taken of the Far Rockaway dairy. They were Harold Harrison, who accompanied his father, who took the picture; Joseph Heppner and Maurice Haralon. They all agreed that the photograph in question was a true picture of the actual subject and no superimposition was involved. Nizer brought in the quartet as a result of a remark made at the previous session by Klupt that the window card was a "plant."

Walter Gutteridge, manager of the RKO Strand and Columbia, Far Rockaway; Emanuel Friedman, manager of the Fantasy, Rockville Center; William Hauser, distributor of window cards for Century, and George Lang, bill poster man for RKO's Far Rockaway houses, were examined and cross-examined on the window card .

Albert E. Foy, an employe at the Fantasy, was questioned about four different lists of automobile license numbers he took down on three different occasions at a Far Rockaway parking space. Albert J. Burns of Century and Marie Egan of Shelock & Arnold also testified on these lists. Ed Peskay, buyer for Skouras, was quizzed on Columbia and U.A. contracts which involved pictures bought and clearance for the Fantasy.

There was much ado about credibility of witnesses. The lawyers were warned about eliminating remarks other than objections, but regardless of Abrams' admonition both attorneys took occasion now and then to inject sarcasm and other biting words into the record. Exclusive of yesterday's session, there are 700 pages of testimoney with expectations that the final record will total more than 1,000 pages.

Before adjourning until next Monday, Abrams asked both sides to try and complete the case at the next hearing.

Justice Dep't Warns On Kidnaping Hoax

HOLLYWOOD, March 7.—Actors and actresses here have been warned by Joseph E. P. Dunn, local director of the Department of Justice, that the government will not tolerate kidnaping and extortion hoaxes.

The warning was issued as Dunn prepared to investigate the $10,000 extortion threat which Thelma Todd reported she received Feb. 25.

"This Thelma Todd matter reached my office Tuesday night in a roundabout manner," Dunn said. "If it is a bona-fide case, my office will work day and night to solve it. But I want it distinctly understood that our office will not tolerate nor be used in any cheap Hollywood publicity stunt."

Van Schmus Asserts Rivoli Deal Chilled

(*Continued from page* 1)

the Hall, reported yesterday on his return from a two-weeks trip to the coast. No discussions on the impending deal occurred during the trip, Van Schmus said, and indicated that none were on tap for the next few days.

"I had hoped the trip would be a vacation one," he said, "but I had to come home to rest. I found Hollywood working hard, seriously and sincerely. What I saw encouraged me greatly on the outlook for the coming months. There are some excellent pictures on the way."

Industry May Flee Tax, Says Giannini

(*Continued from page* 1)

Giannini, chairman of the executive committee of the Bank of America N. A., in an article on the front page of the *Los Angeles Times* today.

Asserting the industry "is virtually being kicked out of the state," Giannini declares that film leaders are cocking an ear to "the blandishments of other states and nations which seek to win them away from us," adding that he knows it "to be a fact" that "Arizona, Texas, Florida, New Jersey, Connecticut and New York are making strong bids" to attract the studios, with some states "offering tax exemption for 20-year periods" and others "going as far as offering to erect studios for producers free of charge."

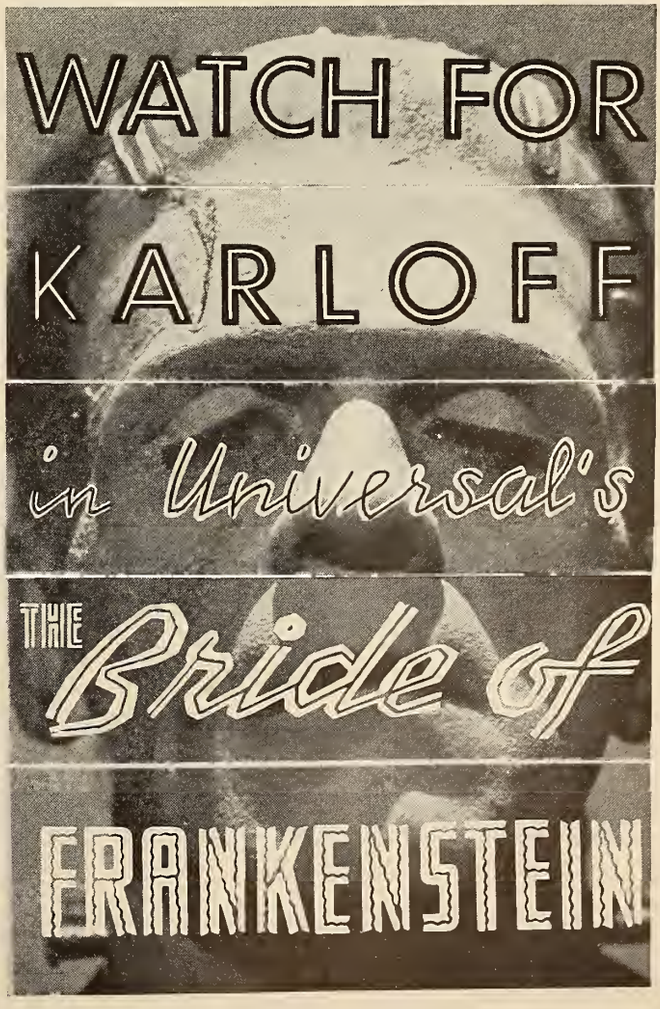
"I know it to be a fact," writes the banker, "that any studio wishing to move can erect buildings elsewhere for one-tenth of the cost of the structures now housing them here. Changes in property values and building costs make this possible."

Slice Income Tax Limit

SACRAMENTO, March 7.—Joseph M. Schenck's threat to move studios to Florida is believed to have actuated a caucus of Democrats and progressive Republicans today in cutting the proposed maximum in an income tax bill from 75 per cent to 15 per cent on $30,000 and up incomes. The rate on $3,500 incomes was set at one per cent.

This reduced the estimated receipts from this source for the biennium from $100,000,000 to $50,000,000.

The group also proposed triple bank and corporation taxes to raise $33,00,000 biennially.



TO THE MORE THAN 100

OPENING "ROBERTA"

BUSINESS THRILL AWAITS YOU!

have been pouring in from
RUBBER WALLS," from
BY 20 PER CENT," from
FOR INDEFINITE RUN,"
paper critics will be wri
PLAY,"—Pittsburgh Post
RADIO"—Memphis Com
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show to the skies!

THAT'S WHY WE SAY . . .

KEEP EXTEN

RKO-RADIO PICTURE WITH
THREE OF THE NATION'S FAVORITES

IRENE DUNNE
THE GOLDEN GIRL WITH THE SILVER SONG . . AND

FRED ASTAIRE
GINGER ROGERS
DANCING STARS OF "GAY DIVORCEE"

JEROME KERN'S DAZZLING MUSICAL ROMANCE . . . SURPASSING ON THE SCREEN ITS MIGHTY STAGE SUCCESS . . . with RANDOLPH SCOTT ★ HELEN WESTLEY ★ VICTOR VARCONI ★ CLAIRE DODD

From the play "Roberta." Book and lyrics by Otto Harbach.
Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

RO

TOPS

KEY CITY THEATRES TODAY . . . YOUR BIGGEST

. . **You, too** will be sending wires similar to those that all over this week—wires like "WE NEED A THEATRE WITH Coulter & Somma, Byrd Theatre, Richmond...."BREAKS RECORD Izzy Rappaport, Hippodrome, Baltimore...."YEAR'S BEST. IN from John F. Kumler, Pantheon Theatre, Toledo.... **YOUR** news- ing raves like these: "WORTH TWICE AS MUCH AS THE STAGE Gazette...."THE BEST TUNE TALKIE AS YET FROM RKO- mercial Appeal...."POLICE CALLED TO HANDLE CROWDS"— **YOUR** crowds will storm your doors and come out boosting your

TIME OPEN FOR DED RUNS!

BERTA

THEM ALL

Para. Setup Gets General Creditor Aid

(*Continued from page 1*)

filing or direct to The N. Y. Trust Co., as agent for the special master designated by the court to receive the acceptances.

The letter states that "the slate for the board of directors of the reorganized company as proposed in the plan has been determined by consultation and negotiation among the various committees representing the principal groups of creditors and stockholders, and stands approved by the court."

Erpi, with its claim of $1,200,000, is the largest single creditor represented by this committee. Acceptance of the plan by it leaves only the Munger debenture committee among the significant organized creditor groups which has not given its assent to the plan. This group represents about $800,000 of Paramount debentures under powers of attorney rather than under certificates of deposit and therefore it is not required to provide its bondholders with the 30-day period for assent or withdrawal as are the other bondholders' and stockholders' committees. The general creditors' committee also represents its members under powers of attorney.

Assents to the plan already have been given by the Vanderlip debenture committee, Paramount Broadway bond committee and the stockholders' committee. Other large creditors, such as Allied Owners, the bank group and the large security holding interests within the so-called Fortington group, have approved the plan and will file individual assents with the N. Y. Trust Co. in advance of the next scheduled court hearing, April 4, for final confirmation of the plan.

Order Lasky to File Bill of Particulars

An order directing Jesse L. Lasky to file a verified bill of particulars within the next 10 days in connection with his claim against Paramount Publix of $282,000, plus an indeterminate amount, for alleged breach of an employment contract, was signed yesterday by Federal Judge Alfred C. Coxe.

Judge Coxe also signed an order authorizing the Paramount trustees to employ Myer & Greene, special accountants, to determine the probable financial liability of former officers and directors of Paramount and associates of Kuhn, Loeb & Co. under the action making them defendants which the trustees brought last December to recover for Paramount alleged losses as a result of certain transactions under the so-called employes' stock purchase plan of 1928 to 1931. Compensation for the firm of special accountants making the audit is not to exceed $3,000, according to the order.

Momm, Allison Shifted

CHILLICOTHE, O., March 7.—Robert Momm, manager of Warners' Sherman, has been transferred to the Ohio, at Sidney, exchanging posts with Ray Allison, who now has charge of the local house.

Purely Personal

THAT southern cruise lure gets 'em sooner or later. Here's a list of those who go out on the *Lafayette* for Port-au-Prince, Martinique and other spots: INEZ WALLACE, film editor of the *Cleveland Plain Dealer*, and her husband, FRANK HUBBELL; VINSON STYLES, assistant editor of the *Daily Mirror*; A. W. SMITH, JR., of Warners; HARRY SHAW, in charge of Poli operations for Loew's, with MRS. SHAW; MRS. MILDRED LOEW; HUGO MAYER, vice-president of Wilbar Photo Engraving, and MRS. MAYER.

•

NELSON EDDY will be guest and trade, magazine and newspaper writers the audience at a cocktail party which Metro will throw Monday. The Elysee will be the place.

Quip of the Day

Sam Goldwyn is waxing enthusiastic over his proposed musical revue.

"It's to be the Goldwyn Follies," he said.

"Are you sure it won't be Goldwyn's folly?" he was asked.

"No, I'm sure. The title will positively be registered. It's The Goldwyn Follies."

AL and HENRY NASSER, two of seven brothers operating the Nasser circuit in California, are visiting for a few days. They came on from the New Orleans convention.

•

TOM HAMLIN has been made a member of the Yorktown Heights Fire Department. He looks swell in his new red helmet.

•

PAUL PERRY is off for Lansing which is in Michigan, then Dallas which is in Texas and finally to Hollywood.

•

ROCHELLE HUDSON, scheduled to arrive here tomorrow, will see New York for the first time.

GUS EDWARDS, STEPHEN ELLER, ALFRED GOTTESMAN, JACOB HANDELSMAN, CHARLES B. MCDONALD, BERTRAM A. MAYERS and CHARLES PFEIFF will appear before the admissions committee of the M. P. Club Tuesday. Their applications are up for consideration of that august body.

•

JULES LEVY, JACK MILLER, SAM MORROS, NAT COHN, SAM RINZLER and JULIUS CHARNOW were spectators at the Century-RKO clearance and zoning hearing before the local board yesterday.

•

ROYER, Fox fashion designer who has been here studying the latest in feminine wear and who lectured at the Metropolitan Museum recently, returned to the coast yesterday.

•

IRENE DUNNE will reach New York on the *Santa Rosa* next Tuesday if the weather doesn't cause any delay. She is accompanied by her husband, DR. F. D. GRIFFIN.

•

"PINKY" TOMLIN, composer of "The Object of My Affection," arrived in town yesterday for a series of personal appearances beginning at the Capitol March 15.

•

H. G. WELLS, who has been working with ALEXANDER KORDA on "100 Years from Now," arrived here yesterday from London on the *Bremen*.

•

ALBERT REINLEIB is now representing the Amusement Supply Co. in the local and Brooklyn territory.

•

BEN SERKOWICH is still ill and is confined to the Park Central.

•

S. A. LYNCH returns today from the south where he has been vacationing.

•

Ali Gaga was signed yesterday as permanent contributor to this department. His first promise was to launch a thousand quips.

Balcon Nears Coast On a Talent Search

(*Continued from page 1*)

but would continue his policy of importing American talent as well as from other countries.

Arthur Lee, head of the company's American office, who is accompanying Balcon, said that despite the prevailing impression that foreign product does not measure up to domestic in inland theatres he finds G. B. pictures doing excellent business in Kansas, Minnesota and other middle western spots. He also said that regardless of the territory, English pictures show results where the exhibitor is willing to get behind them and sell them.

Balcon added that the greatest exhibitor problem in England is the same as here, which is the problem of product sufficient to show continuously profitable operation. Gaumont British desires to use color, Balcon continued, but this is improbable since the only perfected process, Technicolor, is not available for his company and in addition G. B. hasn't the necessary facilities.

Licenses Seen for Television Makers

(*Continued from page 1*)

of television when it is ready for commercial use, and is already being provided for, according to the *Wall St. Journal*.

Full licensee privileges under whatever patents are controlled by RCA will be available to outside manufacturers under this policy, the article stated. The licensing system is expected to avoid a recurrence of "the many costly patent litigations, scores of poorly financed manufacturing units resulting in cut-throat competition, and huge losses on the part of the investing public" experienced in the development of the radio industry, the article observes.

"Diggers" Sets Record

NEW ORLEANS, March 7.—"Gold Diggers of 1935" has set a new house record here at the Saenger, outgrossing the previous high made by "42nd Street" by 13 per cent, according to local Warnerites.

Fox May Ask Rehearing on Patent Cases

(*Continued from page 1*)

the advisability of asking for the rehearing, but had not reached a decision yet. Fox has 20 days from March 4, the date on which the Supreme Court handed down its decision declaring the patents to be invalid, in which to file a petition for a rehearing. Thus the petition could be made at any time up to March 25. A rehearing is rarely sought by unsuccessful litigants, but could be obtained if it could be shown that the high court had failed to consider any important facts which had been before it or had misinterpreted significant evidence.

David Sarnoff, president of RCA, yesterday issued the following comment on the recent patents' decision of the Supreme Court:

"The flywheel patents suits were brought by the American Tri-Ergon Corp. against Altoona Publix Theatres, Inc., Wilmer & Vincent Corp. and Locust Street Real Estate Corp., alleging infringement in theatre reproducing equipment purchased by the defendants from RCA Photophone, Inc. The suits were decided by the Radio Corp. on behalf of Photophone.

"The Supreme Court's decision afford substantial relief from additional litigation, not only to the Radio Corp., but also to the whole motion picture industry which makes extensive use of the apparatus to which the patent relates. The industry is now assured that it can continue to use the recording and reproducing equipment that has been furnished it by RCA without liability for infringement of this patent.

"We are equally pleased with the decision in the companion suit on the so-called double print patent. This decision likewise relieves the industry of problems and difficulties involved in the litigation that has been pending on this patent."

Production Gains; 41 Features Going

(*Continued from page 1*)

two and one; Warners, six, one and eight; Paramount, four, one and six; Columbia, three, two and four; M-G-M, two, three and seven; Universal, two, zero and two; Roach, one, zero and zero; Century, one, zero and two, while the independents had six, five and six.

In the short subject division none of the majors reported a single picture in work, yet the independent group showed a total of four before the cameras, five preparing and seven editing. M-G-M had none in actual production, but had four preparing and five editing. Roach reported zero, two and two; Universal, zero, one and one; Columbia, zero, one and two, while Radio shows zero, zero and two.

Rangers See "Sequoia"

HOLLYWOOD, March 7.—M-G-M previewed "Sequoia" before more than 300 state and county forest rangers and public officials.



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Review Group Speakers for Industry Rule

Self-regulation for the industry, as against censorship and interference on the part of minority groups, was the keynote of the eleventh annual National Board of Review conference which opened at the Hotel Pennsylvania yesterday. Dr. Frederic M. Thrasher, associate professor of education at New York University, presided. The conference will last through Saturday.

Several hundred delegates were on hand for the open session at the start of the afternoon program. The topic for discussion was "What Are the Movies Up Against?" and it was during this discussion that most of the delegates decried censorship and interference by minority groups so strongly that further arguments on this topic are expected before the conference ends.

The speakers during the afternoon were Howard S. Cullman, trustee of the Roxy, who spoke on "Popular Art and Profits"; Margaret G. Mayorga, chairman of the motion picture division of the Long Island Federation of Women's Clubs, on "Legal Censorship"; Dr. Worth M. Tippy, executive secretary of the Federal Council of Churches of Christ in America, whose talk was titled "Indirect Censorship" and Dr. Francis D. Tyson, Department of Economics, University of Pittsburgh, who spoke on "Organized Minorities and the Masses."

Cullman Sees Films Improving

In his address Cullman said, in part: "The quality of pictures is steadily improving, and far greater improvement is compatible with a profitable business. The public has learned to expect and like good acting, expert photography and interesting, if not necessarily new, stories. Any film which fails to meet these standards is, per se, doomed to failure.

"As a motion picture exhibitor and as a trustee responsible for the invested savings of thousands of bondholders, I have learned that the word 'art' has no place in my official vocabulary. Instead, I have been schooled to substitute the phrase 'good entertainment.'"

Miss Mayorga expressed the opinion that there should be no legal censorship of films. She also said better pictures coming out of Hollywood would need no censorship whatsoever, if more technicians, actors, actresses and others directly connected with the actual filming of a picture were in controlling positions as members of the boards of directors of companies instead of having these boards composed "merely" of bankers as they are today.

Dr. Tippy, at one time a leading advocate for censorship, had no prepared speech but delivered a talk against it and he spoke of the boycott of indecent pictures inaugurated some time ago by the Legion of Decency.

The afternoon's speeches were closed with the address of Dr. Tyson, who spoke on the harm that is capable of being rendered by minorities.

Last evening the delegates gathered in the auditorium of the School of Education of New York University for a demonstration of the new course on pictures recently inaugurated under auspices of the National Board of Review in the curriculum of the School of Education. Col. Roy W. Winton, managing director of the Amateur Cinema League, Inc., spoke at this meeting on "Personal Motion Pictures" and illustrated his talk with 16-mm pictures.

The conference will resume this morning with an open discussion to be followed by addresses in the afternoon by Mrs. Jessica G. Cosgrave, principal of the Lenox and Finch Schools, and Dr. John A. Hollinger, director of Visual Education, University of Pittsburgh.

Looking 'Em Over

"The Florentine Dagger"

(*Warners*)

It's a mystery story with a variety of psychological, not to say psychopathic twists, but the peculiar mental motivations are not allowed to mar the suspense or slow up the action. The yarn holds the interest and most of the principal roles are well handled.

In other words, "The Florentine Dagger" is good entertainment, especially for the mystery story fans, without being a so-called epic or super special.

Scenes are laid in the Alps and in Vienna with Donald Woods playing Juan Cesare, one of the last of the Borgias. He happens into an Alpine town in the same train with C. Audrey Smith, an English physician and psychologist, and Henry O'Neill, a Viennese playwright. Fearing that he may develop the Renaissance poisoning complex of his ancestors, Woods takes a dose of something he thinks is poison and Smith talks him into going back to Vienna to write.

In the course of time he gets Margaret Lindsay to play Lucretia Borgia in his play. He thinks she is the daughter of O'Neill. The latter is murdered. Woods fears he may have done it himself, but at the same time suspects Miss Lindsay committed the crime. The latter reels are devoted to the efforts of Robert Barrat, a debonair police inspector, and Smith to unravel the crime.

Production Code Seal No. 613. Running time, 67 minutes. "G."

"The Crimson Trail"

(*Universal*)

It's bang, bang all the way in "The Crimson Trail." The clatter of horses' hoofs sounds throughout practically the whole length of the film once the hero, Buck Jones, takes the saddle. To fire further the enthusiasm of the western fans the producers have thrown in a couple of hand-to-hand tussles that are corkers.

The action gets under way when Buck starts out to vindicate his uncle (Charles French), accused in the shooting of a neighboring rancher (Charles Stockdale). The guilty party is really Ward Bond, who has been rustling cattle from the Stockdale outfit and selling it to French, who does not suspect the source of the animals. French is thus made to look like a rustler and has a tough time trying to convince Stockdale's cowhands that he isn't. The fellow barely escapes being strung up. But with Buck on the job everything turns out all right.

The hero pursues Bond relentlessly and in jig time he catches up with him. During a fight with Jones, Bond is killed by John Bleiffer, a maniac member of his gang, resentful against the boss villain.

Woven into the film is a romance between Jones and Polly Ann Young, daughter of Stockdale. Also in the cast are Bob Kortmann and Bud Osborne. Direction is credited to Al Raboch.

Production Code Seal No. 559. Running time, 58 minutes. "G."

"It's a Bet"

(*Associated British Pictures*)

LONDON, Feb. 26.—Directed by Alexander Esway and with useful names in Gene Gerrard, Helen Chandler and Allan Vincent, this is a bright British comedy effort with enough plot interest to maintain continuity in a series of far-fetched and amusing incidents.

The plot turns on the adventures of a discharged newspaper man who wagers that he will disappear for a month. Complications arise from the fact that the other man in the bet is after the invisible one's girl and that another girl turns up just when she is wanted, but the big appeal and the laughs are in the hero's ingenuity in making himself scarce when apparently cornered.

Plenty of variety in the backgrounds, including some attractive English exteriors, and the acting, although the feminine element could have been stronger, is good enough to make it a program item.

Running time, 75 minutes. "G."

ALLAN

"Sequoia" Is Los Angeles' Hit, $7,000

LOS ANGELES, March 7.—"Sequoia" was something of a sensation in a pre-Lenten week that seemed to lift grosses slightly above their recent low level. The picture piled up $7,000 at the 900-seat 4 Star. This is $3,750 above normal.

"Rumba" at the Paramount was strong. It reached $19,500, over the line by $1,500.

Total first run business was $76,300. Average is $91,200.

Estimated takings for the week ending March 6:

"ONE MORE SPRING" (Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $6,900. (Average, $12,500)

"UNFINISHED SYMPHONY" (Gaumont-British)
FILMARTE—(800), 40c-55c, 7 days. **Gross:** $2,200. (Average, $2,750)

"SEQUOIA" (M-G-M)
4 STAR—(900), 30c-55c, 7 days. **Gross:** $7,000. (Average, $3,250)

"ONE MORE SPRING" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $8,000. (Average, $14,000)

"RUMBA" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. Revue, Patricia Bowman, Rube Wolf and his orchestra. **Gross:** $19,500. (Average, $18,000)

"LIVING ON VELVET" (Warners)
HILLSTREET—(2,700), 25c-65c, 6 days. **Gross:** $7,700. (Average, $8,000)

"SOCIETY DOCTOR" (M-G-M)
"EVENSONG" (Gaumont-British)
UNITED ARTISTS—(2,100), 25c-55c, 7 days. Stage: Frank Orth's 5th "Crazy Show." **Gross:** $3,600. (Average, $3,500)

"LIVING ON VELVET" (Warners)
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 6 days. **Gross:** $9,000. (Average, $14,000)

"RED HOT TIRES" (F. N.)
"MURDER ON A HONEYMOON" (Radio)
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $9,200. (Average, $12,000)

"NIGHT LIFE OF THE GODS" (Univ.)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,200. (Average, $3,200)

Wall Street

Cons. Pfd. Up 1 on Big Board

	High	Low	Close	Net Change
Columbia vtc (1).	43⅝	43⅛	43⅝	+ ¼
Consolidated pfd (½v)	20	19	20	+1
Eastman (5)	119	117¾	118¾	+ ¾
Eastman pfd (6)	150	150	150	.....
Fox "A"	9⅝	9⅝	9⅝	+ ⅛
Loew's (2)	35½	34⅝	35⅜	+ ½
M-G-M pfd (1.89)	27⅜	27⅜	27⅜	+ ⅛
Paramount	3¼	3⅛	3⅛	.....
Pathe	⅝	⅝	⅝	.....
Pathe "A"	14¼	14¼	14¼	.....
RKO	1⅝	1½	1½	.....
Warner	3	2⅞	3	.....
Warner pfd	17	16	17	.....

Technicolor Up ⅝ on Curb

	High	Low	Close	Net Change
Technicolor	16	14⅞	15⅝	+ ⅝
Trans Lux (.10k)	2⅝	2⅝	2⅜	— ⅛

Warner Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7½	7⅜	7⅜	— ⅛
Keith B. F. 6s '46	68	68	68	— ⅛
Loew's 6s '41 ww deb rights	105¼	105	105	— ½
Paramount F. L. 6s '47	73⅛	72	72	+ ½
Paramount Publix 5½s '50	75	73	73	— ½
Pathe 7s '37 ww	103¾	103¾	103¾	.....
Warner Bros. 6s '39 wd	50¼	49⅝	50¼	+ ¾

(*k*) *Paid this year.* (*v*) *Defaulted in principal but not in interest.*

(Quotations at close of Mar. 7)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 57 NEW YORK, SATURDAY, MARCH 9, 1935 TEN CENTS

Pettengill's Booking Bill Allied Move

Myers Helped Draft It, Bulletin States

WASHINGTON, March 8.—The anti-block booking bill introduced by Congressman Samuel B. Pettengill of Indiana is Allied's much-discussed move on this subject, it is disclosed in the latest Allied bulletin.

Abram F. Myers, general counsel, writes that it was "drafted by a distinguished and influential group of public spirited people with the aid of the Legislative Drafting Service of Columbia and the advice of the general counsel of Allied."

Typewritten copies have been furnished to "a few interested leaders," the bulletin states.

New forms of individual memberships for exhibitors in sections where

(*Continued on page 3*)

Cullman May Hear Labor Tangle Here

Howard S. Cullman, trustee of the Roxy, who was recently appointed a member of the Regional Labor Board covering New York, New Jersey and Connecticut, may be called in to straighten out the local operator situation.

Under his appointment, Cullman will handle labor cases coming under

(*Continued on page 3*)

Locke Made Lubitsch Production Assistant

HOLLYWOOD, March 8.—Eric Locke, who was formerly a production and business manager for various Paramount units, has been appointed production assistant to Ernst Lubitsch, supervisor of production at Paramount. it was announced today.

Chandler Sprague, it was said, will continue as Lubitsch's story aide.

Radio Nights Help New England Houses

BOSTON, March 8.—Radio audition nights at M. and P.-Publix houses are lifting grosses as much as 200 per cent in a number of situations, according to the local circuit headquarters. Nearly 20 houses are already using the tieup. Bringing the

(*Continued on page 3*)

Lightman Out Front in His Circuit Moves

Palace Acquisition Gives Memphis Dominance

The deal, long pending whereby Loew's Palace in Memphis will be operated by M. A. Lightman of Malco Theatres, Inc., under a partnership arrangement with Paramount was finally closed late Thursday night, Joe Vogel of Loew's, Inc., informed MOTION PICTURE DAILY yesterday.

MEMPHIS, March 8.—M. A. Lightman's ambition of many years has been realized. He has taken the dominant position in the downtown situation away from the major circuits.

Closing of the deal by which he acquires the Palace from Loew for operation under a partnership arrangement with Paramount makes the former national M.P.T.O.A. president top exhibitor hereabouts.

In the short space of two years,

(*Continued on page 4*)

European Theatres Hard Hit—Schaefer

Theatre business in central and eastern Europe is in a bad way, but in Germany conditions are very good, Gus Schaefer, general manager for Paramount in these countries with headquarters in Paris, stated yesterday upon his arrival on the *Washington* for a five weeks' vacation.

In Holland there are signs of improvement and when things pick up there other eastern European countries will follow, he said. Paramount is represented in all countries but

(*Continued on page 2*)

Stallings Tells 'Em

New Haven, March 8.—In the first of two talks on newsreels at the Yale Law School Laurence Stallings, editor of Fox Movietone News, called them "dramatic enlargements of life in actuality."

It was a college. They understood.

He will speak again next Thursday.

Maxwell Says He'll Acquire More Theatres

By BRUCE ALLAN

LONDON, Feb. 27.—An official announcement from the Maxwell circuit, Associated British Cinemas, Ltd., to the effect that "considerable enlargement" in theatre holdings is planned, is being tied up with rumors rife here for some time as to the sale of well known chains and individual theatres.

Four London halls indicated as an immediate buy by A. B. C. may, according to unconfirmed talk, be the Kilburn Empire, Croydon Empire, Ilford Hippodrome and Regal Palace, East Ham, controlled by Victor Sheridan of Metropolitan and Provincial.

A. B. C. recently took over the Astorias at Brighton and Margate

(*Continued on page 4*)

Massachusetts Dog Track Gets Permit

BOSTON, March 8.—The Massachusetts Racing Commission has granted a dog track license to a combine which will operate in Springfield despite the campaign being waged in

(*Continued on page 3*)

That Para. Board May Get Screen Tests Any Day Now

The idea of tying a Hollywood name of 14-karat publicity value to the new board of directors of Paramount appears to be gaining adherents, at least within the Manhattan legal circle which has—or hopes to have—fat-salaried Hollywood talent for its clientele.

Morris L. Ernst of the Vanderlip committee of Paramount bondholders originated the idea. Marc Connelly or George Kaufman would suit him, personally, but he also suggested that the Screen Writers' and Screen Actors' Guilds prepare a panel of 25 names to submit as nominees for directors of Paramount. Now comes Louis M. Levy, perhaps inspired by the heavyweight publicity which

(*Continued on page 3*)

Richberg Hits NRA Transfer To Trade Body

Not Equipped for Job, He Tells Senators

By BERTRAM F. LINZ

WASHINGTON, March 8.—Abandonment of the NRA and transfer of the enforcement of NIRA to the Department of Labor and the Federal Trade Commission today was opposed by Donald R. Richberg, executive director of the National Emergency Council, before the Senate Finance Committee.

Neither body, Richberg said, is equipped to undertake such work, and it would be impossible to carry out the purposes of the law under the Federal Trade Commission Act.

Plans for the transfer, however, will be pressed by senators who believe this to be the best way to protect the interests of the smaller establishments, and it was announced by Senator Nye of North Dakota that he would prepare and introduce a

(*Continued on page 3*)

Skouras-FWC Deal Is Again Delayed

Another delay in signing of the 10-year contract with Chase National for operation of the Fox West Coast circuit has set back the departure of Charles Skouras and Charles Buckley until the latter part of next week. The contracts are all set but are

(*Continued on page 2*)

Ohioans in a Drive For Playdates Ban

COLUMBUS, March 8.—A drive is being conducted by the I.T.O. of Ohio in behalf of the ban on designated playdates. Having passed the Senate, the bill is now pending in the house.

Two bills are being fought. One calls for a restoration of the 10 per cent ticket tax and the other requires an operator for each projection machine.

Kansas City I. T. O. Joins Claims Fight

KANSAS CITY, March 8.—The I.T.O. will actively support the Liability Protective Ass'n., Inc., which

(*Continued on page 3*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Dorgan Bill Defeated

BOSTON, March 8.—Representative Thomas A. Dorgan's bill to prevent attendance by persons under 20 years of age at theatres located in buildings where liquor is sold has been killed by the House, 56-42. If enacted, the measure would have hit the Metropolitan and other houses.

Decide to Hear Moley

Members of the Cheese Club will switch meeting places next Monday from the Friars to the M. P. Club where Raymond Moley, editor of *Today,* will discuss the New Deal and its bearing on the film industry.

Goodman on the Coast

HOLLYWOOD, March 8. — Morris Goodman, vice-president of Mascot, in charge of foreign sales, is here for conferences with Nat Levine. Goodman expects to be here about two weeks.

Wolff Heads New Outfit

Jerome H. Wolff, former sales manager and director of publicity for Raspin Prod., has formed a new distributing company called Warwick Film Enterprises. It will handle domestic and foreign product.

Col. Cole Visits Detroit

DETROIT, March 8. — Col. H. A. Cole, head of the Allied unit in Texas, stopped off here for a visit of several days this week with H. M. Richey and other local Allied leaders. He returns to Texas at the end of the week.

Purely Personal

GARY COOPER, accompanied by MRS. COOPER, arrives here this morning from Palm Beach. He'll stay in town until March 15 for the opening of "The Wedding Night" at the Rivoli and then return to the coast.

•

ABRAM F. MYERS sailed yesterday on a West Indies cruise. SIDNEY SAMUELSON, president of Allied States, will be the big noise in the association while the general counsel is holiday-making.

•

RALPH ROLAN and DAN LONGWELL of "The March of Time" have returned from Detroit, where a sales meeting was held. HARRY THOMAS, who stopped off in Cleveland, is expected in today.

Quip of the Day

Telling about her embarrassment at the Academy dinner in Hollywood when she was recalled from the train to receive the 1934 *acting award—said embarrassment caused by the fact she wasn't appropriately attired—Claudette Colbert relates:*

"I couldn't think of anything right then except how out of my place were my clothes. I guess I kissed Irvin S. Cobb when he gave me the trophy, but I really don't remember."

HALSEY RAINES, due back from his vacation Monday, popped into M-G-M home office publicity department yesterday ahead of schedule. The reason: He ran out of money in New Orleans.

•

MARLENE DIETRICH creating quite a furore walking up 5th Ave. yesterday. Maybe it was the flaming red gloves she was wearing that really drew crowds.

•

MOLLY LAMONT, British film actress signed by Radio, arrives on Tuesday on her way to the coast. She's aboard the *Olympic.*

•

HUGH HERBERT and MRS. HERBERT arrived in town yesterday on a month's vacation. They are at the Warwick.

•

HAL SLOAN is feeling pretty good these days now that the pressbooks on Mickey Mouse's latest in color are out.

•

JOHN C. FLINN flies to the coast today, weather permitting. It's on the Los Angeles clearance schedule.

•

W. S. VAN DYKE and his recent bride arrive from New Orleans on Monday.

•

ROBERT RITCHIE, manager of JEANETTE MACDONALD, sails today on the *Paris.*

•

JOE LEE of Fox is due back from his European vacation next Thursday.

•

ABE LEFF and LOUIS MEYERS have returned from three weeks in Miami.

•

BILL SCULLY returns next week from a Miami jaunt.

•

HUNT STROMBERG gets into New York Monday from Washington.

CLAUDETTE COLBERT is complaining of the cold weather these days, but her dancing at El Morocco the other night drew applause. She and JOSEPH SCHENCK would make a swell rhumba team.

•

GUS SCHAEFER, on his arrival from Paris yesterday, made several inquiries as to some fishing streams. He intends to do a lot of fishing and golfing during his five weeks' vacation here.

•

ARTHUR LOEW is back from the coast after conferring with M-G-M studio executives on production in general and foreign angles in particular. He will probably sail for Europe in the fall.

•

JACK COHN, accompanied by MRS. COHN, left town yesterday for Miami. After several attempts to get some of that Florida sunshine he finally made it. His return is expected in two weeks.

•

ARTHUR MAYER will have a partner, silent, when he takes over operation of the new Rialto on his own. Paramount steps out of the picture when the building starts to come down.

•

ALBERT HACKETT and FLORENCE GOODRICH, M-G-M writers, are in New York working on the adaptation of a sequel of "The Thin Man," which they also adapted.

•

NOEL COWARD, who plays one of the leads in "The Miracle on 49th St." for HECHT-MACARTHUR, left for China, via the steel rails to San Francisco yesterday.

•

LOUIS HAYWARD, under contract to M-G-M, leaves for Hollywood by plane today. He was a member of the cast of NOEL COWARD'S "Point Valaine."

•

HARRY BUXBAUM sails for Liverpool on March 21 and from there will fly to South Africa, where he has an uncle in the diamond business.

•

BENITA HUME arrived here yesterday on the *Bremen.* She isn't going out to Hollywood, however. Miami is her next stopping place.

•

MARITZA GERVAY, Hungarian actress, has reached the coast, where she will work for M-G-M under a long term contract.

•

FRANK FARLEY, foreign talent and story scout for Paramount with offices in Paris, arrives next week on the *Champlain.*

•

WILLIAM FERGUSON didn't go to Washington last night after all. He plans to make the trip some other time.

•

AL ALTMAN of the M-G-M home office heads for St. Petersburg, Fla., on a vacation today.

•

MRS. JENNIE LAWRENCE, mother of LUDY of M-G-M, is here from Paris.

•

E. C. GRAINGER winds up another short tour of Fox exchanges Monday.

•

MILT KUSELL flew to Buffalo last night and will return Monday.

European Theatres Hard Hit—Schaefer

(*Continued from page* 1)

Bulgaria, Turkey, Greece and Russia and there are no plans for opening offices in any of these places.

With the exception of Warners and Universal, all major companies have distribution offices in Germany, Schaefer added. Warners pulled out altogether some time ago, while Universal sold its branch to Rota Film Co., but has Rudiger von Etzdorf as its representative in the company's branch. Paramount does not plan to withdraw from the country, it was stated.

Schaefer said that the central and eastern European countries, with the exception of Germany, are going through the financial crisis America passed through about two years ago. He added that since last September, conditions in Germaany have picked up in a big way.

Distribution of American made pictures with superimposed titles varies in different countries. In Holland, Paramount releases 35. The same number holds true for Poland, Roumania and Yugoslavia. In Hungary, 25 are distributed and in the Baltic provinces, 45. In Germany 12 are released and in Austria, 25.

Eight dubbed versions in German are released each year in the last two countries. Schaefer's supervision covers 15 countries. No changes in personnel have been made in the last four years, he said.

Skouras-FWC Deal Is Again Delayed

(*Continued from page* 1)

being finecombed by Chase attorneys.

Mike Rosenberg, partner of F.W.C. in several spots, plans to leave within the next few days. He originally intended to accompany Skouras and Buckley west, but since Skouras is not set on his departure date Rosenberg wants to get back on the coast as soon as possible. He also wants to be in Los Angeles when John C. Flinn is there investigating the F.W.C. clearance schedule complaints.

Hoyt Services Today

Funeral services will be held this morning for Richard F. Hoyt, financier, who died early Thursday morning at Doctors' Hospital.

As a partner of Hayden, Stone & Co. until his resignation in October, 1933, to become vice-president of the Haystone Securities Corp., Hoyt was identified with a number of important film transactions, principally in the theatre field. The most notable, perhaps, was the group known as the Richard Hoyt Syndicate which obtained control of West Coast Theatres about six or seven years ago and subsequently sold it to William Fox and the companies he headed at that time.

No Saenger Opposition

NEW ORLEANS, March 8.—No opposition developed today at a hearing before Judge Borah in U. S. District Court on the Saenger reorganization plan. The court took the plan under advisement.

Richberg Hits NRA Transfer To Trade Body

(Continued from page 1)

resolution giving business units the right to make trade agreements subject to approval by the Federal Trade Commission.

Questioned at length by members of the committee as to the proposed dropping of codes for industries engaged solely in intrastate business, Richberg made it clear that the Administration will leave to Congress the responsibility of determining how far such a movement should go.

While a number of the so-called service industries have already been relieved of code responsibilities, it was indicated officials feel that other trades, such as film exhibition, would be difficult to classify as intrastate activities only and that, if Congress desired the dropping of codes in this "twilight" zone, there should be more than a mere administrative order as basis.

While administration officials express confidence that the Recovery Act will be continued, they may be forced to wage a bitter fight to get their legislation through in the face of the agitation for the scrapping of the NRA.

Leaders in the fight against the NRA are planning to bring out definite accusations against code administrators, as the Senate Finance Committee investigation charges, and predict that conditions will be shown to be so bad as to necessitate a new deal if the recovery movement is not to fail completely.

NRA Scrapping Discussed Here

The proposal to abandon the NRA was the subject of discussion at the Pennsylvania Hotel here yesterday at a meeting of 350 local members of code authorities.

Cullman May Hear Labor Tangle Here

(Continued from page 1)

Section 7A only if the NRA can't handle them.

So far the NRA fact-finding committee has been unsuccessful in settling the local basic wage situation, despite personal efforts of Compliance Director Sol A. Rosenblatt.

Leslie E. Thompson, chairman, yesterday called a meeting of the committee. No independent member put in an appearance, indicating that they are not interested. Reports have it that the I.A.T.S.E. will resume picketing in this area because of the failure of the fact-finding committee to agree on a common scale.

Rosenblatt, who was due from Washington yesterday, postponed the trip until today, when he is expected to confer with union and exhibitor heads. He has threatened to draw up a wage schedule of his own in the event the fact-finding committee fails to get together on a common plan. Whether he will carry out this plan or turn the whole matter over to Cullman has not been indicated as yet, but it is possible that Cullman may be drafted as arbitrator in the local issue.

That Para. Board May Get Screen Tests Any Day Now

(Continued from page 1)

Ernst's idea garnered, who is all ready to join forces with the originator and demand a few chairs on the directorate for some sure-fire publicity names from out Hollywoodway. Levy, like Ernst, numbers several film professionals among his clients. However, there is room for more. He has also contacted Hollywood agencies to submit names. His personal favorites for the board are Clark Gable and Adolph Menjou. He said so himself and added that he would throw the Paramount stock he represents—amount undisclosed—their way if it came to a vote.

"But," protested his interviewer, "Gable is under contract to a competitor of Paramount."

Levy brushed that aside with "We're not even considering that."

"But do you imagine," the reporter pursued, "that Gable would give up a contract which nets him several hundred thousands annually to sit on the Paramount board at $50 a sit?"

"We don't know that Gable will serve," was Levy's reply. "We hope he will consent. If he wants to stop being an actor and get into the executive class all those obstacles could be taken care of."

A representative of Paramount bondholders, also known to be nursing objections to the proposed board, was informed of the Ernst-Levy views and asked whether they coincided with his.

"Those so-and-sos will have this reorganization on the funny page of the papers, instead of the financial section, if they keep it up," was the only printable answer obtainable.

Meanwhile, definite indications were had from a spokesman for the Screen Writers' and Screen Actors' Guilds that neither would carry out Ernst's suggestion of submitting a panel of board candidates.

"In the first place," he said, "we have no idea who would be a proper candidate and whoever it is should be a New York man."

Kansas City I.T.O. Joins Claims Fight

(Continued from page 1)

has been formed to fight the fake accident claim racket in Kansas City, according to Jay Means.

While the public liability rate for theatres was raised from 12 cents a seat to 40 cents, the I.T.O. some time ago obtained group insurance coverage for a number of theatres at a rate of 20 cents, in conjunction with burglary and holdup coverage.

There is evidence that the racket is still strong, despite concerted efforts to eradicate it.

The new bureau is sending out a questionnaire to business firms requesting information on claims or suits for personal injury filed since Jan. 1, 1934. The data will be entered on a central index file and employed in running down fake claimants, professional witnesses and unethical lawyers and doctors.

Radio Nights Help New England Houses

(Continued from page 1)

individual victors to the de luxe Metropolitan on Monday is bettering business for the middle of this situation's play week. Besides adding a personal touch, the talent is better than might be expected. One winner got a week at the Roxy; another opens a week at the Metropolitan Friday.

Boston Clearance Up

BOSTON, March 8.—Another clearance problem is set for hearing here next Wednesday. The Strand and Broadway, South Boston, want 30 days' clearance after Boston first runs instead of 14 days after Dorchester. The complaint is directed against Olympia Theatres, Inc., operator of the Dorchester Strand.

Rowson an Exhibitor

LONDON, March 8.—Simon Rowson, former managing director of Ideal Films, Ltd., enters exhibition with a 1,500-seat theatre in Whitefield.

Massachusetts Dog Track Gets Permit

(Continued from page 1)

the state by Allied to prevent dog or horse racing. Public hearings are scheduled here for Monday at the State House on bills favoring local options on dog and horse track sites, but it is extremely doubtful whether any tracks can be constructed in time to open this summer, even if permission to do so is granted.

When asked whether he would veto any racing bills passed, Governor Curley said he would follow the advice of the Racing Commission. As the commission is unlikely to advise itself out of its job, Curley's statement seems an indication he favors racing.

The New Hampshire House of Representatives at Concord yesterday reenacted the pari-mutuel racing bill and an early passage of this measure is looked for in the Senate. This assures the reopening of Rockingham Park in the spring.

Last summer Rockingham Park drew capacity crowds from this and other Massachusetts cities and it is estimated the track took in over $15,000,000 in the machines alone.

Shaff, Kusell Plan Four

Having turned "Dealers in Death" over to Majestic for distribution in the United States and Columbia in Canada, Monty Shaff and Buddy Kusell plan four more features, two to be made in the east and two on the coast. Finances and distribution arrangements for the new quartet are now being arranged. Negotiations are on with George Bancroft to appear in the initial feature, which is on the pattern of "Min and Bill."

"Lilliom" for Cameo

The French version of "Lilliom" starts an indefinite run at the Cameo March 16. Charles Boyer is starred. The Spanish version of "The First World War" opens today at the Spanish theatre, 116th St. and Lenox Ave.

Pettengill's Booking Bill Allied Move

(Continued from page 1)

there are no Allied units have been arranged for. Dues have been fixed at three cents a seat annually. The memberships entitle subscribers to Allied seals and service, but these forms of membership end when enough join in individual territories to make a new unit feasible.

In the middle of a number of sarcastic references to the M.P.T.O.A. convention the bulletin says:

"Mr. Julian Brylawski (Warner Bros.) sought to have the convention go on record against the anti-blocking bills. Finally a timid request for a 20 per cent cancellation privilege was passed. MOTION PICTURE DAILY (March 4) promptly exposed this as a smoke screen, showing that the sponsors would be glad to compromise for 15 per cent—or what have you?"

While that may be construed as a compliment to penetrating reporting, the bulletin also had this to say:

"MOTION PICTURE DAILY on Feb. 25 gave the M.P.T.O.A. more space than it gives Allied in the course of a year. The headings were wonderful, but they slipped a little in the items mentioning the delegations (or lack of delegations) from the various territories. . . . Nevertheless, we must chide the likable Red Kann for his editorial lamenting the lack of effective, aggressive exhibitor organization. Red knows full well that as soon as any organization gets really aggressive it immediately arouses the opposition of the trade press, which opposition is reflected not merely on the editorial page but in misleading headings, misplaced emphasis and dirty digs and pokes at the leaders of any such organization."

Attention is called to the fact that the Allied convention will be held in the Robert Fulton Hotel, Atlanta, May 21-23. The bulletin promises that Bobby Jones will attend.

Incorporate La. Company

DOVER, Del., March 8.—Fox Film Dist. Corp. was formed here today listing capitalization of $1,000. The incorporators are David H. Jackman, Edward S. Williams and Charles N. Caldwell, all of New York.

The above company was organized to handle the business of Fox Film Corp. in the state of Louisiana.

Radio Board Meets Tues.

A meeting of the board of directors of RKO Radio is scheduled for Tuesday. J. R. McDonough, president, and B. B. Kahane, vice-president, are due in from the coast Monday to attend the meeting and to confer with Ned E. Depinet, president of RKO Distributing Corp., on final plans for the 1935-36 schedule.

Weiser in New Post

NEWARK, March 8. — Murray Weiser, formerly manager of the Park for Louis Geller before the house was sold to Fred Faulkner, is now at the Station for Mark Block. Block is remodeling the Station and Lyric without interruption of shows.

Maxwell Says He'll Acquire More Theatres

(Continued from page 1)

built by the late E. E. Lyons, and has other similar deals in hand.

It is thought that the H. D. Moorhouse circuit of over 50 northern theatres may figure in a deal shortly. Nine theatres controlled by Walter Bentley, chiefly in seaside resorts, have also figured in trade talk.

Union Cinemas' recent activity led to their name being mentioned as freely as that of A. B. C. in connection with current theatre deals.

Purchase of the six Wainwright theatres, and announcement of big building plans, are likely to be followed by further purchases.

Sigvard Bernadotte In Town with Bride

Prince Sigvard Bernadotte of Sweden, who arrived on the *Bremen* yesterday, leaves Monday for the M-G-M studios in Culver City on a six months' contract for directorial work. And so royalty enters filmdom!

Bernadotte has been an assistant director at the Ufa studios in Berlin and was signed by Louis B. Mayer when the latter was abroad last year. Bernadotte is grandson of King Gustav of Sweden. Yesterday he conferred with J. Robert Rubin on his contract and duties.

M-G-M Drops Chevalier

HOLLYWOOD, March 8.—Although Maurice Chevalier was slated to do a picture for Irving Thalberg, the contract has been canceled.

Wall Street

Eastman Gains 2¾ on Big Board

	High	Low	Close	Net Change
Columbia vtc (1).	44¾	43⅝	43⅝	.....
Con Film 6½		5⅝	5⅝	+ ⅛
Con. Film pfd (½v)	20½	20	20	.....
Eastman (5)	121½	120¾	121½	+2¾
Fox Film "A"....	9⅝	9¼	9¼	— ⅜
Loew's (2)	35⅞	35⅝	35¾	+ ⅜
Loew's pfd (6½)..	104½	104½	104½	— ⅝
M-G-M pfd	27⅜	27⅜	27⅜	— ¼
Paramount	3⅛	3	3	— ⅛
Pathe	⅝	½	½	— ⅛
Pathe "A"	13¾	13¾	13¾	— ½
RKO	1⅝	1½	1⅝	+ ⅛
Warner	3⅛	3	3	.....

Technicolor Rises ⅛ on Curb

	High	Low	Close	Net Change
Technicolor	15¾	15¾	15¾	+ ⅛
Trans-Lux (.10k)	2⅝	2⅝	2⅝	.....

Para. B'way Bonds Up 1¼

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	7¼	7¼	7¼	— ¼
Loew's 6s '41 ww deb rights..105½		105	105½	+ ½
Paramount B'way 5½s '51	50	50	50	+1¼
Paramount F. L. 6s '47	73	73	73	+1
Paramount Publix 5½s '50	74⅜	73½	74⅜	+1⅜
RKO 6s '41 pp....	27	27	27	—1
Warner Bros. 6s '39 wd	50½	50	50	— ¼

(k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of Mar. 8)

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Behind the Green Lights"

(Mascot)

HOLLYWOOD, March 8.—This is a dramatic expose of a modern criminal lawyer, faithfully translated from the book of the same name, by Capt. Cornelius W. Willemse of the New York Homicide Squad, who is an authority on what transpires behind the green lights of police headquarters and their relation to crime.

Using the Willemse expose as a premise, this independent production is admirably embellished with a down-to-earth romance, virile action and gunplay in a series of tense dramatic and cunning situations involving the conflict between crooked lawyers and honest law enforcers.

Christy Cabanne directed well with a balanced cast, including Norman Foster, Judith Allen, Sidney Blackmer, Purnell Pratt, Theodore Von Eltz, Edward Gargan, Kenneth Thompson, Ford Sterling and others.

Foster is a hard, fighting detective rounding up criminals only to have them set free by Blackmer, a tricky criminal lawyer, who uses Miss Allen, his secretary, to defend the criminals against the evidence furnished by Foster. Though Foster and Miss Allen are sweethearts, the former tolerates this trickery, persisting in an effort to get the goods on Blackmer, which, when accomplished, reconciles Miss Allen to abandon the practice of law for marriage.

The story is topical and is in line with the present national movement against crime, affording fine exploitation possibilities for smart showmen.

No producton code seal. Running time, 70 minutes. "G."

Variety Club Chatter

Albany

ALBANY, March 8.—New officers of the local tent will be installed April 1. They are: Chief Barker, RALPH PIELOW; first assistant chief barker, C. R. HALLIGAN; second assistant, CHARLES SMAKWITZ; property man, JOSEPH GARY; wagon master, HENRY FRIEDER; canvassmen, WILLIAM C. SMALLEY, WILLIAM BELTON, MEYER SCHINE, M. J. KALLET, M. GRASSGREEN, J. BULLWINKLE; chairman of the board, C. H. BUCKLEY.

A memorial to the memory of the late JAMES DERMODY is to be placed in the clubrooms.

EUGENE STEINER, MOE SILVER and KEITH GOLDSMITH are new members.

A ping pong tournament is in full swing. Leaders are: E. HOLLANDER, PIELOW, G. BEATTIE, LEON HERMAN, S. GOLDBERG, H. RIPPS and J. ROSE.

Cincinnati

CINCINNATI, March 8. — Local barkers and their guests experienced a thrill equalled only by holding four aces on an unlucky Saturday night, when OLE OLSEN and CHIC JOHNSON, playing a local engagement, came into the club with some of the members of their company, to enliven the regular Saturday night shindig.

Cincinnati barkers circulating around Columbus, capital of the state, last week included: STAN JACQUES, PAUL KRIEGER, AL SHMITKIN, RALPH KINSLER, SAM KRAMER, RUDY KNOPPLE and CHARLIE WIEGEL.

Milwaukee

MILWAUKEE, March 8.—The first King for a Day luncheon was held March 4 at the Plankinton with E. J. WEISFELDT and J. B. SCHUYLER in charge.

The club's house committee has been named to consist of SAM SHURMAN, chairman; HAROLD MIRISCH, GEORGE LEVINE, HOWARD HERZOG, E. L. WEISNER, JACK FRACKMAN and CHARLES BRAUN.

Wednesday afternoons have been set aside as ladies' day at the club from 11:30 A. M. to 6:00 P. M. and Sunday nights from 6 o'clock to closing as open house for members and friends.

A special luncheon table has been set aside in the Sky Room of the Plankinton for barkers to congregate daily.

Revamped Criterion Opens in Oklahoma

OKLAHOMA CITY, March 8.—The Criterion reopened here last night after a face-lifting operation costing $75,000 with "After Office Hours." The house has been done over in the latest modernistic style. A concrete floor and new seats, stage equipment and projection apparatus are among the improvements.

The theatre was closed for renovation on Nov. 1 by Pat McGee, now head of Standard Theatres Inc., who began working as an usher there the day the house opened in 1920.

Ban Still Unsettled

"Rumba" was to be screened for Cuban officials in Havana at midnight last night. Paramount today expects word of the government's decision as to whether the ban clamped on Paramount because of objection to "Rumba" will be maintained, revised or lifted.

Lightman Out Front in His Circuit Moves

(Continued from page 1)

he has moved up from a small town and neighborhood showman to the chief place in the local first run situation.

Lightman now operates the Orpheum, largest Main Street theatre, run unsuccessfully by various interests since RKO defaulted on its bonds; the Strand, one-time Loew house, but dark until reopened by Lightman a year and a half ago, and since remodeled at a cost of $25,000; the Princess, dime grind house on Main, and the Palace, just off Main St. in the heart of town, built by Loew and operated by Loew, then Paramount, and since 1927 Loew again. Only opposition remaining downtown is afforded by the Warner and Loew's State.

Three years ago Loew ran the Palace, State and Strand, RKO had the Orpheum, and there was the Warner. Lightman had a few suburban subsequent runs here and several houses out in the territory. Today he operates 40 theatres outside Memphis, the six choice neighborhoods of the town, and four loop spots.

It is anticipated that Lightman will have shortly Paramount, RKO, Universal, Columbia and possibly a split on the Fox product. It is considered likely that he will make the Orpheum or Palace the ace house, playing the pick of pictures there for full weeks, with the next best bets in the other of the two houses, probably with vaudeville, using the Strand as a sluff and subsequent-run house.

Loew will probably be better off by the deal, being able to concentrate on M-G-M and United Artists, along with at least half of Fox, in the State. The Warner position remains unchanged.

It was anticipated here at one time that Lightman's acquisition of the Palace might cause Warner and Loew to pool their interests, but this is considered unlikely now.

Reviewers Told of Community Activity

Community motion picture activity and interest, and its relation to the industry, schools, churches, newspapers and municipal government were discussed in open forum at yesterday morning's session of the National Board of Review annual conference at the Hotel Pennsylvania. Participating were Mort Blumenstock, Warner Theatres advertising director, and A. E. McNeil, in charge of educational films for Skouras Theatres, who discussed theatre contact and cooperation with better films groups and women's clubs.

James P. Cunningham of *Motion Picture Herald* reviewed the code to date and explained the present status of the anti-film legislation wave, after which he conducted an open forum.

Sets Deal at Mayfair

George Weeks, Gaumont British sales manager, has closed a deal with Walter Reade for showing "The Man Who Knew Too Much" at the Mayfair.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 58 NEW YORK, MONDAY, MARCH 11, 1935 TEN CENTS

Purely Personal

WHITNEY BOURNE, completely recovered in health, returned from Palm Beach over the week-end. She will be in the next Ben Hecht and Charles MacArthur picture if she isn't tied up with a show by that time.

•

FRANK MORGAN, who is vacationing here from Hollywood, is busy these days catching up on the Broadway shows. His niece, CLAUDIA MORGAN, is usually his companion at night.

•

MIRIAM HOPKINS plans to fly here from the coast for a short vacation when she finishes work in "Becky Sharp."

Quip of the Day

Ali Gaga, eavesdropping on the colloquy between two exhibitors after a preview:

First Exhibitor—"Well, what did you think of it?"

Second Exhibitor — "Pictures certainly have advanced. First, they were silent; then they talked. This one is odiferous."

EVERETT FREEMAN has sold his *Saturday Evening Post* yarn, "A Thousand Dollars a Minute," to Mascot.

•

WILSON COLLISON'S story, "The Second Mrs. Lynton," has been bought by M-G-M.

•

DIANA BOURBON has sold the screen rights of her novelette, "Atlantic Adventurer," to Columbia.

•

COMPLIANCE DIRECTOR SOL A. ROSENBLATT was in and out over the week-end.

•

MORT SPRING has returned from a flying trip, to and from the West Indies.

•

ALICE FAYE is still around town. She plans to return to the FOX studios on the coast in about a week.

•

J. J. SHUBERT, JR., is back from Hollywood where he worked for DARRYL ZANUCK and 20th Century.

•

CLEMENCE DANE, author, sailed for London Friday.

•

ALBERT LEWIN, associate producer under IRVING THALBERG, has returned

(*Continued on page 5*)

Features with Code Seals Up To 342 Total

Forty-one Given Approval During February

HOLLYWOOD, March 10.—The Hollywood office of the Production Code Administration issued certificates of approval to 41 features and 27 shorts during February, making a total of 342 features and 313 shorts approved from this end since the code went into effect July 15, 1934.

Titles and releasing companies of the pictures passed during the last month are:

Celebrity
(*Shorts*)
"Breman Town Musicians."

Chesterfield
(*Feature*)
"Shot in the Dark."

Columbia
(*Features*)
"Agua En El Suelo," "I'll Love You Always," "Devil's Cargo" and "Gimpy."
(*Shorts*)
"Screen Snapshots" Numbers 6 and 7, "Make Believe Review," "Gum Shoes,"

(*Continued on page 12*)

Code Seals Footage For Shorts Reduced

The production code seal will appear in shorter and briefer form on short subjects starting this week. The official seal of the M. P. P. D. A. with the word "Approved" and the certificate number will be shown on an introductory frame, instead of being on

(*Continued on page 12*)

Illinois House Gets Bill for Censoring

CHICAGO, March 10.—A bill for state censorship of films and stage shows has been introduced in the General Assembly by Representative John R. McSweeney of Chicago. The state board would abolish all city censor

(*Continued on page 9*)

Surprise Tax Bills Defeated in Kansas

TOPEKA, March 10.—Surprise bills to impose a four per cent on gross business of film theatres and levying a 10 per cent tax on admissions were defeated this week by the adroit foot-

(*Continued on page 9*)

Moley on Crime

Instead of talking on the New Deal, Raymond Moley, editor of *Today*, has changed his subject for his talk today at the M. P. Club forum and will discuss "Crime in the Movies."

Other speakers on the program will include Frank Tichenor, publisher, and Francis Walton, editor, of *New Outlook;* and Martin Weyrauch, managing editor of the *Brooklyn Eagle.*

Lumiere Uses Color Filters To Gain Depth

By PIERRE AUTRE

PARIS, March 2.—Details of the Stereoscopic film demonstration put on recently before the Academy of Sciences by Louis Lumiere, film pioneer, indicate that spectators have to wear spectacles with colored lenses. One glass is yellow and the other blue. Projection is also done through a double lens with the same color arrangement.

General interest in the result has been shown by the French industry

(*Continued on page 12*)

See Missouri Sale Tax as Compromise

JEFFERSON CITY, Mo., March 10.—A heavy tax on theatre admissions is believed to have been circumvented by preliminary passage in the Missouri House of a two per cent sales levy. Perfection of the measure now awaits amendments, following which it will be sent to the Senate.

Part of the revenue is to be used

(*Continued on page 9*)

Bank Nights Gaining In Chicago Theatres

CHICAGO, March 10.—Bank nights and screeno, along with the generally widespread use of premiums are gaining vogue here as business stimulators. Screeno in the past few months has gone into many theatres and is being advertised in the newspapers.

Bank night has gained a more recent foothold. So far no competitive situations have arisen to bring the matter before the code board, but protests are expected.

Fox Met Offer Is 75¢ on $1 For the Bonds

Twenty Cents in Cash; Plan Is Well Liked

Bondholders of Fox Metropolitan Playhouses are offered 75 cents on the dollar for their $12,460,000 claim under the revised plan of reorganization developed by Fox Theatres and Joseph M. Schenck, it was learned over the week-end. The offer constitutes a payment of 20 cents on the dollar in cash and 55 cents on the dollar in new bonds of the reorganized company, to be secured by the 86 theatre leaseholds and fee properties comprising the Fox Met circuit.

The plan, now in its final stages, is regarded in well informed circles as being acceptable to the Fox Met bondholders' committee and is described by principals close to the committee as "a very strong offer." In any event the plan in its final form has reversed the indifference to the original Fox Theatres' offer displayed recently by representatives of the Fox Met committee, which is now reported as regarding the offer "most favorably."

Strengthening of the offer is also regarded as dispelling some of the

(*Continued on page 5*)

"Ruggles" Is Hit; "Roberta" Also Big

"Ruggles of Red Gap" and "Roberta" are the potential money-getters this week, the former at the Paramount, heading for a $50,000 to $55,000 week, while the latter, at the Music Hall, has all the earmarks of corralling around $90,000. Week-end business at both houses was what the managers ordered.

Last week grosses were so-so.

(*Continued on page 9*)

Expect Mason Will Testify About NRA

WASHINGTON, March 10.—Lowell Mason, former counsel for the Darrow Review Board, is expected to be among the witnesses called by the

(*Continued on page 5*)

Flinn Reaches Coast To Study Clearance

HOLLYWOOD, March 10.—John C. Flinn arrived here early this morning by plane from New York to investi-

(*Continued on page 5*)

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Advertising Manager

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Wagner Drops Charges

MINNEAPOLIS, March 10. — The charges of conspiracy and restraint of trade made by R. H. Wagner, operator of the Capitol at Sioux Falls, S.D., against Paramount and A. R. Anderson, the company's branch manager here, have been dropped by the complainant. Circuit Judge Wall dismissed the complaint against the company without prejudice immediately upon Wagner's request.

Governor Pledges Aid

KEY WEST, March 10.—Governor Dave Sholtz has offered to sponsor any legislation desired by producers now situated in California as a condition of their moving to Florida, provided it does not interfere with or discriminate against other Florida business.

Merriam Hears Tax Talk

LOS ANGELES, March 10.—Governor Merriam was a guest of the Los Angeles Chamber of Commerce at a luncheon Saturday at which Louis B. Mayer and others pointed out the danger to the industry of many of the bills pending before the legislature at Sacramento.



Insiders' Outlook

By RED KANN

WE take Allied down the rocky road this morning, hoping to bruise its shins and skin its nose for inaccuracies which run rampant through its latest press release. . . .

▼

From its bulletin: MOTION PICTURE DAILY *on February 25 gave M. P. T. O. A. more space than it gives Allied in the course of a year.*

So it's publicity Allied's after! We never even suspected it. Now that we're told, we remind the author of the association's bulletin of the approximate 10,000 words wired by this writer from the scene of his organization's Detroit convention of several years ago. Also of the voluntary thanks for the complete coverage volunteered by Abram F. Myers and H. M. Richey in the latter's office—address, Fox Theatre Building, Motor City—the day following the close of that session. The facts can easily be checked. . . .

▼

From the bulletin: The headings were wonderful, but they slipped a little in the items mentioning the delegations (or lack of delegations) from the various territories. A review of these items reveals more blanks than delegations and more distributors and accessory men than exhibitors.

Schoolboy stuff. The headlines were based on what M. P. T. O. A. leaders had to say. Allied's objection, therefore, is with the harangues of Ed Kuykendall's associates. The nation-wide check on delegation attendance, as conducted by this publication's news staff, made it very apparent many territories would not attend. The survey said so, for all, including Allied men, to read. . . .

▼

From the bulletin: Nevertheless, we must chide the likable (pardon our embarrassment) Red Kann for his editorial lamenting the lack of effective, aggressive exhibitor organization. Red knows full well that, as soon as any organization gets really aggressive, it immediately arouses the opposition of the trade press, which opposition is reflected not merely on the editorial page, but in misleading headings, misplaced emphasis, and dirty digs and pokes at the leaders of any such organization.

Kann knows and concedes nothing of the kind. What he said editorially by way of postmortem on the M. P. T. O. A. convention was nothing less than a plea for exhibitors to get wise and attempt to organize as effectively as the member companies of the Hays association if independent theatremen are to make any impression on their own behalf. If that isn't furnishing propaganda gratis for Allied, M. P. T. O. A. and any other exhibitor organizations which may be kicking around, what is?

Those "misleading headlines, misplaced emphasis and dirty digs and pokes?" Let's go specific? What are they? Allied indulges in that very practice which is entirely all right, since it's in the clear with its attitude. This business of making vague charges unsupported by the evidence is something else.

Or maybe we've been foolish of a pleasant Saturday in waxing wroth. Allied is so obviously kicking the gong around for sweet ballyhoo's sake. . . .

▼

Elsewhere, other matters are brewing. For instance, an adjustment of rentals on "March of Time" that may result in increases for many theatres and reductions for others is under way. Exhibitors in "closed" towns who paid only a nominal tariff for the first issue are the ones most likely to find their rentals for subsequent issues tilted in proportion with the business being done. Others in highly competitive situations may have their rentals shaved. The object, of course, is to adjust the cost of the reel in proportion to its worth to the individual exhibitor by establishing rentals in the light of actual experience with the reel.

"March of Time" issued 400 prints of the first release, all of which are being recalled with release of the second issue. Thus, no two issues of the reel will be available for exhibition at the same time if the policy is continued. . . .

▼

Loew officials are talking out a deal to acquire the Mayfair from Walter Reade and would transfer the Loew's New York policy up 7th Avenue a couple of blocks. Cartographers will have to busy themselves changing the Broadway theatre map if the deal jells. More about this later. . . .

▼

Must Darryl Zanuck go through with "Ivanhoe?" It's anti-Semitic as Walter Scott wrote it. If Darryl makes it as Scott did not author it, will the result be "Ivanhoe?" . . .

▼

Paramount and Universal are reported pouting at each other. Crosby's "Mississippi" is ready. Laemmle's "Show Boat" hasn't even reached the cameras. . . .

▼

With 1,000 new season contracts signed and filed, Fox Film's aim is 4,000 by June 1. The objective, if attained, will be the big noise of the company's sales convention late in May. . . .

▼

Ad Universal: A Chicago bankroll is reported willing and now it's reported Manny Cohen is after Universal. Uncle Carl is the industry's most sought after dowager. . . .

Mayor Appears at Reviewers' Luncheon

Approximately 1,500 persons attended the 20th annual luncheon which closed the 11th annual conference of the National Board of Review at the Hotel Pennsylvania on Saturday.

Mayor LaGuardia headed the list of speakers, which included Howard Dietz, advertising and publicity chief of M-G-M; Herbert Brownell, state assemblyman; the Rev. Thomas L. Harris of the Philadelphia Catholic archdiocese; LeRoy E. Bowman, director of leadership training of the United Parents' Ass'n, and John Collier, United States commissioner of Indian affairs and an officer of the board.

Also at the speakers' table were Gladys Swarthout, Irene Rich, Walter Connolly, George Bancroft, Blanche Sweet, Rudy Vallee and Otto Harbach.

Dr. George W. Kirchwey, chairman of the National Board of Review, acted as toastmaster.

G. B. Would Swap Talent

HOLLYWOOD, March 10.—Gaumont British is prepared to enter upon a reciprocal agreement for American stars in exchange for Madeleine Carroll, Jesse Matthews and Conrad Veidt, said Michael Balcon, G. B. executive, upon his arrival here yesterday from New York.

He conferred with George Arliss, who left later in the day for London to make two films for G.B., the first of which will be based on the life of Cecil Rhodes. M-G-M is planning a picture along the same lines, but has deferred to G. B.

Balcon will be here six weeks. Arthur Lee, who accompanied him, will remain a week and will visit G. B. exchanges on the way back to New York.

Consolidated Dividend

Consolidated Film Industries, Inc., has declared a regular quarterly dividend of 50 cents on the preferred, payable April 1 to stockholders of record at the close of business on March 18.

Flu Gets W. C. Fields

HOLLYWOOD, March 10.—W. C. Fields is down with influenza. He is expected to be back at work in a few days.

"'PRIVATE WORLDS' IS ONE OF THE GREAT PICTURES OF THE YEAR!"



—*Hollywood Reporter*

A STRONG STATEMENT!

There must be reasons for it. Read them on the next page . . .

Why the Hollywood Reporter Thinks "PRIVATE WORLDS" is Great!



The Star of Stars! Claudette Colbert awarded the Academy Award for the Best Performance of 1934!

A MAGNIFICENT CAST!

"Claudette Colbert gives a performance that rates three Academy Awards!... Charles Boyer superb!...Joan Bennett amazing!...Helen Vinson and Joel McCrea magnificent!"



The Greatest Woman's Story of recent years! Phyllis Bottome's famous novel a leading Best Seller!

A GREAT STORY!

"The drama is intense... the humor is gracious... the story is exciting, thrilling, chilling and romantic!"



Director Gregory La Cava translating a Four Star Story into a Five Star Picture!

SUPERB DIRECTION!

"Gregory La Cava has gotten the most out of every scene and emotion... has succeeded in getting superb performances out of every actor!"

Purely Personal

(Continued from page 1)

to Hollywood after looking over a number of plays and stories here.

•

W. Ray Johnston is looking for an excuse to go away for a rest. He has had a throat cold for the last two weeks, but isn't satisfied that that's a good enough reason to get away.

•

Harry H. Thomas arrived yesterday by plane from Detroit and spent the day at his office, disposing of a lot of business which accumulated during his two weeks' absence.

•

Sam Goldwyn may not go to Europe after all. He cancelled his reservations Saturday because of a bothersome tooth and is due back on the coast April 1.

•

Harry Hershfield, president of the Cheese Club, is bringing the members of his association over to the M.P. Club today to hear Raymond Moley talk.

•

Moe Streimer is finding it hard making trains on schedule. He missed a couple of them last week while upstate, but he's back and glad that trip is over.

•

Al Friedlander, who was scheduled to return from Los Angeles on March 17, has changed his plans and will remain on the coast indefinitely.

•

John Flinn didn't stay awake all night on that plane going to the coast. He changed for a sleeper at Fort Worth, Tex.

•

Lynn Farnol thinks a trek to Virginia around Easter would be pleasant as who would not?

•

Reginald Baker of Associated Talking Pictures is due back from the coast on March 22.

•

Lupe Velez is due in New York in about two weeks for a series of personal appearances.

•

Edwin Marin, M-G-M director, is at the Warwick. His wife is with him for a vacation.

•

Eddie Cantor leaves for Hollywood the first week in May to start work on his next picture.

•

Walter Eberhardt will spend several days this week in Bridgeport on Erpi business.

•

Herb Berg's pipes have been deflated. Nothing to do with vocalizing.

•

Bill Pine may go abroad this summer for Paramount.

•

Abe Waxman may yet make that trip to London.

Films on Dollar Liners

R. Stanley Dollar, president of the Dollar Steamship Lines, has completed plans for the installation of sound equipment on all his ships now cruising on round-the-world tours. The *President Polk*, which sailed from San Francisco March 1, has been equipped and films will be sent to meet it at its various ports of call. Other liners, as they put into San Francisco, will be equipped.

RKO-Century Battle Goes on Again Today

With more than 900 pages of testimony on record for the five previous hearings, the local clearance and zoning board today starts its sixth session on the Century-RKO clearance and zoning dispute in Long Island. Although attorneys for both sides have been urged to complete the hearing today, indications are that unless more time than the usual four and one-half hours is allotted, the lawyers will not be able to wind up with summations.

Twenty hours have already been spent by the board hearing the case and members are anxious to have it over with. During the last hearing 12 different witnesses were put on the stand. Four of them were photographers and the bulk of the testimony hinged on a window card jointly advertising the Rivoli, Hempstead, and Fantasy, Rockville Center, L. I. These are Century houses.

Marie Egan of Sherlock & Arnold was on the stand last Thursday explaining how she checked up on automobile licenses, the numbers of which were taken by Albert E. Foy of Century on a parking lot in Far Rockway. Another girl from this office will testify today on the lists.

During the five episodes, Nizer and Klupt have bandied threats, innuendoes and inferences as to integrity of witnesses, "plants," gypping and "playing games."

Klupt himself took the stand last Thursday when a question of the slips on which the license numbers were written came up.

Nizer cross-examined him and asked who wrote the numbers on the top of the sheets. Klupt replied: "I don't know."

At the end of the session, Nizer told Klupt: "Now don't play games," with Klupt responding: "Oh, Ho."

Ross Wins on Clearance

Boston, March 10.—The clearance and zoning board has decided in favor of Charles Ross of the Strand, Windsor, Vt., petitioner against Peter D. Latchis of the Latchis in Claremont, N. H., and M-G-M. Ross claimed that M-G-M insisted that his theatre play its pictures after Latchis, writing the demand into the 1934-35 contracts, whereas such protection had not been mentioned previously. The decision handed down is: "On the evidence submitted, Windsor, Vt., and Claremont, N. H., are non-competitive and Claremont, N. H., shall have no clearance over Windsor, Vt.

Koenig to Aid Levine

Milwaukee, March 10.—Benjamin Koenig, local code board secretary, left here today on a temporary leave of absence to work with Nat Levine in the organization of the new Mascot studios in Hollywood. The local boards have asked Campi to permit Benjamin J. Miller, Koenig's associate, to carry on the work here.

File Boonville Charge

Kansas City, March 10.—The Lyric, Fox Midwest house at Boonville, Mo., is made respondent in a "cash night" complaint filed by F. M. Malone, Casino, same city. Malone also lodged a complaint against the Lyric's Br'er Fox children matinees on Saturday at a nickel.

Flinn Reaches Coast To Study Clearance

(Continued from page 1)

gate several situations in the Los Angeles schedule. Fox West Coast last Thursday protested against a number of spots where theatres make frequent price and policy changes.

Flinn plans to call a meeting of the Los Angeles clearance and zoning board Tuesday to further discuss the F.W.C. complaints. Tomorrow he will visit the individual situations involved. The Campi secretary will leave by plane next Sunday and arrive in New York on March 18 to report back to Code Authority on his findings. About 450 theatres are covered in the schedule, representing an investment of approximately $25,000,000.

Expect Mason Will Testify About NRA

(Continued from page 1)

Senate Finance Committee during its NRA probe.

Mason, originally slated to conduct the investigation proposed by Senator William H. King of Utah, will be asked to tell some of the things he discovered when Clarence Darrow undertook to clean up the code situation.

Richberg will complete his testimony Monday, following which officials of the National Industrial Recovery Board will be called. After they have been questioned it is possible the hearing will be thrown open to all who have a grudge.

Cincy Receiver for RKO Asks Discharge

Cincinnati, March 10.—Concurrently with filing of his final report showing repayment of $6,413.50 borrowed for taxes, and a balance on hand of $746.53, Ben L. Heidingsfeld, receiver for the Shubert and Cox, has asked that he be discharged. The Trebuhs Realty Co., New York, which filed receivership application, has entered a motion for dismissal.

Judge Robert R. Nevin of the U. S. District Court will give a hearing next week. The Shubert was taken over under lease by RKO on March 1 and is playing pictures and unit stage shows.

Franklin Wins $7,000

Sidney Franklin's suit against Columbia for $300,000 netted him a verdict of $7,000 in Supreme Court. Franklin contended his reputation as a bullfighter had been injured by a quip in a spoken title in a short.

"Spring Tonic" Is Title

Hollywood, March 10.—"Spring Tonic" has been selected as the final title for Fox's adaptation of "Man Eating Tiger."

Select Shirley Title

Hollywood, March 10.—Radio has selected "Chasing Yesterday" as the title for the new Ann Shirley picture that has been in production for the past four weeks.

Fox Met Offer Is 75¢ on $1 For the Bonds

(Continued from page 1)

competitive bids for the circuit which were definitely in the offing up to a week ago. The possibility of competitive bids being made still remains, but indications are that they will not develop until after the Fox Theatres-Schenck plan has been presented for court approval. What develops following a hearing on the plan will probably guide prospective bidders' policies. The prevalent impression is that the offer will provide little for competitors to shoot at, however.

Authors of the plan already have outlined the principal phases of it to Federal Judge Julian W. Mack, who has jurisdiction over Fox Met's reorganization, and to Federal Judge Martin T. Manton, whose jurisdiction is the Fox Theatres' receivership. A date for a hearing of the plan will be sought of Judge Mack today and may be not later than Friday. The plan will propose that Schenck be elected president of reorganized Fox Met and that Skouras and Randforce be continued as operators of the circuit at least until May 1, 1936.

May Run Ads in Advance

Cincinnati, March 10.—Despite the fact that the local grievance board issued a desist order against the Salem, Dayton, on complaint of the Riverdale, same city, which charged premature advertising, the respondent has been granted permission to advertise 13 days prior to his 52-day availability.

Contracts of both houses contain a 45-day availability clause after the first run when the admission is 20 cents plus tax, and 52 to 60 days on a 15-cent admission plus tax.

Stop Kenosha Nights

Milwaukee, March 10.—The grievance board has ordered the Kenosha at Kenosha, operated by the Standard Theatres, Inc., to discontinue bank nights. The complaint was entered by the Vogue Theatre Co. of Kenosha.

Deny Waterville Change

Boston, March 10.—The grievance board has refused to make any change in clearances at Waterville, Me. A complaint by H. H. Paul of the State, that city, sought a cut in clearance now held by the City.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

The Voice of Shouts

N. S. S. Hits on New Trailer Arrangement

National Screen Service is turning to production talent for a new type of special trailer on M-G-M and Warner releases made necessary by decision of those two majors to make and sell their own service. They're good.

Five of the new brand were shown yesterday noon, subjects being "Black Fury" and "Devil Dogs of the Air" on the Warner list and "The Night Is Young," "Sequoia" and "Biography of a Bachelor Girl" on the Metro list.

Since actual production clips are not available in these two cases, N. S. S. is building action stuff around the distributor's releases. Fred Kohler occupies feature spot in the trailer on "Black Fury." The slight story thread has him addressing the tycoons of a fictitious mine and urging them to learn conditions for themselves as portrayed by Paul Muni in "Black Fury." The spiel permits Kohler to get in the usual plug for the attraction. Featured in the "Biography of a Bachelor Girl" trailer is Thelma Todd; Herman Bing and Charles Judels in the subject matter on "The Night Is Young"; Pat Flaherty and Warren Hymer on "Devil Dogs" and Charles B. Murphy, the animal trainer, on "Sequoia."

The idea is novel, the treatment fresh and the conclusion easily apparent that the scheme runs far ahead of the usual trailer idea, including the average affair turned out by N. S. S.

K.

TION PICTURE
AILY

National Screen's New Trailers Previewed

National Screen Service yesterday gave a trade press preview on five of the trailers it is producing without the cooperation of M-G-M and Warner Bros.-First National, both of which are now making their own picture advance ballyhoos. These trailers do not employ clips from the films publicized, but instead offer individual, interesting stories, told in footage not exceeding 200 feet. In virtually every trailer players known to screen audiences are used and each constitutes excellent supplementary entertainment for theaters, apart from their respective publicity values. Trailers screened yesterday were for "Biography of a Bachelor Girl," with Thelma Todd appearing in the National Screen Service production; "Sequoia," with Charles B. Murphy and Ben Hall; "The Night is Young," with Charles Judels and Herman Bing; "Devil Dogs of the Air," with Pat Flaherty and Warren Hymer, and "Black Fury," with Fred Kohler. They're an effective and novel medium for selling forthcoming pictures to your patrons.

EDDY.

THE Film DAILY

Nat. Screen Shows Better Trailers

New York.—National Screen Service yesterday showed the trade press five advance trailers, built along brand new production lines and embodying the first intelligent use of production entertainment without spilling the whole story of the pictures.

The five trailers are of Ann Harding in MGM's "Biography of a Bachelor Girl" "Devil Dogs of the Air," with the action taking place in mid-ocean where two aviators are adrift, anxiously awaiting rescue by the "Devil Dogs," and discussing the merits of the picture; "The Night is Young," with Herman Bing and Charles Judels getting into trouble with a studio watchman; "Sequoia," showing Charles Murphy, the animal trainer; "Black Fury," with Fred Kohler telling the board of directors the lowdown on Muni's coal mine picture.

THE HOLLYWOOD REPORTER

THE NEW YORK STATE EXHIBITOR

National Screen Scores

New trailers, which National Screen Service is now making, are an innovation in trailers that should prove a boon to audiences. New idea is to take the main theme of the pictures being exploited on the screen and build a short dramatization around them. Title of the picture and the names of the stars and featured players are worked into the story. In short, it takes the stereotyped forms of advance ballyhoo and presents them in a visual manner that is ten times less obvious and considerably more lasting in the memory of the movie-goer. National Screen is to be congratulated for this new departure.

NATIONAL SCREEN SERVICE

the Industry *Approval!*

BOX OFFICE
The Pulse of the Motion Picture Industry

New Trailers That "Sell"

Trend From Stereotyped "Ad" Reels Provide Pleasure and Sales Punch

SHOWMEN'S TRADE REVIE

TRAILERS DELUXE!

Faced with the necessity of furnishing the theatremen with trailers that have real punch and seat-selling power, National Screen Service has effectively risen to the occasion and prepared "plot" trailers which are by far the sweetest yet offered.

At a private screening held in New York early this week, the trade press was afforded its first opportunity of seeing a group of these new trailers that are designed to overcome the loss of "action or scene" trailers due to the fact that Metro and Warners are making and servicing their own.

The idea has been in the works for a long time. As a matter of fact we first saw these new trailers over six months ago, but we did not consider them sufficiently perfected for actual release to theatres. But today (4th), we saw the finished product and we can honestly say that they are truly an innovation in advance advertising for any picture.

The first five screened included the following: "Sequoia," "Black Fury," "The Night Is Young," "Devil Dogs of the Air" and "Biography of a Bachelor Girl." Each one is an advance plug for the picture that will certainly meet with audience approval for any and every theatre. *Best of all is the fact that they do not give the slightest "tip-off" on the picture plot in any manner whatsoever.*

The first part of each of this new form of trailer is devoted to a little "plot" in which the picture is approached in a subtle, yet convincing manner. The second part is the musically, synchronized, animated titles that definitely "sell" the picture. The two ideas combined go to make up a swell plug for the picture. Just wait until you've had a chance to see these new trailers yourself. You will be just as enthused as we were.

Surrounded by fine production, they constitute a marvelous introduction to the coming attraction with an appeal heretofore never utilized for screen trailers. We recommend them and predict that they will be greeted with loud and long approval by theatremen all over the country.

"Chick"

PRODUCED TRAILERS

20 Mins.
Projection Room
National Screen Service

Expanding on recent experiments in trailer manufacture, partly with a view to getting away from the routine form, National Screen Service has a new type trailer, produced in toto by that company.

These trailers are so staged that they look suspiciously like shorts until they get well under way. Subtly managed on the advertising angle, the trailer uses clever means to make sure that strong selling points are injected.

National was, in a fashion, forced to this new style but has evolved a method which marks a distinct advance in this field. It was partly forced because Metro, on Jan. 1, joined Warner Bros. as a producer of its own trailers.

Having no contracts with these majors, under which dialog scenes would be made available, plus other co-operation, NSS was faced with the problem of servicing its accounts (theatres) on pictures of these two companies. Getting together a group of five specially produced trailers on Warner and Metro pictures, NSS hired its own actors, prepared its own sets and staged the scenes. It used no talent under contract to either Warner or Metro.

On 'Biography of a Bachelor Girl' (MG) National hired Thelma Todd and others to stage a bedroom scene. After making the audience guess as to what it is all about, the characters, as in a story, ring in a discussion on 'Bachelor Girl' to send in the ad plug. Trailer subject ends with Miss Todd hopping out of bed in nightgown, throwing a mink coat over her shoulders and declaring that she's going out to find what impressions of life Ann Harding (star of the picture) reveals in her diary.

The one for 'Devil Dogs' (WB) opens like a newsreel with lost fliers in the Pacific. Film cuts to two men marooned on airplane wreckage out at sea. Warren B. Hymer and Pat Flaherty have a radio with them through which comes gab about 'Devil Dogs,' the two men getting into a fight over the merits of that picture.

'Night Is Young' (MG) is another, with Herman Bing and Charles Judels as a couple of muggs crashing a studio gate in their car and ending up discussing this picture with the doorman.

Production of trailers on 'Sequoia' (MG) and 'Black Fury' (WB) are handled with freshness and effect. Charles B. Murphy, animal trainer, who handled beasts for 'Sequoia,' is in a hunting lodge setting, with a mountain lion as a pet. He introduces a conversation with another man over 'Sequoia.' For 'Black Fury' there is a company directors' meeting when one man argues with board members over what they know about handling the troubles of miners.

Some of these trailers carry an introduction credit, making them look more than ever like a short, with the opening words: 'National Screen Presents.' Copy tags onto produced scenes but is severely held down to get away from the tiresome ballyhoo which has characterized so many trailers.

If NSS is getting out these trailers on WB and Metro pictures as a means of competing against these two majors in the trailer field, it is offering real opposition. It is a forward step in screen advertising methods. Aside from anything else, these new type advance plugs give a variety in trailers if a house is using the conventional design, which includes actual scenes from films.

Char.

VARIETY

Original Creators of Seat-Selling Trailers!!

"Spring" Gets Minneapolis' Lead, $4,700

MINNEAPOLIS, March 10.—In a week of split bills on both sides of the river "One More Spring" was the most profitable attraction. It went $700 over the line on a take of $4,700 at the Century.

"Living on Velvet," with a vaudeville bill, was $500 up on a $6,000 take at the Orpheum. The State switched attractions after "Sweet Music" had taken only $3,500 in five days. "Little Colonel" grabbed $2,000 in two days. "The Iron Duke" held up to $3,500 in its second week at the World. In St. Paul everything was weak.

Total first run business in Minneapolis was $23,900. Average is $23,000. In St. Paul total downtown business was $15,800. Average is $15,500.

Estimated takings:

Minneapolis:
Week Ending March 6:

"ONE MORE SPRING" (Fox)
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)

"ROCKY MOUNTAIN MYSTERY" (Para.)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

Week Ending March 7:

"LIVING ON VELVET" (F.N.)
ORPHEUM—(2,900), 25c-40c, 7 days. Slate Brothers heading vaude. **Gross:** $6,000. (Average, $5,500)

"SWEET MUSIC" (Warners)
STATE—(2,300), 25c-40c, 5 days. **Gross:** $3,500. (Average for week, $5,500)

"THE LITTLE COLONEL" (Fox)
STATE—(2,300), 25c-40c, 2 days. **Gross:** $2,000. (Average for week, $5,500)

"SECRET OF THE CHATEAU" (Univ.
PALACE—(900), 15c-25c, 7 days. Five acts vaude. **Gross:** $2,000. (Average, $2,000)

"CARNIVAL" (Col.)
TIME—(300), 20c-25c, 3 days. **Gross:** $700. (Average for week, $1,500)

"THE IRON DUKE" (Gaumont British)
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,500. (Average, $3,000)

St. Paul:
Week Ending March 7:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 3 days. Three X Sisters heading vaude. **Gross:** $2,500.

"SOCIETY DOCTOR" (M-G-M)
PARAMOUNT—(2,300), 25c-40c, 4 days. **Gross:** $3,000. (Average for week, $5,500)

"SWEET MUSIC" (Warners)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,500)

"THE WHOLE TOWN'S TALKING" (Col.)
ORPHEUM—(2,000), 25c-40c, 3 days. Five acts vaude. **Gross:** $1,200. (Average for week, $4,000)

"MURDER ON A HONEYMOON" (Radio)
ORPHEUM—(2,000), 25c-40c, 4 days. Five acts vaude. **Gross:** $3,000. (Average for week, $4,000)

"CHARLIE CHAN IN PARIS" (Fox)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $1,000. (Average for week, $1,500)

"THE WINNING TICKET" (M-G-M)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $600. (Average for week, $1,500)

"KARA SLAKTEN" (Swedish)
WORLD—(300), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Kill Baseball Measure

BOSTON, March 10.—The bill of Senator Joseph Langone, precipitated by the authorization of major league night baseball, has been killed here in the House of Representatives. The passage of this measure would have prohibited all night and Sunday professional baseball.

Hollywood Personals

Hollywood, March 10.—Bing Crosby invited by Governor of Washington to enter his equines in races up there. . . . Charles Wilson and Ed Dearing in "Nit Wits." . . . Rowland V. Lee going to Honolulu for vacation.

Max Wagner and Chris Martin in "Gaucho Lover" at Fox. . . . Ed Sedgewick, M-G-M director, narrowly escaped asphyxiation while looking for a snack in his icebox late the other night.

Robert Sparks signed by Fox—may direct. . . . Polly Parrott, daughter of Director James Parrott, to be in Charlie Chase's next, "Okay, Toots."

William Slavens McNutt re-signed by Paramount. . . . Ann Dvorak to dance in "The 'G' Men." . . . Nick Coleman, Paramount publicity man, back at work after long illness. . . . Francis Lederer beats that speeding charge. . . . Donald Woods and Barton MacLane in "Stranded" for Warners.

"Duke" on a Dual $8,000 in Buffalo

BUFFALO, March 10.—"The Iron Duke" did not impress the critics, but the Arliss name on a double bill with "Transient Lady" pulled the fans in and the Lafayette led the parade at $8,000, or $1,500 over normal. Arrival of Lent in the midst of spring-like weather was followed immediately by a March blizzard and takings were comparatively slim.

Total take was $40,000. Normal is $42,800.

Estimated takings for the week ending March 8:

"LIVING ON VELVET" (Warners)
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Anatole Friedland's "Anatol's Affairs," with Peggy Taylor and her Kitchen Pirates; Charlie Melson; Harry & Frank Seamon; Jean Boydell; Miss Irmanette; Evelyn Oakes; Frances Black; Dorothy Shanahan; Peggy Alexander. **Gross:** $13,500. (Average, $14,300)

"MURDER IN THE CLOUDS" (Warners)
"LOTTERY LOVER" (Fox)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,000. (Average, $6,000)

"THE SCARLET PIMPERNEL" (U.A.)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $8,000)

"THE WOMAN IN RED" (Warners)
"MAYBE IT'S LOVE" (F.N.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,100. (Average, $8,000)

"THE IRON DUKE" (Gaumont British)
"TRANSIENT LADY" (Col.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $8,000. (Average, $6,500)

Shoot Jersey Works

In the production of the institutional film for Public Service Corp. of New Jersey, shots of the Campbell Soup Co., Lenox Pottery, RCA Tube Manufacturing Co., Clark Thread Co., Crucible Steel, Fischer Baking Co., American Can Co., Standard Brands, Ford Motor Co. and the *Jersey City Journal* will be included by Audio Productions, producers of the picture.

Form S. & L. Exchange

The S. & L. Film Exchange, a subsidiary of Sov-Am Film Corp., has been organized to handle the distribution of the product of the latter corporation. "Bar Mitzvah," all Yiddish picture, is the first film to be handled by the new organization.

Judell Gets Pictures

CHICAGO, March 10.—B. N. Judell has closed a deal to distribute the Howard Hughes pictures in the state of Illinois for Atlantac Pictures Corp., which was formerly World Wide.

"Choose" and Show Top in Providence

PROVIDENCE, March 10.—All houses in town came through with smash scores for the week, top gross going to Fay's, which caught $9,300 with the film, "She Had to Choose," and a revue, "Platinum Blondes." This is $2,300 over par.

Next in line was the RKO Albee, which garnered $9,000 with "Strange Wives" and Blackstone behind the footlights. "Rumba" scored at the Strand with $8,200 and the Majestic chalked up $7,200 with "One More Spring" and "Baboona."

Loew's was $500 to the good, booking "Vanessa" and "Shadow of Doubt," the take being $12,500.

Total first run business was $47,300. Average is $40,500.

Estimated takings for the week ending March 7:

"RUMBA" (Para.)
"SING SING NIGHTS" (Monogram)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,200. (Average, $6,500)

"ONE MORE SPRING" (Fox)
"BABOONA" (Fox)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)

"SHE HAD TO CHOOSE" (Majestic)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Platinum Blondes" revue. **Gross:** $9,300. (Average, $7,000)

"STRANGE WIVES" (Univ.)
RKO ALBEE—(2,300), 15c-40c, 7 days. Blackstone on stage. **Gross:** $9,000. (Average, $7,000)

"VANESSA" (M-G-M)
"SHADOW OF DOUBT" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,500. (Average, $12,000)

"STRAIGHT FROM THE HEART" (Univ.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

J. J. Gillespie Passes

BUFFALO, March 10.—James J. Gillespie, 67, widely known theatre property man and member of I. A. T. S. E. No. 10, is dead. Gillespie, employed at Shea's Buffalo until his fatal illness, had been employed in all Shea theatres in this city for 20 years and for a decade before that traveled with leading shows. Three brothers and two sisters survive. Funeral and burial were in Hamilton, Ont.

"U" Signs Sally Eilers

HOLLYWOOD, March 10.—Sally Eilers has been signed by Universal to play the title role in "Alias Mary Dow." The story is from an original by William L. Johnson. Gladys Ungar and Rose Franken are doing the screen treatment.

"Bill" Heavy Seattle Draw In Fifth Week

SEATTLE, March 10.—"Broadway Bill" was still a big draw in its fifth week at the Liberty. It grabbed $5,500 at the Liberty, over par by $1,500. The showing was especially noteworthy because it was the only downtown attraction to top normal.

"The Gilded Lily" came close to the profit line with $6,900 at the Fifth Avenue.

Total first run business was $34,400. Average is $37,000.

Estimated takings for the week ending March 4:

"SWEET MUSIC" (W.B.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,100. (Average, $4,000)

"THE GILDED LILY" (Para.)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,900. (Average, $7,000)

"BROADWAY BILL" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, 5th week. **Gross:** $5,500. (Average, 1st week, $4,000)

"THE GOOD FAIRY" (Univ.)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week of extended run from Music Hall. **Gross:** $3,200. (Average, $4,000)

"SCARLET PIMPERNEL" (U.A.)
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,100. (Average, $6,500)

"LIVING ON VELVET" (F.N.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Gene Sheldon. **Gross:** $5,400. (Average, $5,500)

"SOCIETY DOCTOR" (M-G-M)
"UNDER PRESSURE" (Fox)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Moore & Revel. **Gross:** $5,200. (Average, $6,000)

"Roberta" a Smash In Omaha, $8,300

OMAHA, March 10.—"Roberta" set a new record at the Brandeis by topping the mark reached by "Little Women." The $8,300 gross was $4,800 over normal. It was held.

"The Little Colonel" and "Rocky Mountain Mystery" did a stand-up business and took $10,200, up by $2,700, at the Orpheum. All this big business happened in spite of a heavy snow storm.

Total first run business was $31,200. Average is $23,500.

Estimated takings:

Week Ending March 3:

"THE RIGHT TO LIVE" (Warners)
PARAMOUNT—(2,800), 35c-55c, 3 days. Stage: Five acts vaudeville. Benny Ross, Maxine Stone; Gaudsmith Brothers; Dorothy Martin Revue; Jerry & Her Baby Grands; California Varsity Eight. **Gross:** $5,500. (Average, $5,000)

Week Ending March 7:

"UNDER PRESSURE" (Fox)
"ENTER MADAME" (Para.)
PARAMOUNT—(2,800), 25c-35c, 4 days. **Gross:** $1,800. (Average, $3,500)

Week Ending March 7:

"ROBERTA" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 7 days. **Gross:** $8,200. (Average, $3,500)

Week Ending March 6:

"AFTER OFFICE HOURS" (M-G-M)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $5,500. (Average, $4,000)

Week Ending March 7:

"THE LITTLE COLONEL" (Fox)
"ROCKY MOUNTAIN MYSTERY" (Para.)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $10,200. (Average, $7,500)

"Ruggles" Is Loop Smash; Gets $23,000

CHICAGO, March 10.—"Ruggles of Red Gap" packed the Roosevelt for the entire week and piled up $23,000, which is more than twice the normal take for the house.

Other houses were strong. "Rumba" was over the line by $9,400 on a take of $44,000 at the Chicago, with Jack Benny, Mary Livingston and Frank Parker on the stage. "Murder on a Honeymoon" was $8,000 up at $30,000 in the Palace, and "David Copperfield" was still going well in its fourth week at the United Artists at $12,000.

Total first run business was $151,000. Average is $127,600.

Estimated takings:

Week Ending March 7:

"RUMBA" (Para.)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: Jack Benny, Mary Livingston, Frank Parker. **Gross:** $4,400. (Average, $34,600)

"BORDERTOWN" (Warners)

ORIENTAL—(3,940), 25c-40c, 3rd Loop week, 7 days. Stage: Pinky Tomlin and vaudeville. **Gross:** $15,000. (Average, $15,000)

"MURDER ON A HONEYMOON" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Hello, Paris." **Gross:** $30,000. (Average, $22,000)

"AFTER OFFICE HOURS" (M-G-M)

GARRICK—(900), 25c-35c-40c, 2nd Look week, 7 days. **Gross:** $6,000. (Average, $5,000)

Week Ending March 8:

"RUGGLES OF RED GAP" (Para.)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $23,000. (Average, $11,000)

"ONE MORE SPRING" (Fox)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $8,000)

"THE SILVER STREAK" (Radio)

STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Jackie Green and vaudeville. **Gross:** $13,000. (Average, $15,000)

Week Ending March 11:

"DAVID COPPERFIELD" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-60c, 4th week, 7 days. **Gross:** $12,000. (Average, $17,000)

Illinois House Gets Bill for Censoring

(*Continued from page* 1)

boards. It is proposed that it consist of five members appointed by the Governor.

While local exhibitors and exchanges have not had an opportunity to study the bill, the disposition is to regard with favor any plan which would eliminate the present censor board as far as Chicago is concerned. After a short lull the local board is again on a rampage with its shears. Cost to exchanges of the local board runs much too high for comfort, it is generally admitted.

Want Tax Reconsidered

ST. LOUIS, March 10.—The Middleton Theatre Co. of St. Louis, has petitioned the Board of Tax Appeals in Washington for redetermination of a 1929 income tax claim and penalty totaling $6,011. The company was assessed taxes of $4,007 and penalties of $2,003 for alleged fraud.

The petitioner, saying the tax was levied in 1929 for a transaction which did not take place until 1932, charged the Bureau of Internal Revenue unlawfully assessed the deficiency in order to prevent the statute of limitations from barring its collection.

Wall Street

Pathe "A" Gains ⅞ on Big Board

	High	Low	Close	Net Change
Columbia vtc	43¼	43⅛	43⅛	— ½
Con. Film	5¾	5⅝	5⅝	.....
Con. Film pfd. (½v)	20⅛	19½	19½	— ½
Eastman	121⅜	121¼	121¼	— ¼
Loew's Inc.	35⅞	35¼	35⅜	— ⅜
Locw's Inc., pfd.	104¼	104¼	104¼	— ⅛
M-G-M pfd.	21⅜	27	27	— ⅛
Paramount	3⅛	2⅞	3	....
Pathe	⅝	½	⅝	+ ⅛
Pathe "A"	14⅝	13¾	14⅝	+ ⅞
RKO	1½	1½	1½	— ⅛
Warner	3	2⅞	3	.....

Columbia Up 4½ on Curb

	High	Low	Close	Net Change
Columbia Pictures	42½	42½	42½	+4½
Sentry Safety Control	¼	¼	¼	— ⅛
Technicolor	15⅝	15⅜	15⅜	— ⅜

Paramount Publix Bonds Rise ⅝

	High	Low	Close	Net Change
Gen. Theatre Equipment 6s '40	7¼	7¼	7¼	— ⅛
Keith B. F. 6s '46	68	68	68	.....
Paramount F. L. 6s '47	73⅜	73¼	73⅜	+ ⅛
Paramount Publix 5½s, '50	74½	74	74¼	+ ⅝
Pathe 7s '37 ww	103⅝	103⅝	103⅝	— ⅛
RKO 6s '41 pp	50¼	50¼	50¼	+ ¼

(*v*) *Defaulted in principal but not in interest.*

(Quotations at close of Mar. 9)

"Ruggles" Is Hit; "Roberta" Also Big

(*Continued from page* 1)

"The Whole Town's Talking" garnered $72,500 at the Music Hall after getting $35,000 on Saturday and Sunday. Matinee business was off. At the Paramount the last six days of a two-week run of "Rumba" fared evenly with an $18,000 intake. "While the Patient Slept" at the Rialto was brutal, the take dipping to less than $8,000. "Biography of a Bachelor Girl" was disappointing at the Capitol, the week's tally showing only $27,000.

"Red Hot Tires" took it on the chin at the Mayfair with under $6,000. "Great Hotel Murder" was fair at the Astor at $8,000. "Murder on a Honeymoon" was below average at the Roxy with $27,000. The second week of "Folies Bergere" chalked up around $25,000 at the Rivoli, while the second stanza of "Sweet Music" at the Strand hovered around $21,000. "The Scarlet Pimpernel" at the Palace was very good at $11,000.

Turn Over Army Theatre

SAN ANTONIO, March 10.—The new $100,000 War Department theatre at Fort Sam Houston has been officially turned over to post authorities at a brief ceremony by Col. R. L. Collins and Major General James F. McKinley, adjutant general of the army.

Open New Guthrie House

GUTHRIE, Okla., March 10.—A new theatre has been opened here in a building formerly occupied by a grocery store. It is operated by the Gem Theatre Co. of Norman, Okla. Three houses are being operated in Guthrie at the present time, including the Melba, State and Guthrie.

See Missouri Sale Tax as Compromise

(*Continued from page* 1)

for old age pensions. If the program passes the upper branch, no action is expected on a bill by Representative Lindhorst of St. Louis to levy 10 per cent on theatre tickets and other amusements, as well as tobacco, candy and chewing gum.

The two per cent proposal was adopted as an amendment to a bill extending the present one-half of one per cent tax on a broader base, sponsored by the House Ways and Means committee. The higher assessment was supported by real estate and school interests and favored by administration forces. It was adopted by a narrow one-vote margain, 69 to 68. The committee bill was a substitute for four other measures calling for higher levies. A two per cent sales tax bill is also pending in the Senate.

To make the two per cent tax acceptable to merchants, an amendment is to be adopted making it mandatory to pass it on. How this will be done in the case of theatre admissions and other small purchases has not been figured out.

Surprise Tax Bills Defeated in Kansas

(*Continued from page* 1)

work of friends of the industry in the Kansas legislature.

The measures caught industry representatives off guard. They were eleventh hour proposals, filed on the day introduction of all but appropriation bills ceased and a day before each branch of the legislature was to end consideration of its own bills. When the nature of the proposals became known, film men started things rolling and through last-minute and almost frenzied efforts were successful in bringing about the defeat of the drastic taxation.

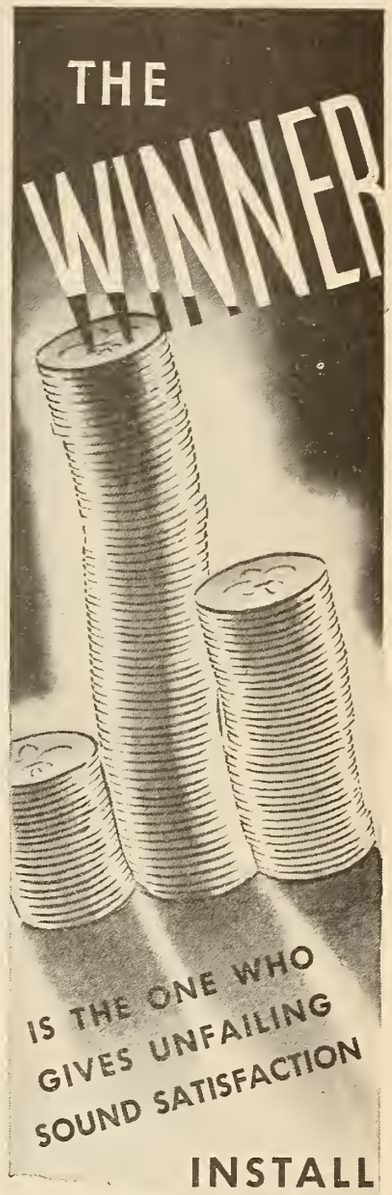
Men in close contact with the legislation assert this was the closest that Kansas exhibitors ever came to being heavily taxed.

The apparent intent of the bill sponsors was to stampede the measures through at the last minute, banking on the fact the opposition had no time to rally a defense. The four per cent of the gross measure singling out film theatres was brought in by the House Committee on Taxation. Representatives opposed were able to delay passage and the bill automatically expired when consideration of House bills ceased.

The second proposal, sponsored by the House Committee on Education, was camouflaged as a bill to tax malt and malt beverages, including 3.2 beer, to create a school aid fund of $750,000. Tucked away in the bill as one source of revenue for the fund was a provision for a 10 per cent levy on tickets. Led by Representative E. A. Briles, who owns and operates a theatre at Stafford, Kan., opponents fought the tax on the floor.

Clark to Join Einfeld

CHICAGO, March 10.—Sam Clark, who has been district publicity manager for Warners here, has left for New York, where he has been promoted to assistant to S. Charles Einfeld in charge of newspaper publicity and promotion.



INSTALL

RCA VICTOR

PHOTOPHONE FOR

- A Sound Box-Office Attraction
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PHOTOPHONE DIVISION
RCA MANUFACTURING CO., Inc.
Camden, N. J.

A Radio Corporation of America Subsidiary




When a theatre
GUARANTEES
a motion picture
» » » » then you may be sure that its management has found the perfect entertainment!
Such a picture is Universal's
"IT HAPPENED IN NEW YORK"
» » » » Seldom is a theatre privileged to give its audiences a better time than this delightful entertainment affords!
As for its stars, it is easy to predict that GERTRUDE MICHAEL, HEATHER ANGEL and LYLE TALBOT will become your new favorites after you have seen them in this picture.
As for its story, there is only one word to describe it . . . delicious!
We urge you to see this picture on the strength of our promise of a grand time. We know you will thank us for it.
(Signed)
P. S. . . . "IT HAPPENED IN NEW YORK" opens on
at the
BLANK THEATRE
Run

this ad

WHEN YOU RUN THIS PICTURE!

. . . Because we have just seen it and we KNOW we have a hit! . . . There's only one word to describe it . . . DELICIOUS!

It Happened in NEW YORK



A Universal Picture with
GERTRUDE MICHAEL
HEATHER ANGEL
LYLE TALBOT
HUGH O'CONNELL
Presented by CARL LAEMMLE
Directed by ALAN CROSLAND
EDMUND GRAINGER, Associate Producer

Features with Code Seals Up To 342 Total

(*Continued from page* 1)

"Graduation Exercises," "Pop Goes the Weasel" and "His Bridal Sweet."

First Division

(*Feature*)

"Sunset Range."

Fox

(*Features*)

"Liliom" (French), "Great Hotel Murder," "Little Colonel," "When a Man's a Man" and "Angelina" (Spanish).

(*Shorts*)

"Hayseed Romance," "Hail Brother."

Gaumont British

(*Feature*)

"The Man Who Knew Too Much."

Invincible

(*Feature*)

"Public Opinion."

Liberty

(*Feature*)

"Dizzy Dames."

Majestic

(*Feature*)

"Mutiny Ahead."

Mayfair

(*Feature*)

"Get That Man."

M-G-M

(*Features*)

"Vanessa," "Naughty Marietta," "Times Square Lady" and "Casino Murder Case."

(*Shorts*)

"Windy," "Donkey Baseball," "The Lost Check," "Sing Sister Sing" and "Anniversary Trouble."

Monogram

(*Feature*)

"Great God Gold."

Paramount

(*Features*)

"Monsieur Albert," "La Perle" and "Cote D'Azur," all French productions: "Mississippi," "Car 99," "Love in Bloom," "The Devil Is a Woman," "Private Worlds" and "McFadden's Flats."

Radio

(*Features*)

"Roberta," "The Dog of Flanders" and "Laddie."

(*Shorts*)

"Kennedy Series No. 5."

Select

(*Feature*)

"The Blind Road."

United Artists

(*Features*)

"Folies Bergere," "Her Wedding Night" and "Brewster's Millions."

(*Shorts*)

"The Band Concert," "The Golden Touch" and "Mickey's Service Station"—all produced by Disney.

Universal

(*Features*)

"It Happened in New York."

(*Shorts*)

"Law and Order," "Two Little Lambs," "Do a Good Deed," "Old Age Pension" and "Call of the Savage" serial episodes one and two.

Warners

(*Features*)

"King of the Ritz," "The Florentine Dagger" and "Singer of Naples."

(*Shorts*)

"I Haven't Got a Hat" and "Buddy's Pony Express."

Code Seals Footage For Shorts Reduced

(*Continued from page* 1)

a separate frame as it has been heretofore.

This change will be made to meet the objection to the length of time necessary for the frequent repetition of the longer form of approval because of the number of short subjects on one program.

There will be no change on features, however.

Issue La. Tax Ruling

NEW ORLEANS, March 10.—Out-of-state corporations doing business in Louisiana, but having a net income of less than $3,000 from sources within the state, do not have to pay taxes under the new income tax law, according to the office of the Supervisor of Public Accounts in a communiation to the Association of Commerce, received in reply to a request for information. "This fact, however, would not necessarily exempt the foreign corporation from being liable for filing income tax reports with the state," it was added.

Variety Club Chatter

Buffalo

BUFFALO, March 10.—An appeal that Variety join in a movement to aid the 3,000,000 young men graduated every year from high schools and colleges to find opportunities for employment was made to Variety Club of Buffalo by Erie County Judge GEORGE A. ROWE at a club luncheon.

It was newspaper and radio day for the organization, which was host to editors and business executives of the three Buffalo dailies and to executives of two broadcasting companies here. Judge ROWE declared steps must be taken to ameliorate the unemployment situation through experimental farms expected to be established in Erie County, through allocation of Federal work relief and through other steps.

SYDNEY SAMSON and CARL KEMPKE were kings for the day. Approximately 80 attended the luncheon.

MRS. LOUISE BORK, mother of Barker WILLIAM F. BORK of the Universal office staff here, is dead.

Barker JOE MILLER of Columbia and his wife have returned from their annual cruise to the West Indies.

Barker HARRY SEED, Warner-First National district manager, has gone to Florida, joining a group there including A. CHARLES HAYMAN of the Lafayette.

Canvasman ROBERT MURPHY is the goat for a story of ticket sales that put 200 tickets in the hands of one man through a series of I'll-Match-You games. He couldn't get a winner, but he did succeed in adding no little to the club's independence campaign.

Kansas City

KANSAS CITY, March 10.—GEORGE S. BAKER, newly-elected chief barker, announces these standing committees to serve under his administration:

House: R. R. BIECHELE, J. A. CAMERON, F. E. RITTER, A. F. BAKER, JOHN MUCHMORE. Chairman is to be selected.

Finance: ED. SHANBERG, chairman; HARRY TAYLOR, IRWIN DUBINSKY, F. H. JONES, L. J. MCCARTHY, WILLIAM WARNER.

Publicity: BARNEY JOFFEE, chairman; PAUL BAYZMAN, AL FINESTONE, KENNETH FORCE.

Entertainment: I. DUBINSKY, Chairman; WILLIAM WAGNER, G. L. CARRINGTON, SAM ABEND, ERNIE MEHL, HARRY TAYLOR.

Welfare: A. H. COLE, chairman; FRANK HENSLER, E. C. RHODEN, WARD SCOTT, T. R. THOMPSON, JAY MEANS. This committee is to have charge of charitable activities.

A large committee is considering new quarters, which will shortly be selected. It is planned that formal installation of the new officers will be held in conjunction with housewarming of the new club rooms, probably early in April.

Heading the new quarters committee is FINTON JONES, the new first assistant chief barker. Others on the committee are CAMERON, CHARLES JONES, COLE, BIECHELE, JOE MANFRE, I. DUBINSKY, HENSLER, MEANS, BILL ALTHAUS, L. E. POPE, PECK BAKER, CHARLES SHAFER, R. C. LIBEAU, WARNER, SHANBERG and RITTER.

Ickes to Ask Bonds For Park Locations

WASHINGTON, March 10.—Producers using the National Parks will hereafter be required to post a bond to cover any damage that might result, under plans now being worked out by Secretary of the Interior Harold L. Ickes.

Determination to require the bond results from an expense of some $3,000 incurred by the Government in fixing things up after the "Sequoia" troupe got through.

Heretofore there has been no expense incurred in the use of the National Parks, the department feeling that the publicity was sufficient remuneration. Suggestions by Ickes that a fee be imposed met with a storm of protest from the producers, and it is now planned to require them to post a bond. In the case of the Army and Navy, it is said, bonds usually range from $200 to $2,500, but on one occasion as high as $25,000, was required.

Ohio Bans "Playthings"

COLUMBUS, March 10.—The censors have banned "Playthings of Desire" from Ohio on the ground that it contains "too much harmful hot stuff."

The film was produced by Kennedy Prod. on location in Florida, with Ohio release through Selected Pictures, Cleveland.

Lumiere Uses Color Filters To Gain Depth

(*Continued from page* 1)

since the demonstration was made on Feb. 25.

Lumiere's principal problem was a choice of colors in his filters. He dropped down the ordinary red and green lights used in the "Anaglyphe" system on the theory that they resulted in eye strain. His blue and yellow are not plain colors, but composite shades in which there are reds and greens, but with different wave lengths.

It is said the only difficulty in connection with the process is to induce theatre patrons to use the special eyeglasses.

Pictures are still seen in white and black. The projector lenses are changed and the projection machine is placed in a horizontal position, instead of being vertical.

French papers are devoting considerable space to the invention.

* * *

During his visit here on his way to Hollywood to resume picture work Jan Kiepura sang "La Tosca" at the National Opera Comique. He was enthusiastically received and requested by the audience to sing three of his film songs, "Tell Me Tonight," "Madonna" and "Ninon."

He was made a chevalier of the Legion of Honor by the Government for his contribution to French art.

* * *

Four American-made pictures are grossing heavily here. "The Gay Divorcee" is in its 10th week at the Modern, "One Night of Love" is in its third week at Cinema Edouard VII. It is the original version with French sub-titles. "The Merry Widow" has played eight weeks in a French version at the Madeleine, and a dubbed version of "The Lives of a Bengal Lancer" has just gotten off to a good start at the Paramount.

New French Tax Bill Worries U. S. Films

PARIS, March 10.—American film interests in France stand to suffer another blow because of a measure adopted by the Chamber of Deputies Finance Commission which calls for a decrease in taxes on exhibitors showing French pictures. The proportion of French films that must be shown to benefit by the new decree has not yet been fixed, however.

American exhibitors here look for a sharp drop in the number of their pictures shown if this new measure passes in the Chamber.

Legislation Topic Of Bay State Group

BOSTON, March 10.—Legislative problems will be the principal topic of discussion at a meeting of Independent Exhibitors of Massachusetts, Inc., scheduled for Tuesday.

How to prevent construction of horse and dog racetracks will be a hot topic.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

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Lewin's Dual Attack Stirs Independents

Golden Replies Warmly; Others Disturbed

Repercussions from the attack on duals made by Dr. William Lewin at the National Board of Review meeting here late last week and answered by Edward Golden of Monogram were still echoing in independent distribution circles yesterday.

Lewin, who is chairman of the motion picture appreciation committee of the National Council of Teachers of English, appears to be in for a large amount of correspondence during the next few days from distribution champions of duals, which he termed the most serious drawback to the better film movement, and from double featuring exhibitors whom he referred to as "the most pernicious race of

(Continued on page 6)

Report S. & C. Seek Circuit in Florida

Reports current yesterday had it that Sam Cocalis and Jack W. Springer are negotiating for a circuit of independent theatres in Florida. The two partners are now in Miami, ostensibly on a vacation.

Meanwhile Springer and Cocalis are understood in a move to acquire a number of additional houses in the local area, believed to be competitive to Harry Brandt. Brandt is also said to be after theatres in S. & C. neighborhoods.

Moley Hits 'Absurd' Criticism of Films

Declaring that the research processes which result in such works as "Our Movie-Made Children" can be reduced to the "greatest absurdity" and so are meaningless, Raymond Moley, editor of *Today*, and formerly a prominent figure in New Deal councils, defended the industry at the Motion Picture Club forum yesterday

(Continued on page 8)

Film Cleanup Forced Big Changes-Zanuck

HOLLYWOOD, March 11.—That the readjustment forced upon the industry by the clean films drive was the most drastic ever experienced by it, the change from silence to sound not excepted, was the belief expressed today by Darryl Zanuck, who declared

(Continued on page 5)

Nizer's Nanny Gallops; Klupt Objects to "Snort"

Mitchell Klupt, attorney for Century circuit, yesterday got Louis Nizer's "goat" as the sixth round in the Century-RKO Long Island clearance objectathon added another four hours to the previous 20. Nizer became annoyed at Klupt's persistent remarks and charged the Century lawyer with being "smart" and using "cheap" and "shyster" methods. The rift between the two attorneys became so tense in the afternoon that Nizer threatened to withdraw from the proceedings unless his opponent acted like a "gentleman."

In the forenoon, Eugene Picker of Loew's, a member of the board, made a noise that Klupt called a "snort," and Klupt, always on the alert, objected. Picker objected to Klupt's objection and added a few words with the result that Harry Shiffman, another board member, wanted a "snort" defined. No one could qualify as an expert, and the board skipped it.

Six witnesses took the stand in the morning and a like number in the afternoon. Total objections for the day were: Klupt, three in the morn-

(Continued on page 5)

Television in Theatres Gets British Study

By BRUCE ALLAN

LONDON, March 1.—Inclusion of televised items in film programs will be possible this summer according to a statement from Capt. A. D. G. West of Baird Television Co., associated with Gaumont British.

Recent improvements in the system, he declared, would make it possible to project on full size screens.

Also under consideration is the practicability of the development of a service of televised news pictures, demanded by many exhibitors, says Captain West. There is no technical difficulty, he declares, and Baird may televise this year's race for the Derby direct to theatres, if the permission

(Continued on page 6)

Schenck for Study Of Florida Locale

A survey of the possibilities for production in Florida was urged upon the industry by Joseph M. Schenck upon his return from a visit there yesterday. The United Artists head announced his intention to request Will H. Hays to call a meeting of producers so that a committee might be appointed to study Florida conditions.

Asserting that he went south at the behest of a number of producers in search of a new home for the industry in the event the California tax

(Continued on page 6)

Code Transfer To Trade Body Seen as Easy

WASHINGTON, March 11.—Transfer to the Federal Trade Commission of the administration of the trade practice provisions of the recovery codes, which may be pressed in Congress by members antagonistic to the National Recovery Administration, could be accomplished easily and would require only an expansion of existing machinery in the commission.

It would not be necessary for codified industries to go through the routine of applying for a trade-practice conference and discussing proposals, as required under the plan followed by the commission, since the codes represent the results of general conferences at which all members of the industry involved were

(Continued on page 5)

Features in Work Fall Off Slightly

HOLLYWOOD, March 11.—Production activity receded slightly last week with a total of 39 features and four shorts before the cameras as compared to 41 and four the preceding week. In addition, the past week's schedule registered 21 features and 10 shorts in the final stages of preparation with 38 features and 16 shorts in the cutting rooms.

Warners led the field with seven features in work, one preparing and six editing; Fox has six, one and five; Radio, five, two and three;

(Continued on page 8)

Doubts Power To Levy Code Assessments

Richberg States Views to Senate Probers

By BERTRAM F. LINZ

WASHINGTON, March 11.—Admission by Donald R. Richberg, former chief counsel of the NRA, that there is grave doubt whether code authorities have the right to force contributions for administration costs marked today's hearing before the Senate Finance Committee.

Questioned by Senator Clark of Missouri as to whether code authorities were exercising "the right, in effect, to levy taxes," Richberg said he did not think they had such authority, explaining that in most cases costs were being met by voluntary contributions.

Criticisms that the investigation of the Recovery Act threatens to become a whitewash were voiced today by senators opposed to the NRA after Senator Harrison, chairman of the committee, over the opposition of Senator

(Continued on page 5)

"U" Turns Loss to Profit of $238,791

Universal Pictures Co., Inc., and subsidiary companies yesterday reported a net profit for the fiscal year ended Oct. 27 of $238,791.71 after provision for Federal income taxes and after providing for a non-recurring loss of $178,295 account settlement of notes receivable from a company in receivership and $10,000 for estimated loss of funds in closed banks.

This compares with a net loss of $1,016,893.28 for the fiscal year ended Oct. 28, 1933.

Schlaifer Quits as G. B. Sales Manager

L. J. ("Jack") Schlaifer, sales manager of Gaumont British, resigned yesterday, the resignation to take effect immediately.

The step comes on the heels of a

(Continued on page 5)

New Setup Approved By General Theatres

LONDON, March 11.—Approval of a reorganization plan for General Theatres Corp., Ltd., has been given

(Continued on page 5)

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Knight First to Win Two Quigley Awards

R. E. Knight, manager of the Fairmont, Fairmont, West Va., is the first of the Quigley Award winners in the contest conducted by the Managers' Round Table Club of *Motion Picture Herald* to repeat. He won the first last June for his campaign on "Twenty Million Sweethearts," according to A-Mike Vogel, chairman, and came back for another in February as a result of his campaign on "Devil Dogs of the Air."

Second February honors went to Edward Douglas, Loew's Kings, Brooklyn, for his work on "Forsaking All Others." First mentions went to Chic Evens, Loew's State, St. Louis; Ed M. Hart, Strand, Plainfield, and Cress Smith, Palace, Pittsburgh.

MITCHELL MAY, Jr. COMPANY
INC.
SPECIALISTS IN FILM and THEATRE INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Purely Personal

IRENE DUNNE, accompanied by her husband, DR. F. D. GRIFFIN, arrives today from the coast on the *Santa Paula.* MRS. VERNER Z. REED, mother of JOSEPH VERNER REED, and MR. and MRS. MESSMORE KENDALL are on the same boat.

•

SAM CLARK, moved up from Chicago to New York, becomes a member of the Warner publicity department handling newspapers and syndicates and not assistant to S. CHARLES EINFELD.

•

NATE BLUMBERG developed a sudden passion for crackers and cheese after spending two hours yesterday afternoon listening to testimony in the Century-RKO Long Island clearance dispute.

Quip of the Day

From Vic Shapiro:

"Telephone courtesy at Harry Cohn's Columbia usually consists of the telephone operator stating 'Good morning. Columbia Pictures Corporation,' but the day after the Academy banquet, someone called up Bill Perlberg, Columbia's casting director, who, upon lifting the receiver, stated in his finest telephone noblesse oblige:

"Good morning. Academy Awards Winners!"

MRS. ELLA H. MCCORMICK has completed her look around town and is now back in Detroit where she is picture editor and critic of the *Free Press.*

•

OTTO HARBACH, who wrote the book and lyrics for "Roberta," will be interviewed over an NBC hookup by NELLIE REVELL next Friday.

•

ALICE FAYE answered a call from the Fox studios and took a plane Sunday for the coast to start work in "Adios, Argentina."

•

ETHEL MERMAN leaves the cast of "Anything Goes" shortly for a brief vacation before going to Hollywood for her next picture.

•

IRVING MANDELL, Monogram representative in Chicago, is in town for conferences with W. RAY JOHNSTON and ED GOLDEN.

•

J. J. MCCARTHY quits the coast tomorrow on his homeward trek. Due in Saturday for St. Patrick's Day capers.

•

SHEMP HOWARD, who has just finished work in a Vitaphone short, leaves today for the coast.

•

GEORGE ARLISS is due in town from the coast tomorrow. He has just finished work in "Cardinal Richelieu."

•

NELSON EDDY held court, as it were, yesterday, when M-G-M gave him a cocktail party at the Elysee.

•

SYLVIA SIDNEY reached town yesterday on a vacation trip.

•

STAN SHUFORD is in Bermuda. A brief vacation—one week.

•

SAM RINZLER blossomed out in his new gray, spring tweeds yesterday.

CAPTAIN RICHARD NORTON, British and Dominions producer who arrived here several weeks ago, plans to sail for London early next week. A slight cold laid him low over the week-end and caused a slight delay in his return home.

•

CLAUDETTE COLBERT, MARLENE DIETRICH, CLAUDIA MORGAN and FRANK MORGAN were unsuspectingly photographed by newsreel cameramen while seated at various tables in El Morocco over the week-end.

•

MARTHA SLEEPER finishes work this week on "Miracle in 49th St." BEN HECHT's and CHARLES MACARTHUR's latest now being filmed on Long Island, and leaves for Hollywood next week.

•

ROCHELLE HUDSON, who is in town on her first visit east, is being shown the city's sights, and shops, by MARY ROGERS, daughter of WILL.

Delay M. & S.-RKO Case

Hearing on the M. & S.-RKO arbitration proceedings, slated for tomorrow, will be postponed until a later date, it was learned yesterday. Bruce Bromley, representing RKO, is planning to go to St. Louis to attend the indictment pleadings before Federal Judge Charles B. Davis on March 15.

"Roberta" a Big Draw

"Roberta" is heading for $100,000 at the Music Hall, having garnered $66,000 for its first four days. It's being held a second week. "Enchanted April" at the Roxy is aiming for a $35,000 tally. The picture has grossed over $20,000 since opening last Friday. Both are RKO Radio films.

Mrs. Al Sobler Dead

CHICAGO, March 11.—Mrs. Elizabeth Van Zandt Sobler, wife of Al Sobler, is dead following four days' illness. She was 32 and is survived by her husband, two daughters and her mother who lives in New York.

Fordham to Celebrate

Charles MacDonald, RKO division manager, is lining up a group of old time vaudeville performers for the 14th anniversary of the Fordham, which takes place April 6. The house was opened in 1921.

Buys "The Matchmaker"

Worldkino Corp. has bought from Amkino the United States and Canadian rights to "The Matchmaker," based on the novel "Menachem Mendel" by Sholom Aleichem.

Stampede Injures Four

JACKSON, Ky., March 11.—Four persons were injured slightly here last night when a booth fire in the Pastime started an audience stampede.

"Diggers" Portland Hit

PORTLAND, March 11.—"Gold Diggers of 1935" got off to a sensational start here by grossing $1,700 opening day. The weather was ideal.

"Diggers" Into Strand

"Gold Diggers of 1935" opens at the Strand Thursday morning.

Pickets Return to Broadway Theatres

After an absence of some months, pickets have returned to Broadway as a result of failure by the fact-finding committee to prepare a basic operators' schedule for the metropolitan area. Three independent houses were picketed yesterday, and it is reported circuit theatres will find the sandwich men parading up and down in front of the theatres shortly.

The Mayfair and Astor, Walter Reade units, were picketed by men with American Federation of Labor signs while the Gaiety, a burlesque house which sandwiches pictures between stage shows, was paraded by Empire State Union pickets. In each instance there were from two to three men with signs.

Reports were current yesterday that the fact-finding committee has disbanded and it would not be long before Broadway breaks out in a rash of picketing.

English Group Buys RKO Vancouver Unit

VANCOUVER, B. C., March 11.—RKO disposed of its last Vancouver interests with the sale of the Vancouver Theatre and Orpheum Office Bld. to an English syndicate for a price reported to be close to $250,000. H. V. Sharpels of Vancouver, acted with Joe Toplitzky of Los Angeles, for the Orpheum Theatrical Co., Ltd.

Deal is largest real estate turnover here in recent times and involves a 125-foot frontage on Granville St. The theatre will continue dark as at present, opening when required for traveling stage companies. Actual members of the purchasing syndicate are not known, but they were represented by Yorkshire & Pacific Securities, Ltd.

Another Censor Fee Increase Up in Ohio

COLUMBUS, March 11.—The General Assembly is "double billing" in its current legislative program.

In addition to a bill introduced by Senator Zoul of Cleveland to increase censorship fees to $3 for the first 1,000-foot reel, and $2 for each succeeding reel, Representative Carey of Toledo is sponsoring a bill to make the fee $5 for the first and $3 for each additional reel. The present fee is $1 per reel.

Distributors estimate that the Zoul bill would increase the cost of censorhip $100,000 per year, while the other would add $200,000 annually.

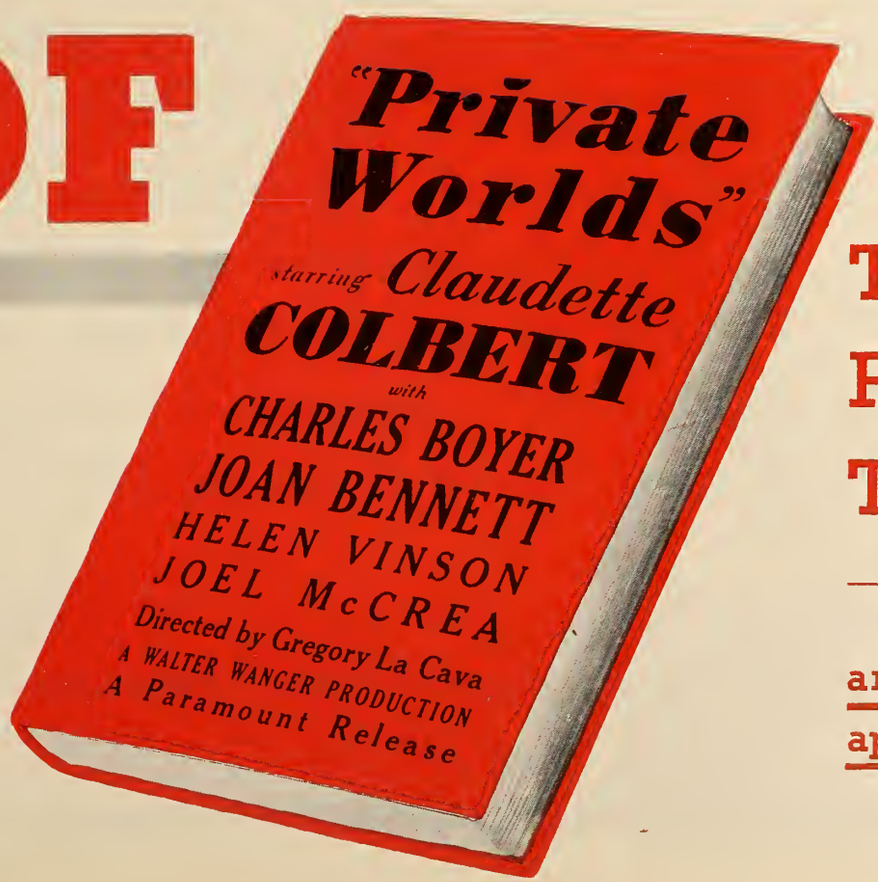
May Buy U. S. Films

Amkino was advised by cable from Moscow yesterday that the Soviet was considering purchase of the American films shown at the recent 15th anniversary of the Russian film industry. The pictures include "The Invisible Man," "Our Daily Bread," "Gentlemen Are Born," "Viva Villa," "Little Women," "La Cucuracha" and Disney cartoons.

Eastman Enlarges Plant

ROCHESTER, March 11.—The Eastman Kodak Co. has awarded contracts for construction of a large addition to its plant in Kodak Park here, it was learned today. Several buildings are contemplated.

"WOMEN WILL GET A TERRIFIC BOOT OUT OF



THE FINEST PICTURE OF THE YEAR!"

—Motion Picture Daily

and the reasons why appear on the next page

HERE'S WHY:



"I'm living in a ghost world with a ghost lover!"

1. The theme of "Private Worlds" is REPRESSION—a topic of vital interest to ALL women!



"I hate woman doctors. They always take advantage of their sex."

2. "Private Worlds" vividly dramatizes the eternal conflict of the sexes! It asks the question, "Can a woman compete with a man on an even basis in a man's world?" —and answers, "YES!"



Charles Boyer, who, Louella Parsons says, "is so grand in this picture that all the girls are asking where he has been all their lives."

3. . . . Women will go for CHARLES BOYER! The Hollywood Reporter says: "Charles Boyer is superb! There is no question that America—especially female America—will be at his feet."

Remember that A WOMAN'S PICTURE

is always a BOX OFFICE PICTURE!

Code Transfer To Trade Body Seen as Easy

(Continued from page 1)

given an opportunity to express their views.

Interest in the possibility of a transfer of NRA functions to the Federal Trade Commission has been heightened by Senator Nye's announcement that he intends to introduce a bill calling for this change in spite of the fact that the Senate Finance Committee has already instructed its bill drafting staff to get in touch with Donald Richberg for the purpose of embodying Administration suggestions.

A report to Congress on the trade-practice plan by the commission shows that it follows closely the purposes and procedure of the recovery act. The trade-practice conferences, the commission explains, are the logical development of efforts of the commission, cooperating with industry, to protect the public against unfair methods of competition and raise the standards of business practice.

The plan of thus dealing with unfair trade practices has been in operation for some 15 years, and during the last fiscal year alone rules thus devised were voluntarily accepted by approximately 2,400 individuals, firms and corporations.

Chance to Correct Abuses

"These conferences afford representatives of an industry the opportunity to assemble voluntarily and, under the auspices of the Federal Trade Commission, consider methods for the correction or abandonment of unfair and unethical practices and trade abuses," the report declared.

"The procedure is to deal with an industry as a unit. Concern is solely with practices and methods. Agreements reached terminate on a given date unfair methods of competition, unethical conduct or any trade abuses condemned at the conference, and thus place all competitors on a fair competitive basis.

"Procedure is predicated on the theory that the primary concern of the Federal Trade Commission is the interest of the public," the report continued.

"Recognition is given of the principle that the public is entitled to the benefits which flow from competition, and that each competitor is entitled to a fair competitive opportunity. The legitimate conduct of business is in perfect harmony with the best interest of the public. That which injures one undoubtedly harms the other, and the commission, in the trade-practice conference, provides a procedure which protects the interests of all."

Held for a Fourth

"The Lost City" is being held for a fourth week at the Globe.

BRIDGEPORT, March 11.—"The Lost City" goes into Poli's the week of March 29.

SYRACUSE, March 11.—The Strand will run "The Lost City" for a week beginning the 15th.

Nizer's Nanny Gallops; Klupt Objects to "Snort"

(Continued from page 1)

ing and nine in the afternoon; Nizer, 24 in the forenoon and seven in the afternoon, making a grand total of 211 objections.

That Rivoli, Hempstead, and Fantasy, Rockville Center, L. I., window card came up again when Klupt brought in Benjamin Epstein, owner of a grocery store in Far Rockaway, as surprise witness. Nizer brought in four of his own witnesses, Mrs. "Toots" Pauker, Adolph F. Boldholdt, Morris Rochelle and Gerald Kaufman. All but Kaufman talked about the card for an hour and a half.

Howard Weiss, Charles MacDonald, Fred H. Griffin, Patrick J. Walsh and John G. Heines were on the stand in the morning, while most of the afternoon was given over to the window card witnesses with the exception of Kaufman and Moe Sanders of Fox who introduced the Fantasy clearance clause for the record.

In addition to the "snorting" episode, Klupt chided Picker earlier in the day for criticizing some of the testimony on the Alden mailing list. Picker pulled a fast one. He called an executive session and the matter was settled. The mailing list data was admitted. On two other occasions, the board went into informal huddles on certain issues.

The morning session was anything but mild. At one time, Klupt asked for a showdown. Nizer agreed and said: "Let's have it." Then followed a verbal barrage which included "discourteous," "shyster," "credibility of witnesses," "snorting," etc., etc.

Next meeting is slated for Thursday at which time testimony is expected to be completed with summations to follow.

Box Score by Days

	1st	2nd	3rd	4th	5th	6th	Total
Nizer	26	14	5	21	21	31	118
Klupt	17	14	15	16	19	12	93

Bank Night in Md. Is Declared Lottery

WASHINGTON, March 11.—Bank nights were declared lotteries in a decision handed down today by the local grievance board which ordered E.L. Moore of the Ridgley, Ridgley, Md., to cease and desist from the practice.

The complaint was brought by M. H. Schwarz of the Dentonia, Denton, Md.

Joseph C. Grant of the Dunbar complained that the Star Amusement Corp., Baltimore, was distributing passes for advertising purposes. The case was continued for additional evidence. Grant withdrew a complaint against the same defendant in regard to reduced admissions. His overbuying grievance against Star Amusement was continued until the next session.

New Setup Approved By General Theatres

(Continued from page 1)

by shareholders of the circuit. The vote was 1,152,104 in favor and 9,210 against. Those opposed to the plan may take their case to court.

Adoption of a plan of reorganization was recommended by the Joint Committee of Investment Trusts and Insurance Companies, which has been looking into the affairs of the circuit.

At the annual meeting shareholders refused to hear a reorganization scheme prepared by the directors until the joint committee had investigated the company.

Rosenberg Off Tomorrow

Mike Rosenberg, F.W.C. partner in 16 coast situations and also interested in the Evergreen Theatres in the northwest, plans to leave for Los Angeles tomorrow.

He is here for conferences with Spyros Skouras on policy changes for Evergreen, of which Frank Newman is operating head.

Film Cleanup Forced Big Changes-Zanuck

(Continued from page 1)

the new conditions had improved the quality of product.

"The switch to talking pictures," asserted the 20th Century producer, "was more chaotic while it lasted, but it was a mechanical change and depended more than anything else on the perfection of mechanical devices. The mere novelty of hearing screen images talk atoned for its deficiencies in the eyes of the film public.

"The present change is more difficult, because it was psychological. It required no mere adaptation to physical and mechanical appliances, but an entirely new way of thinking."

Zanuck added that the agitation for clean films not only required the producers to alter their way of thinking but "to change the public's attitude toward screen entertainment."

Schlaifer Quits as G. B. Sales Manager

(Continued from page 1)

number of deals which he closed in the Pacific Northwest, including first runs for unplayed G. B. product in Seattle, Portland, Tacoma, Los Angeles, Oakland, Sacramento, Stockton, Berkeley and San Francisco.

Schlaifer, for years western district manager of United Artists, stated last night he had no plans.

George Weeks is general sales manager.

Finish Newspaper Yarn

HOLLYWOOD, March 11.—Two former New York newspaper men, Hy Daab and Major Ross Duff Whytock, have written "Park Row," a saga of New York journalism covering 20 years of the dramatic period in newspaper history. Many of the historic figures of "the Row" have been woven into the story.

Doubts Power To Levy Code Assessments

(Continued from page 1)

King of Utah, secured approval of a schedule of witnesses to be called. In the list Clarence Darrow is the only person not connected with the NRA.

"There is too much effort on the part of the NRA and its officials to bolster up the organization," Senator King commented. "I regard it as important that we bring witnesses who have legitimate and valid complaints, particularly in view of Mr. Richberg's statement that NRA is such a beneficial organization and necessary to prevent monopoly."

Today's hearing was marked by a brief skirmish between Richberg and Senator Borah of Idaho, the former declaring that the latter's demand for the scrapping of all of the Recovery Act except the wage, hour and child labor provisions would enable monopolies to flourish and increase unemployment. Borah, in exchange, called Richberg a friend of monopoly and a foe of labor and small business.

Jersey Pari-Mutuel, Billboard Bills Up

TRENTON, March 11.—Two bills affecting the industry—revision of the state billboard tax law and legalization of pari-mutuel betting on horse racing—are slated for action in the Assembly this week.

The billboard measure, Assembly 129 by Herbert J. Pascoe of Union, has been reported from committee and is ready for a vote. The 12 Essex members, largest delegation in the House, are solidly against the measure, but with Democratic help it has a good chance of passage.

The present state billboard tax is three cents per square foot and cost of billboard advertising has been increased since 1930 when the law became effective. Pascoe's measure would repeal the tax and replace it with a graduated flat tax based on the number of locations, the maximum tax being $500 annually for concerns having more than 500 billboards. Passage of the bill is expected to result in lower advertising rates.

Exhibitors are watching the horse racing measure with concern because of their experience with the dog tracks last year. The dog tracks milked dry the territories in which they operated and cut into film patronage greatly. While horse racing would be conducted in the daytime, of course, and would not compete directly with evening performances, exhibitors are wondering how much money would be diverted to the mutuel machines, leaving movie patrons with less to spend for other amusements.

The horse racing constitutional amendment, sponsored by Assemblyman Joseph Altman of Atlantic City, will be reported favorably from committee this week. It will be brought to a vote next week and appears certain of passage, the strong Democratic minority being for it. The amendment passed the 1934 legislature and approval this year will mean its submission to the voters in the fall.

Lewin's Dual Attack Stirs Independents

(*Continued from page* 1)

vermin the Lord ever suffered on the face of the earth."

Golden, in making an unscheduled reply to Lewin at the annual luncheon which closed the National Board of Review meeting Saturday, declared that the critic of duals was unwarrantedly "mixing an economic with a moral issue." Golden cited the recent Federal court decision at Philadelphia which held the contractual restriction of double featuring in that instance to be a "conspiracy in restraint of trade" and declared that any effort to abolish duals was contrary to the spirit of the decision and, therefore, to Federal law.

"Dr. Lewin's statements strike at the very vitals of independent production," Golden said. "There is not one of the present large companies which did not have its beginning as an independent company such as Monogram. Abolish double featuring and you abolish the independent and all that his existence means to competition and growth within the industry. Without double featuring there would be no need for more than 365 pictures a year."

Other speakers at the luncheon directed their remarks to the subject of censorship. Assemblyman Herbert Brownell, Jr., who sponsored a bill in the state legislature to abolish the New York censor board, said that censorship had "in no way aided in raising the standard of films, accomplished no worthwhile purpose and did practically no good, whatever."

State Censors on Hand

Among Brownell's interested listeners were six members of the state censor board. He declared that he hoped his views would enlighten Review Board members from states where no censorship exists.

Mayor LaGuardia, another speaker, stated that he believed there was no real threat of Federal censorship, revealing that during his 14 years in Congress only two Federal censorship measures were introduced which had any serious support "and that soon dwindled."

"The best censorship is that of the box-office," the Mayor said. He urged special theatre hours for juvenile attendance, with a matron in charge of each theatre section set aside for children, but added that he had had little support for the idea.

Dr. George W. Kirchwey, chairman of the National Board of Review, concluded an argument for freedom of expression for films with the plea not to "render them as repulsive to children as school and the home have become." "Motion pictures," he said, "are the only romantic and emotional outlet for many city children."

Alexander Markey, producer of "Hei Tiki," urged the greater artistic development of films. He appealed to the Board of Review to make an effort to establish a clearing house or endowed foundation where "creative genius, barred from expressing itself in films by standard production costs, could create and market a new film expression."

Markey stated that if production was not taken away from the business men who seized it before it had had a chance to be developed as an art, it never would become an art.

The advertising of Markey's "Hei Tiki" at the Globe, where it had its Broadway first run, drew numerous complaints for its suggestive nature and was called to the attention of License Commissioner Paul S. Moss.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Ten Dollar Raise"

(*Fox*)

HOLLYWOOD, March 11.—As a $40-a-week bookkeeper whose hobby is saving pins and being punctual, Edward Everett Horton provokes laughs aplenty. His individual brand of comedy pathos hits a laugh peak due to the shrewd direction, the comedian's portrayal and performances of the supporting cast.

This has mass appeal and should hit spots as good average comedy.

Horton, who has earned the same salary for years, loves Karen Morley, secretary of the firm, but is afraid to take the fatal step because of finances. All appeals to the Boss (Berton Churchill) for a raise fail and Horton is dejected when a fast-talking salesman sells him four worthless lots in swamp land. Meanwhile, the boss' son (Glen Boles) wants to marry Miss Morley's daughter. Churchill intervenes and Miss Morley is fired for not acceding to Churchill's demands.

Just when all seems lost between Horton and Miss Morley the former falls into a swamp on one of the lots and the odor is so vile that his pal (Ray Walker) has the water analyzed, with the result Horton receives $100,000 and a percentage from a water bottling corporation. Horton buys Churchill's firm, making the boss work for him, and marries Miss Morley.

George Marshall does a fine job of direction, maintaining the comedy tempo. Performances are good all 'round, with Horton splendid. Henry Johnson and Louis Breslow contribute a well-rounded screen play from Peter B. Kyne's original.

Exploited for laughs, this one should ring the bell.

Production Code Seal No. 667. Running time, 70 minutes. "G."

Looking 'Em Over

"Rainbow Valley"

(*Monogram*)

With less action, particularly in the line of hand-to-hand struggles between John Wayne and the villain, and with more emphasis evidently placed on the story, here is a worthy member of the Lone Star series. Wayne presents his usual virile character portrayal and the other members of the cast handle their roles capably.

Sent to prison to get the goods on a bandit gang which is terrorizing the inhabitants of Rainbow Valley, Wayne is pardoned and joins forces with George Hayes, eccentric mail carrier, in an effort to build a road to connect the valley with the outside world. Thwarted at every turn by his enemies, Wayne joins the gang and uses its men and dynamite to bring the road to completion under the guise of stopping them. In the meantime, romance has blossomed with Lucille Brown, post mistress of Romance Valley, and the fadeout finds them in each other's arms.

R. N. Bradbury's direction keeps the film moving at a fast pace. The photography by William Hyer is okay.

Western fans and children in particular should get a kick out of this one. Reviewed without production code seal. Running time, 52 minutes. "G."

"Transient Lady," which was previewed at the Mayfair on Friday night, was reviewed by wire from Hollywood on Feb. 13.

Weather Delays Flinn

LOS ANGELES, March 11.—Campi Secretary John C. Flinn, due here last night, has been delayed a day, his plane being forced down at Douglas, Ariz., by bad weather.

Schenck for Study Of Florida Locale

(*Continued from page* 1)

program is put through, Schenck would not express a definite opinion as to whether he favored Florida as a production center, saying that a study of weather conditions and other factors would have to be made by technicians first.

"As far as the people of Florida are concerned, I have no doubt they want the motion picture industry there," he remarked. "They are all anxious to raise money for studios."

Television in Theatres Gets British Study

(*Continued from page* 1)

of the Postmaster General can be obtained.

* * *

Sir John Gilmour, Home Secretary, has clarified the position regarding the future of non-flam films by a statement in reply to a question in the House of Commons.

Confirming his intention to ask for revision of existing safety regulations under the Cinematograph Act, Sir John denied that it was intended to apply the same rules to celluloid and non-flam films. "At no time has it been contemplated," he said, "that the same regulations should be applied to films on a nitro-cellulose base and to films on an acetate base."

Considerable opposition has been shown by those interested in educational and commercial film production to the suggestion that the exhibition of such films was to be subjected to the same rules as those obtaining in theatres.

* * *

Gerald Cock, appointed director of television by the British Broadcasting Corp., is the man who has controlled all outside broadcasts for the B. B. C. Once commercial director of a film company, he had an earlier association with Hollywood, where he fruit-farmed on land now occupied by leading studios. Films will be largely used in his first television transmissions.

Frisco Case Postponed

SAN FRANCISCO, March 11.—The case of Herman Cohen, United Artists Theatre, versus 31 local houses, charging violation of the code through the use of bank nights, was postponed to March 19 today following a brief hearing before the grievance board attended by virtually every principal theatre operator here. Lack of preparedness due to the M.P.T.O.A. convention caused the postponement.

Henry King Has Pleurisy

HOLLYWOOD, March 11. — Henry King, filming exteriors at Waterloo, Me., for "Way Down East," is in a hospital with pleurisy, according to word received here. This was the first hint that Fox was remaking the film as a talker.

Police Head on Coast

LOS ANGELES, March 11.—Peter J. Siccardi, president of the International Ass'n of Chiefs of Police, is here for conferences with producers on their treatment of crime pictures.

Emerson Made Producer

HOLLYWOOD, March 11.—John Emerson, M-G-M writer, has been elevated to a producer, his first being "Studio Girl."

Will Operate on Trotti

LOS ANGELES, March 11.—Lamarr Trotti, Fox writer, is at the California Hospital for a major operation.

Day-after-Day
EXCELLENCE

EASTMAN Super-Sensitive "Pan" Negative has played a part in productions that marked veritable milestones in cinematic progress. Yet its success in these outstanding pictures is based upon the same dependability it offers cameramen and producers every day in the year. Unfailing, day-after-day excellence is the quality that makes this film the natural choice for the screen's greatest ventures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

"Folies" Hits Philadelphia Top, $13,500

PHILADELPHIA, March 11.—"Folies Bergere" and "Little Colonel" set a pace too fast to be followed by the rest of the entries last week, though their combined good business sent the total take into the profit fields.

The former got $13,500, one of the best figures of the season at the Aldine. Playing its second week at the Fox, the Shirley Temple film gleaned $21,000 and stayed for a third.

Total first run business was $86,600. Average is $77,560.

Estimated takings for the week ending March 7:

"FOLIES BERGERE" (U.A.)
ALDINE—(1,200), 35c-40c-55c, 6 days. **Gross:** $13,500. (Average, $7,000)

"WINGS IN THE DARK" (Para.) (2nd run)
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,300. (Average, $2,400)

"VANESSA" (M-G-M)
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** $8,000. (Average, $12,000)

"BEST MAN WINS" (Col.)
EARLE—(2,000), 25c-40c-50c, 6 days. Stage: Benny Davis revue. **Gross:** $14,000. (Average, $12,000)

"LITTLE COLONEL" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days, 2nd week. Stage: Ward Wilson, Danny Dare Dancers; Melody Ensemble. **Gross:** $21,000. (Average, $12,000)

"THE GOOD FAIRY" (Univ.) (2nd run)
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,900. (Average, $3,500)

"DEVIL DOGS OF THE AIR" (Warners)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $3,500. (Average, $4,000)

"THE IRON DUKE" (Gaumont British)
LOCUST—(1,300), 55c-65c, 8 days, 2nd week. **Gross:** $4,800. (Average, 6 days, $5,000)

"WHOLE TOWN'S TALKING" (Col.)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)

"MYSTERY OF EDWIN DROOD" (Univ.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $5,600. (Average, $6,000)

Joyce Reserves Rule On Big Para. Claims

Special Master John E. Joyce took under advisement following a hearing yesterday two petitions for the allowance of claims against Paramount Publix aggregating $26,127,000, exclusive of interest, to permit holders of the claims to vote specific amounts on Paramount's plan of reorganization.

Joyce granted another petition closing the docket of claims on March 21 against their further filing or being assigned, until such time as the Federal court may reopen the docket. This will enable the special master to make his report to the court showing which creditors may vote on the reorganization plan and in what amount.

The petitions for the allowance of the claims were filed by Paramount Publix and by counsel for the Paramount trustees. The latter petition asks for the final allowance of the bondholders' claims aggregating $25,157,000, plus interest; while Paramount's petition asks the provisional allowance of those claims and 17 additional claims aggregating $950,000. The petitions embrace all of the claims to participate in the reorganization except those which have been made a part of the plan itself, such as the Allied Owners, bank group and Paramount Broadway claims.

Features in Work Fall Off Slightly

(*Continued from page* 1)

M-G-M, four, four and seven; Columbia, four, six and three; Paramount, four, one and six; Universal, two, two and two; Century, one, zero and two; Roach, zero, zero and one, while the independents aggregate six, four and three.

In the short subject division Roach reports one in work, none preparing and one editing; Columbia has one, two and two; M-G-M, zero, four and five; Universal, zero, one and one; Radio, zero, zero and two. Independents aggregate four, three and five.

Moley Hits 'Absurd' Criticism of Films

(*Continued from page* 1)

against those critics who annihilate endowments in pseudo-scientific efforts to prove that movies "incite to crime."

These processes, Moley said, usually consist of taking a number of case histories—just how many depends upon the size of the endowment—and asking each subject a list of leading questions. From the replies, conclusions are drawn which seem to have little to do with the case histories, he said.

The industry's only concern about the criticism levelled against it from these quarters should be whether there is justification for it, he said. The wisest procedure in the face of criticism is to perfect what you are doing, the film men were told.

"One 'David Copperfield' with its precious content of true art and great and basic morals," Moley said, "will win more parents to the support of the motion picture industry than can be taken away by a thousand screeds attacking the movies as a source of evil."

"There are more factors in films conducive to crime prevention than to crime encouragement," he added. "Make the law enforcer the hero, rather than the buffoon of the story. If you can do this on the proper level, you have the instruments of crime suppression at hand. I think the industry is recognizing its responsibility. The public should commend its constructive works, and encourage it to do more, rather than bitterly criticizing its faults."

Moley praised the activities of Will H. Hays and his organization, declaring that "his programs are intelligently conceived" and that in endeavoring to raise film standards Hays is "performing a diffcult task in an intelligent manner."

Francis Walton, editor of the *New Outlook*, said that the industry "has taken it unduly on the chin" for the attention paid to crime by films.

"Some pictures have featured some of the big shots of crime," he said, "but so have the newspapers."

Martin Weyrauch, managing editor of the *Brooklyn Eagle*, declared that if motion pictures and the radio had existed at the time of the writing of the Constitution the same guarantee of freedom of expression which it gives to newspapers would have been specifically granted to the newer media of communication, because "the intent of the Constitution was to guarantee freedom of speech to all agencies of criticism."

Wall Street

Eastman Pfd. Up 1 on Big Board

	High	Low	Close	Net Change
Columbia vtc (1)	43⅝	40½	41	—2⅛
Consolidated Film	5⅜	5¼	5¼	— ⅜
Consolidated Film pfd (1v)	19¾	19	19	— ½
Eastman (5)	121½	120	120	—1¼
Eastman pfd (6)	151	151	151	+1
Fox Film "A"	9½	9¼	9⅜	+ ⅛
Loew's, Inc (2)	35½	34¼	34½	— ⅞
Loew's, Inc. pfd (6½)	104¼	104¼	104¼	.....
Paramount Publix	3	2⅞	2⅞	— ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	14½	14	14	— ⅝
RKO	1½	1⅜	1⅜	— ⅛
Warner Bros.	3	2⅞	2⅞	— ⅛
Warner Bros. pfd	17⅛	17	17	.....

Technicolor Off ⅜ on Curb

	High	Low	Close	Net Change
Technicolor	15⅝	14¾	15	— ⅜
Trans-Lux	2¾	2⅝	2⅝	.....

Warner Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7¼	7¼	7¼	.....
General Theatre Equip. 6s '40 ctf	7⅛	7⅛	7⅛	.....
Keith B. F. 6s '46	68¼	68¼	68¼	+ ¼
Loew's 6s '41 ww deb rights	105⅜	105	105	— ½
Paramount B'way 5½s '51	48¾	48⅞	48⅞	—1¼
Paramount F. L. 6s '47	74½	73	73	.....
Paramount Publix 5½s '50	75½	74	74	— ½
Pathe 7s '37 ww	103¾	103⅝	103¾	+ ⅛
RKO 6s '41 pp	26½	26½	26½	— ½
Warner Bros. 6s '39 wd	51⅛	51	51	+ ¾

(*k*) *Paid this year.* (*v*) *Defaulted in principal but not in interest.*

(Quotations at close of Mar. 11)

"Colonel" at $16,000 Big Draw in Hub

BOSTON, March 11.—"Little Colonel" stepped out front in a big way at Keith's Memorial and passed par by $4,000 for a total gross of $16,000.

"Living on Velvet," with the help of Kitty Carlisle and Phil Cook and a revue on the stage at the Metropolitan, reached $25,000, over average by $3,000. "Mystery Woman" took a good $12,000 at the RKO Boston.

Total first run business was $70,500. Average is $65,000.

Estimated takings for the week ending March 8:

"ONE MORE SPRING" (Fox)
"LOTTERY LOVER" (Fox)
FENWAY — (1,382), 30c-50c, 7 days. **Gross:** $5,500. (Average, $4,500)

"THE LITTLE COLONEL" (Fox)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $16,000. (Average, $12,000)

"THE WHOLE TOWN'S TALKING" (Col.)
"SOCIETY DOCTOR" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $9,000. (Average, $10,000)

"LIVING ON VELVET" (Warners)
METROPOLITAN — (4,338), 35c-65c, 7 days. Stage: Kitty Carlisle in person. Phil Cook and big revue. **Gross:** $25,000. (Average, $22,000)

"ONE MORE SPRING" (Fox)
"LOTTERY LOVER" (Fox)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $5,000. (Average, $5,500)

"MYSTERY WOMAN" (Fox)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Rae Samuels in "Cocktail Hour" revue. **Gross:** $12,000. (Average, $11,000)



COMFORTABLE VISION

● Immediately upon entering the theatre patrons enjoy the comfortable vision which High Intensity Projection permits. This screen light greatly improves black and white and makes colored pictures especially pleasing. National High Intensity Projector Carbons make available to theatres of every size a comfortable level of general illumination and the brilliant, snow white, screen illumination which only High Intensity Projection provides.

Use National High Intensity Projector Carbons

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 60 NEW YORK, WEDNESDAY, MARCH 13, 1935 TEN CENTS

"U" Not Sold, Not Even to Huey:Laemmle

Takes Hot Verbal Shots At Industry Gossips

HOLLYWOOD, March 12.—Universal hasn't been sold. Take Carl Laemmle's word for it—his emphatic word.

"If you can believe some of the trade papers and certain radio gossips," he says, "Universal has been sold out to everybody in the world except Huey Long, Father Coughlin and General Hugh S. Johnson.

"And the only reason why we have not been sold out to them," he adds, "is because they have been too busily engaged in calling each other political termites, pied pipers, chocolate soldiers, cream puff soldiers, religious flubdubs and other endearing names.

"I must admit that I have been tempted more than once to call names. Year after year I have seen plain, manufactured lies published about

(*Continued on page* 8)

Good Friday Closing Demanded in Canada

TORONTO, March 12.—A new movement has rolled up on the horizon to harrass theatre proprietors. Unless theatres are closed on Good Friday, adherents of the Roman Catholic faith will be instructed to boycott them during the week following Easter when religious restrictions are generally removed.

The threatened boycott first made itself known in the Atlantic Province of Nova Scotia, but the matter is now

(*Continued on page* 10)

Attendance at Roxy Up, Cullman Reports

A marked improvement in attendance at the Roxy was noted in the report submitted yesterday by Howard S. Cullman, trustee, to Federal Judge Francis G. Caffey. According to the independent audit, daily attendance at the theatre from May 4, 1934, through

(*Continued on page* 8)

Bay State Hearing On Race Repeal Set

BOSTON, March 12.—A public hearing on the bill seeking repeal of the horse and dog pari-mutuel legislation has been set for March 20.

A crowded public hearing at the State House was cut short yesterday when the House Committee on Rules

(*Continued on page* 10)

Code Changes Get Approval From the NRA

No Reference to Leases Or Show Contractors

By BERTRAM F. LINZ

WASHINGTON, March 12.—Omitting all reference to the problems of interference with lease or compliance of unit show contractors with code wage provisions, the NRA today announced approval of amendments to the film code which were discussed at the hearing last December.

The new matter to be inserted in the code deals with the labor conditions of chorus girls, covers the rehearsal pay of principals, limits the application of the code to the continental United States and Alaska, and eliminates rep, tab, tent, wagon, truck and medicine shows and showboats.

Chiseling of wages through the employment of so-called amateurs is to

(*Continued on page* 4)

Ipswich Clearance Cases Are Quashed

Because it was declared the Boston clearance and zoning board exceeded its jurisdiction in setting up a clearance of 21 days after downtown Boston for Ipswich, Mass., an appeal committee, comprising Dan Michalove, chairman; Charles Casey and Frank J. A. McCarthy, yesterday refused to hear two complaints against

(*Continued on page* 4)

Kansas Law Officer Rules on Bank Night

KANSAS CITY, March 12.—Bank nights are ruled legal in Kansas by Attorney General Clarence V. Beck, who, however, stipulates these conditions: Participants must be permitted to register without purchasing an admission ticket; the winning number

(*Continued on page* 10)

16 Again

Hollywood, March 12. — Gaumont British plans to release 16 in this market again next season, according to Michael Balcon, production head, who is here on a talent hunt. G. B. will make a total of 26, however, and also will distribute in England 14 additional features made by other producers.

Films Escape Onslaught As Kansans Quit

KANSAS CITY, March 12.—The Kansas Legislature at Topeka, which adjourns Wednesday, dealt leniently with the industry at this session. Not one adverse bill was passed, and two measures now law are of a beneficial nature.

The legality of contracts was clarified by an amendment to the censor law passed on presentation of Representative E. A. Briles, himself an exhibitor, under which contracts may be sold prior to approval of films by the state censors.

The censor law, adopted in 1923, provided that no films could be sold before approval. This voided contracts calling for future delivery, and exhibitors have invoked this provision when in litigation with distributors.

Competition in the form of walkathons, skatathons, dance marathons

(*Continued on page* 8)

Anti-Industry Bills Beaten in Missouri

JEFFERSON CITY, Mo., March 12.—Three bills adverse to the industry have been defeated in the Missouri legislature.

Companion measures by Representatives Brady and Eckert imposing

(*Continued on page* 9)

Checks Fall From Atlanta

New York film men are finding checks in their mail from Alma Wilby, wife of Robert B. Wilby of Valatenga Theatres, Atlanta, and treasurer of the Immunity Club. They represent refunds and a story.

The Immunity Club was organized at the Roosevelt bar in New Orleans during the recent M.P.T.O.A. convention. Each charter member—there were many—sweetened the kitty by $5. Mrs. Wilby became treasurer, held court all day at a corner table and

(*Continued on page* 9)

Fortington's Group Delays Para. Bonds

Holds Balance of Power In Naming Directors

The so-called Fortington group, a coalition of Paramount Publix creditors with claims aggregating $15,000,000, is deferring the deposit of its estimated $4,000,000 bond holdings in favor of the company's plan of reorganization to insure the election of its nominees to the board of directors of the new company, it was learned yesterday.

Through its bond holdings, the Fortington group occupies a strategic position in the reorganization at this stage. Before the Paramount plan can be made effective it must have the approval of a majority of the stockholders and two-thirds of all creditors, including bondholders. The Vanderlip debenture committee, principal representative of bondholders, has on deposit approximately $13,100,000 of the

(*Continued on page* 4)

Para. Trustees Will Get Schulberg Pact

B. P. Schulberg's new producing and releasing agreement with Paramount will be submitted by the trustees of the company to a meeting of creditor representatives tomorrow for the informal approval of the latter.

The step is being taken because of the imminence of the Paramount reorganization and the accompanying discharge of the trustees. The creditor representatives will act in the nature of an unofficial board of directors in considering the deal which calls for Schulberg's production of six to eight pictures for Paramount release.

Monogram Policies Being Talked Here

Monogram franchise holders as far west as Chicago are in town conferring with W. Ray Johnston, president, and Edward Golden, general sales manager, on a sales policy for three

(*Continued on page* 9)

Majestic Men Will Convene in Chicago

All Majestic franchise holders, about 25, will convene in Chicago in two weeks to discuss production budgets and sales policies for the new season. The Drake will most likely be

(*Continued on page* 10)

MOTION PICTURE DAILY

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Comerford Receiving White House Blooms

WASHINGTON, March 12.—M. E. Comerford, ill at the Emergency Hospital here, receives flowers daily from the White House conservatories. They are delivered upon orders of President Roosevelt.

Comerford has been at the Emergency Hospital since his collapse in a local hotel on Feb. 15. He was stricken while en route to the M.P.T.O.A. convention in New Orleans.

Physicians report that he is recovering.

Seek Jurors' Stage Ban

WASHINGTON, March 12.—Legislation which would prohibit the stage appearance of Hauptmann case jurors and others was today introduced in Congress by Senator Duffy of Wisconsin. A fine of $5,000 or one year's imprisonment, or both, is provided for violations.

Goldwyn Signs Haight

Samuel Goldwyn has signed George Haight, Broadway producer to a long term contract. Haight leaves here in April to join Goldwyn's production staff and in the meantime will continue to work on "Kind Lady" which is scheduled to open here shortly.

Quigley in Today

Martin Quigley today returns from his usual winter trip to Hollywood.

Insiders' Outlook

By RED KANN

STORIES, growing out of much conversation, about the theatre situation on Broadway, begin, but will not end, with a blind ad which appeared on the second page of the *New York Times* recently and, for some unexplained reason slipped by the eagle optics of those whose business it is to purvey, survey and convey the news. It read:

"We represent a client who wishes to contact an individual who will invest $700,000 in a first mortgage on an important piece of improved New York real estate located in the heart of Times Square. The property is assessed for $4,000,000.

"The terms of the mortgage are to include six per cent interest, semi-annual amortization so that the entire amount is repaid within ten years PLUS a participation to the extent of 33 1/3 per cent in the profits from the operation of the property. A contract will be entered into, for the operation of the business for which the property is at present being used, with a nationally known and eminently successful company at present doing an annual gross business in excess of $100,000,000.

"This advertisement is directed to principals only and we invite the strictest investigation of the entire proposition. No brokers—no trades—no promotion schemes or phoney bond issues will be given the slightest consideration. Our client will discuss the matter only after we are completely satisfied as to the seriousness of purpose and responsibility of anyone who may answer this advertisement."

▼

Donahue and Coe are the "we." This is the advertising agency for Loew's and M-G-M. The property "assessed for $4,000,000" might be Loew's State, but more likely is the Capitol. And that opens the floodgates of speculation, removed more than a trifle from such an unsatisfactory classification by some talks which have been held in recent weeks and months. There was the time, as told in this space, when Nick Schenck was dickering for the Roxy as a first run home for Leo in Times Square and the byways leading immediately from it. Latterly, there have been palavers—some go further and say it's a deal—that Loew's will take over the Mayfair from Walter Reade for the policy now grinding away at Loew's New York. . . .

▼

Sooner or later, the eminently successful type of operation which is the New York's will have to deposit itself elsewhere. The block from 44th to 45th Street which is that theatre's current home, is coming down and, as a matter of fact, certain tenants of the building already have been informed they will have to seek other quarters. The chances are slight, so slight that they might be discounted entirely, that the New York will be dropped; it makes too much money. It's ditto on Loew's State which is a sweetheart insofar as theatres and black figures go. The situation as it has to do with the Capitol, however, is a marquee of another color. . . .

▼

The house is no longer new. By comparison with the Music Hall, it's ancient, although that goes as well for virtually every other amusement contender in the Broadway sector. Snuggling closest to the plans bruited afoot is the report Schenck eyes the Roxy for several reasons, to wit: (1) It's more modern. (2) It's closer to the new entertainment center as created by the Music Hall, the envy of all other impresarios along the stem. What, then, would happen to the Capitol? The answer is: What would happen to the Rivoli if the Joe Schenck-Van Schmus flirtation ripens into real romance? You know about that already. . . .

▼

Heave a sigh or a sob for Clark Gable! Louis M. Levy, dark horse attorney interesting himself in Paramount's reorganization, is all for Gable as a member of the new board, Metro competition and fat acting salaries having nothing to do with the case. Already the Methodist congregation at Hopedale, Ohio, has heard him described as "serving a devil of lust" and has prayed for his conversion to Christianity. It was a return engagement since the same congregation prayed the same way last Summer. Gable's birthplace thus faces conflict and crisis, for members of the parent-teachers' group there think Clark is "an artist in the true sense of the word." It's because women in handsome numbers think many things about Gable aside from his artistry that Metro stars him. . . .

▼

This will never do. Allied has been campaigning long for a change in the makeup of Campi. It's not truly representative; but lopsided and some more along kindred lines, goes the story. Now the M.P.T.O.A. has launched the same cry. Mergers have been committed on less. . . .

▼

Lawyer trouble is holding up the Skouras-F.W.C. ten year operating deal. . . .

Committees Chosen For Big Ampa Party

Eight committees have been named to handle the details for the annual Naked Truth dinner of Ampa scheduled for April 27 at the Astor.

The committees follow: Executive—Paul Benjamin, chairman; Marvin Kirsch, vice-chairman; Rodney Bush, Raymond Gallagher, James P. Cunningham, Ralph E. Lund, Rutgers Neilson, Monroe Greenthal, Alexander Gottlieb, Edward F. McNamee, Walter F. Eberhardt, Edward F. Finney, Bert Adler, Paul Gulick and Jack Harrower.

Entertainment—Monte Prosser, chairman; Don Hancock, Arnold Van Leer, Irwin Zeltner, Morris Kinzler, Josef Simanich, Mollie Sternberg, Hazel Flynn, Tess Michaels, Patricia Reis, Bessie Mack and Mabel Drew.

Dinner—Paul Benjamin; Reception—Adler, Cunningham, Phil De Angelis, Tess Michaels and Hortense Schorr; Souvenir Program—Milton Silver, editor; Benjamin, business manager; Cunningham, Bush, McNamee, Herbert S. Berg, Melvin H. Heymann, Lou Goldberg, Adler, Jack H. S. Fuld and Ted Sullivan; Advertising—Silver, chairman; Si Seadler and Lund; Publicity—Heymann, chairman; Dave Davidson, Martin Starr, Zeltner, Harrower, Cunningham, Weiss, Berg, Charles A. Leonard, Miss Michaels and Miss Schorr.

20 Headliners for Ampa

W. S. Van Dyke, Hunt Stromberg, Irene Dunne, Ben Bernie, Rochelle Hudson, Dennis King, "Pinky" Tomlin, William A. Brady, Sylvia Froos, John Fogarty, Vi Bradley, Leon Novarro, Arthur Tracy, Patsy Flick, the Three Rhythm Queens, Frances Goodrick and Albert Hackett, Edwin L. Marin, Maria Rasputin, Hi Mayer, and specialty acts from Anatole Friedland, Nat Nazzaro and Arthur Fischer are scheduled to appear at the Ampa luncheon at the M. P. Club tomorrow.

George Brennan Dies

George Brennan, for a number of years operator of the Orpheum, Jersey City, yesterday committed suicide when he plunged from his room at the Martinique Hotel. He was well known in local exhibition circles and was about 70.

At one time, Brennan appeared with Chauncey Olcott on the stage. He was active as an Allied of New Jersey member for a number of years.

Erastus H. Crosby Dead

TOPEKA, Kan., March 12.—Erastus H. Crosby, 80, is dead here. He figured prominently in the local theatrical real estate business and was one of the leading investors in the Jayhawk Theatre and Hotel here.

Annual MPPDA Meet Set

Annual meeting and election of directors of the M.P.P.D.A. is scheduled for March 25. Will H. Hays will make his annual report to the board and the annual reports of department heads of the organizations will also be presented.

Harry Rowson Here

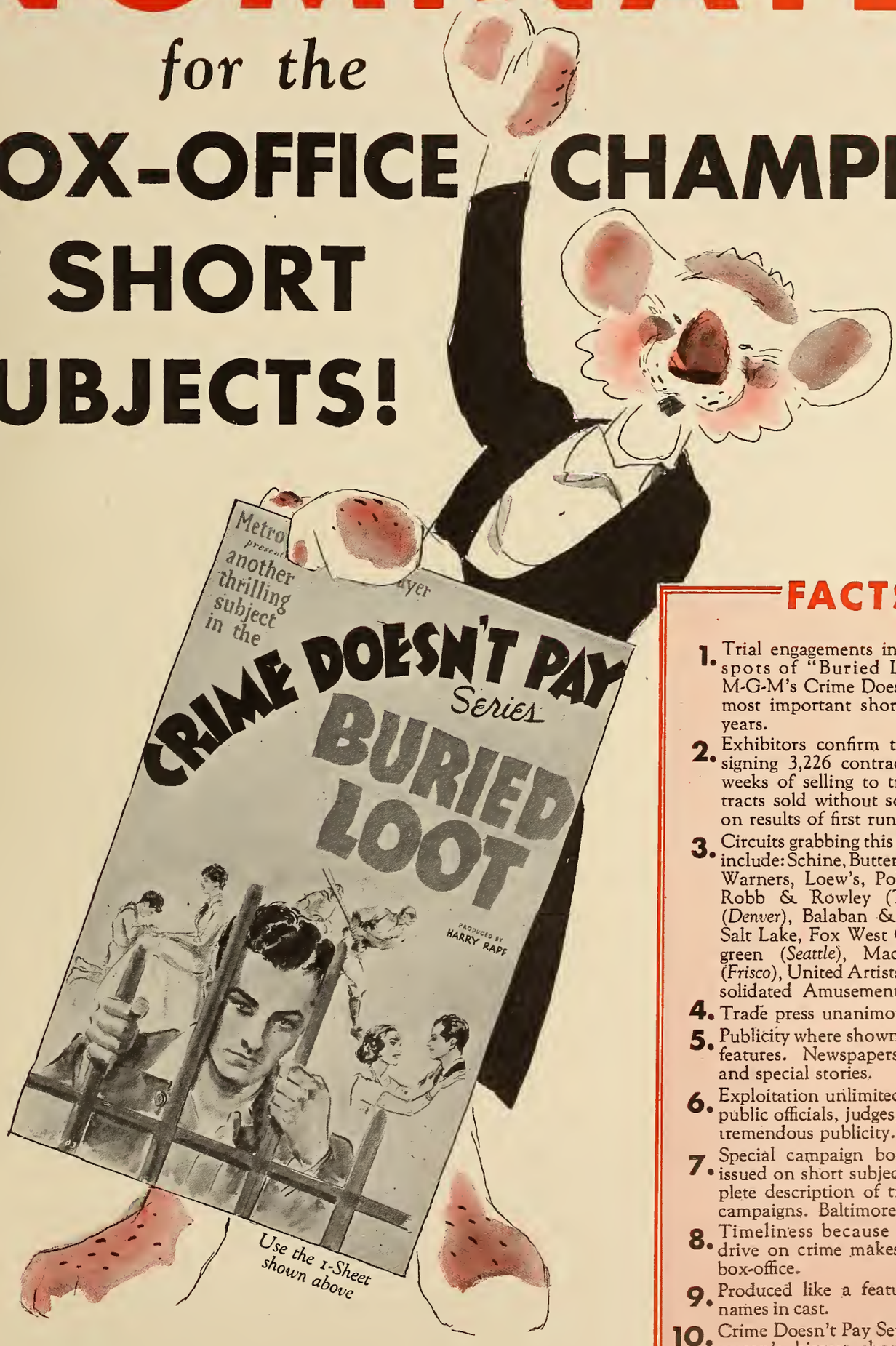
Harry Rowson, who, with his brother, Simon, was one time managing director of Ideals Films, Ltd., London, is in New York from England.

NOMINATED

for the

BOX-OFFICE CHAMPION

of SHORT SUBJECTS!



Use the 1-Sheet shown above

FACTS!

1. Trial engagements in 32 first-run key spots of "Buried Loot" establish M-G-M's Crime Doesn't Pay Series as most important short subject idea of years.
2. Exhibitors confirm trade opinion by signing 3,226 contracts in first three weeks of selling to trade. Many contracts sold without solicitation. Based on results of first runs.
3. Circuits grabbing this sensational short include: Schine, Butterfield, Comerford, Warners, Loew's, Poli, Hall (*Dallas*), Robb & Rowley (*Texas*), Huffman (*Denver*), Balaban & Katz, Publix of Salt Lake, Fox West Coast, Fox Evergreen (*Seattle*), MacNeill & Naify (*Frisco*), United Artists (*Portland*), Consolidated Amusement (*Honolulu*), etc.
4. Trade press unanimous in praise.
5. Publicity where shown tops space given features. Newspapers run editorials and special stories.
6. Exploitation unlimited. Screenings for public officials, judges, police etc. bring tremendous publicity.
7. Special campaign book, biggest ever issued on short subject, contains complete description of tried and proven campaigns. Baltimore, for instance.
8. Timeliness because of nation-wide drive on crime makes it a natural at box-office.
9. Produced like a feature with feature names in cast.
10. Crime Doesn't Pay Series is to be next season's biggest short subject topic. Start now with "Buried Loot."

Code Changes Get Approval From the NRA

(*Continued from page* 1)

be prevented by a provision that "the minimum wage of a performer employed on a per diem and compensated in any manner shall be $7.50 net in cash per day for each theatre in which such performer appears."

It is also provided that no exhibitor shall enter into any agreement directly or indirectly, for services of a kind usually and customarily performed by theatre employes directly compensated by exhibitors unless such agreements provide for maintenance of code wage minima and hour maxima. This would not apply to agreements entered into prior to the effective date of the amendment.

Ipswich Clearance Cases Are Quashed

(*Continued from page* 1)

Philip Smith of the Strand, Ipswich. The clearance protests were filed by Paramount and Salem theatres, Salem, Mass., and the Larcom and Ware, Beverly, Mass.

Sam Markaill and Smith appeared on behalf of the Strand, while H. Lebaron Sampson represented the protestants.

In sending back the two complaints for rehearing, the committee held that the Boston board had set up protection for someone who hadn't asked for it. All Boston downtown houses ordinarily have 28 days' protection on subsequent and neighborhood theatres.

David Stoneman, attorney for Walter B. Littlefield, appeared before the committee requesting that the Jamaica at Jamaica Plain, and the Egleston, Boston, be given equal availability. Littlefield operates the Egleston, which Stoneman claimed was 1.6 miles from the Rivoli, Boston. The local board reduced the 14 days' clearance of the Rivoli to seven days but Stoneman claimed that the Rivoli has one day clearance over the Jamaica, which holds him up from 60 to 70 days after downtown Boston.

During his argument, Stoneman read into the record an exclusive story in MOTION PICTURE DAILY whereby Warners' Forum in Los Angeles was declared non-competitive to Fox West Coast's Uptown, a mile apart. Benjamin Trustman represented the Rivoli and Jamaica.

Samuelson Loses in Two Code Decisions

Sidney Samuelson, representing Fred Faulkner, an Allied of New Jersey member, at the local grievance board yesterday, lost two decisions in favor of Warners which brought the complaints.

Frank Damis, assistant to Don Jacocks, of Warners, contended that the respondents Palace, Netcong, N. J., was prematurely advertising ahead of the Baker and Playhouse, Dover. He also held in a second complaint that the Park, Newark, was also violating the code.

The board upheld Damis in both instances, but not unanimously.

"New Courts of Industry"

REVIEWED BY J. M. JERAULD

For a lawyer, Louis Nizer is surprisingly direct. His literary style in his new book, "New Courts of Industry," is as swift and lucid as his more carefully prepared speeches at film functions.

His knowledge of the code background and his close contact with its week-by-week developments permit him to appraise details with the perspective of the whole picture in mind. The net result for exhibitors and distributors is that probably for the first time they have a guide to lead them through the mazes of code procedure toward whatever goal they happen to be seeking.

The title might lead an outsider to conclude that an important industry had passed a milestone on the road to an ideal state. As a matter of fact, the book is an excellent review of the code's first year, with illuminating comments on some of the things that were not accomplished as well as those that were.

Its 344 pages are divided into general classifications, all of which are useful for reference purposes. After a preface devoted to the NRA and the ideal of self-regulation in industry, the author gives six pages to a chapter called "A Judicial System Is Born" and calls the code boards "accidental" and a "surprise" to the code's sponsors.

Chapter II goes into overbuying at length and cites principles evolved in grievance board cases as well as Code Authority decisions. In this chapter, selective contracts are discussed in detail.

In Chapter III, general complaints are discussed, especially those covering giveaways, rebates, and other forms of reduced admissions.

"The effort to compromise the conflicts involved resulted in the most ambiguous clause in the code," Nizer writes. "There have been more appeals involving this section than any other." He calls attention to the fact that, in spite of many decisions banning bank night, race nights and screeno, they have not been barred where there is no competition.

The Campi principle covering this, Nizer says, is that "where these schemes are introduced into a competitive community the exhibition of motion pictures falls into the background and the race becomes one in which exhibitors see which can give the most prizes and still stay in business."

Lease interference decisions and their conflict are cited to justify the removal of this clause.

Nizer is generally hopeful about clearance and zoning prospects in spite of the long delays and failure to agree on more than two schedules —those in Miami and St. Petersburg, he says.

Statistics of decisions in a chapter called "Looking Back in Review" give a succinct picture of the boards' first year's work.

A portion of the book that will appeal to exhibitors with an aversion to the legal phraseology of the code text is an analysis of the code in short chapters and sub-divisions that can be read swiftly. It furnishes more real information as to what is actually in the code than has been available heretofore.

The code is printed in full, of course, and in the back of the book is a series of indices that make it easy to delve into any angle a busy man wants to know about in a hurry.

One of the surprises is that, in spite of the agitation over cancellations, short forcing and preferred playing time, no appeals have actually reached Code Authority on these questions, except two cases involving the principles of cancellation.

Elwood-Warner Case Off Until April 13

WASHINGTON, March 12.—At the request of the Broadwood Holding Co., a further postponement of the hearing of the Elwood, Newark, case against two Warner theatres has been ordered by the Industrial Appeals Board. It was pointed out that counsel for the complainant could not appear on March 15 and the hearing was set back to April 13.

It is understood the argument will be confined to a question of jurisdiction.

Reason for the postponement of the Elwood case is believed to be that David T. Wilentz, representing Louis Levin of the complaining theatre, is busy working on the Hauptmann appeal, date of which has not yet been set, and which must be disposed of before he takes up the Warner case where he left off last year.

C. E. Williams Returns

OMAHA, March 12.—Charles E. Williams, president of the Nebraska M.P.T.O., is expected home Thursday after a stopover at Hot Springs, Ark., hospital following the M.P.T.O.A. convention in New Orleans.

Deadlock Continues In K.C. Zoning Row

KANSAS CITY, March 12.—The Kansas City clearance dispute continued deadlocked today as the I.T.O. and Elmer Rhoden of Fox Midwest failed to reach an agreement on the independents' demands for a new schedule. A conference was suggested by the zoning board yesterday when it deferred action on the independents' complaint against Midwest pending possible agreement.

It is understood Rhoden objects to the independents' proposal to penalize premium users because Midwest is planning to employ giveaways here. He is reported willing to relinquish protection over equally priced independent houses for this season, but the exhibitors want assurance for the future.

Independents are understood planning to make further attempts to obtain Midwest's acceptance of their demands before proceeding with drastic measures.

Maloney Recovering

PROVIDENCE, March 12.—H. H. Maloney, Loew's State manager, who was taken seriously ill about the first of the year, is now reported definitely on the road to recovery.

Fortington's Group Delays Para. Bonds

(*Continued from page* 1)

$25,157,000 of Paramount bonds outstanding. There is required for confirmation of the plan the assent of approximately $16,600,000 of bonds. Thus the deposit of the Fortington group's bond holdings with the Vanderlip committee could assure the latter of the required amount of representation, whereas a failure to deposit might present an insurmountable obstacle to the committee's attaining the necessary two-thirds representation.

The Fortington group's stand is explained by a spokesman as a precautionary one calculated to protect its nominees for the board from being displaced. Factions within the group have been particularly active in the acquisition of Paramount securities in the open market during the past few months. The group, likewise, opened discussions some time ago with Paramount bank creditors for acquisition of the latters' nearly $14,000,000 of claims, but with the recent return from Florida of H. A. Fortington the discussions were closed and, it is now understood, may not be reopened.

Group's Nominees for Board

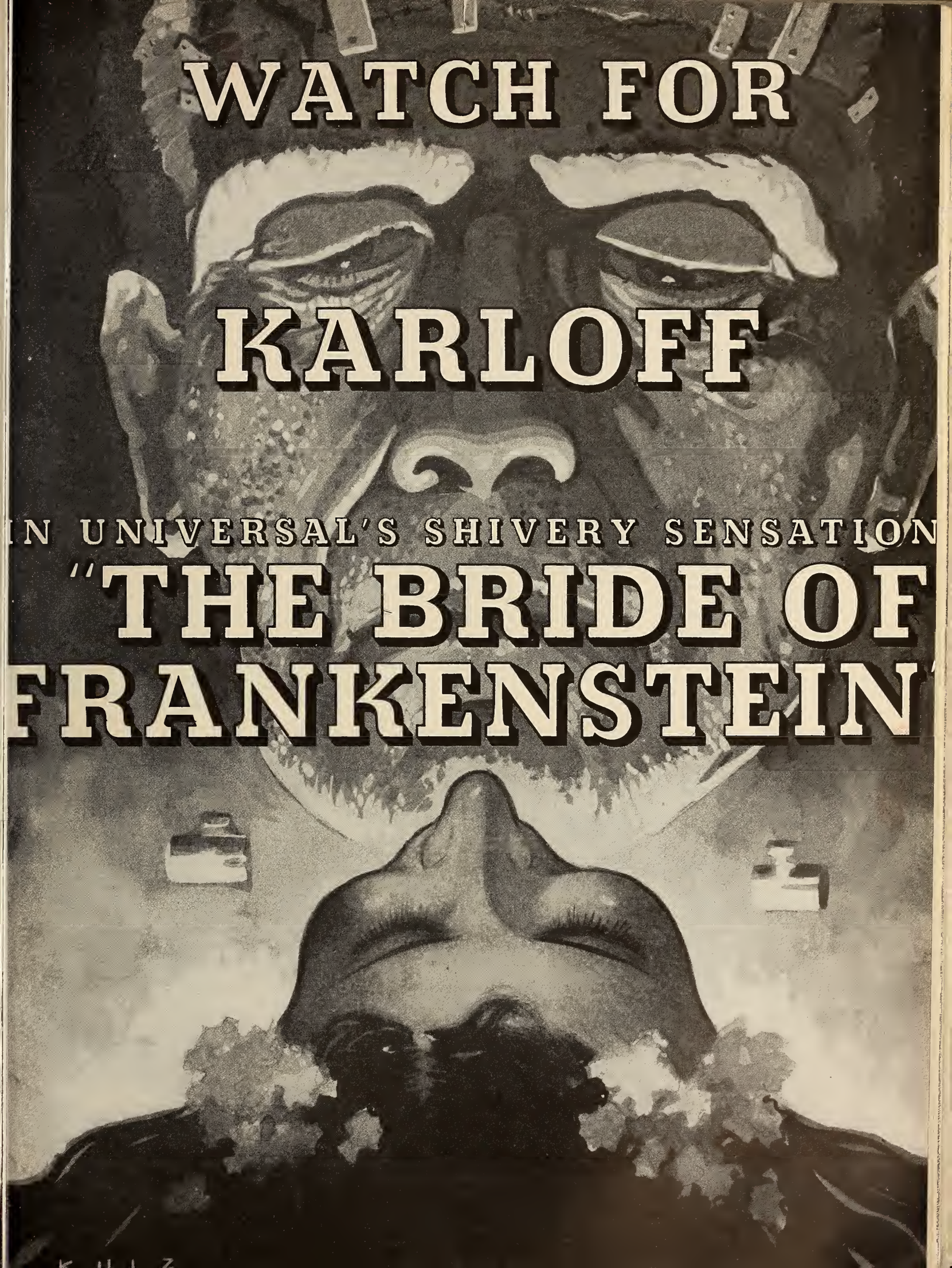
The group's nominees for the board include Fortington, Stephen Callaghan, John D. Hertz, Floyd B. Odlum and Charles E. Richardson. Withholding of the bond deposits to assure the election of these nominees may be accomplished without causing a delay in confirmation of the reorganization plan. The bonds may be deposited under the plan as soon as the court has formally approved the board make-up as outlined in the plan. Thereafter, no change in the proposed board could be made without cause and court authorization.

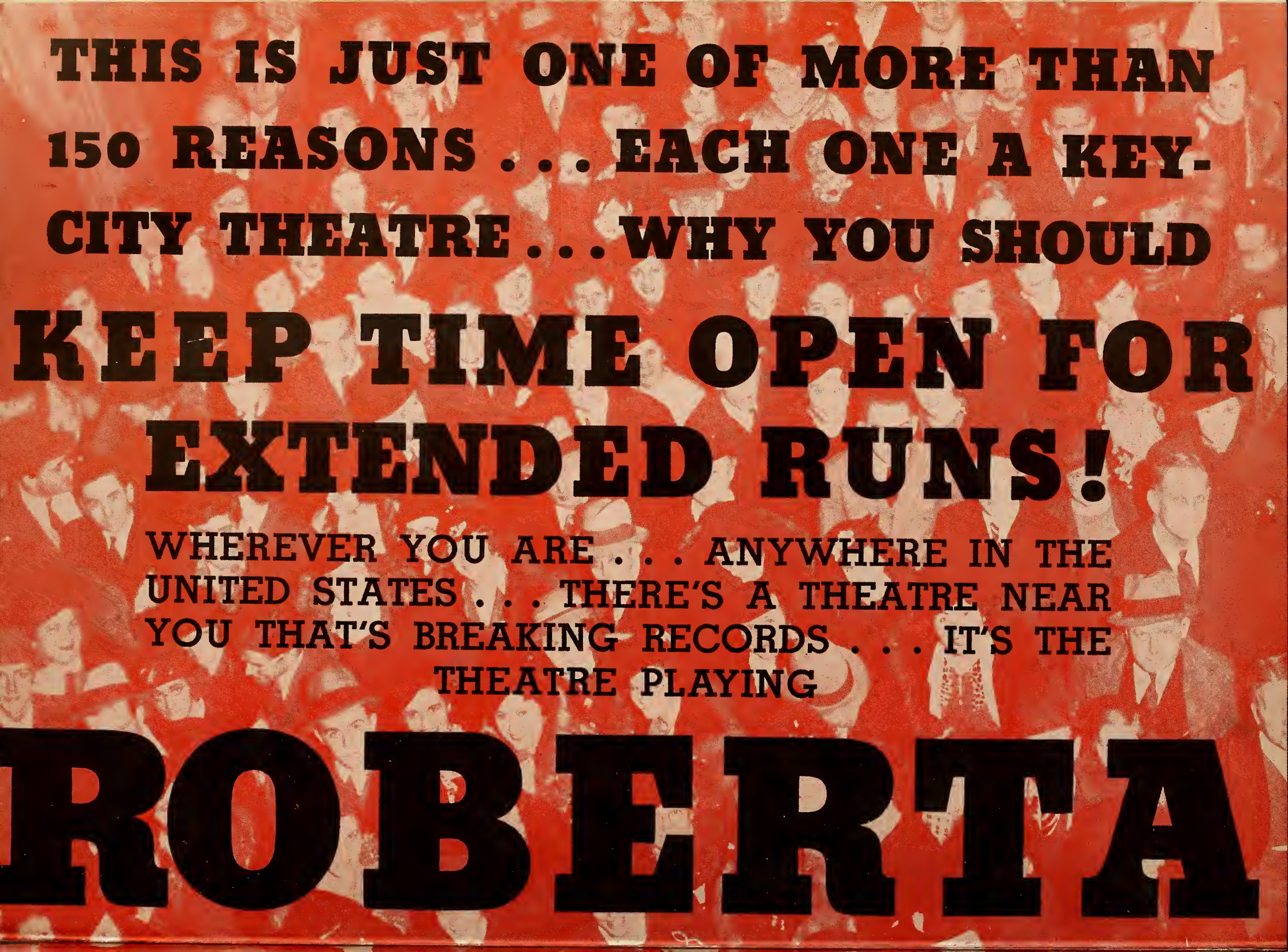
With its strategic position in the reorganization practically established, the Fortington group is also expected to have an important voice in the election of officers of the new company. While indications continue to point to Adolph Zukor as president, new sentiment linking N. L. Nathanson's name with that office is appearing in creditor circles. Definite indications also are in evidence that an executive post, probably that of vice president in charge of finance, will be created for Eugene Leake, one of the Paramount trustees.

Report L. A. Plan To Start March 31

LOS ANGELES, March 12.—Despite several phases of the plan which are being investigated by John C. Flinn, who came on from New York for the purpose, the Los Angeles schedule will be put into effect on March 31, it is learned.

The few points contested by F.W.C. representatives in New York last Thursday do not materially affect the schedule, but may precipitate later changes. Flinn plans to leave for the east Sunday by plane and report back to Campi on his findings at the next session of the tribunal.


WATCH FOR
KARLOFF
IN UNIVERSAL'S SHIVERY SENSATION
"THE BRIDE OF
FRANKENSTEIN


THIS IS JUST ONE OF MORE THAN
150 REASONS . . . EACH ONE A KEY-
CITY THEATRE . . . WHY YOU SHOULD
KEEP TIME OPEN FOR
EXTENDED RUNS!
WHEREVER YOU ARE . . . ANYWHERE IN THE
UNITED STATES . . . THERE'S A THEATRE NEAR
YOU THAT'S BREAKING RECORDS . . . IT'S THE
THEATRE PLAYING
ROBERTA

STARRING

IRENE DUNNE, FRED ASTAIRE, GINGER ROGERS



JEROME KERN'S miracle musical stage success . . . screened in a sunburst of song!

with
RANDOLPH SCOTT
HELEN WESTLEY
VICTOR VARCONI
CLAIRE DODD

From the play "Roberta." Book and lyrics by Otto Harbach. Directed by WILLIAM A. SEITER. A PANDRO S. BERMAN PRODUCTION.

RKO-RADIO PICTURE

PEAK CROWDS JAM-PACKED INTO THE GIANT LOBBY OF RADIO CITY MUSIC HALL ON FOURTH DAY OF RUN

HELD OVER..OF COURSE!

Films Escape Onslaught As Kansans Quit

(Continued from page 1)

and other forms of "mental or physical" endurance contests were banned. Exhibitors in the larger centers favored the ban.

Proposals defeated in one way or another included: a 10 per cent tax on theatre grosses; another for four per cent; a bill banning Sunday shows, which would have tightened the closing law now on the statute books; a bill repealing the Sunday closing law, which was not wanted at this time by the industry; an anti-discrimination measure which would have prohibited the sale of film at different prices; a chain store bill which would have saddled a heavy tax on theatre circuits. Several minor measures which would have hit exhibitors along with other businesses were killed in committee.

The House passed a bill preventing corporations from making consolidated returns for income tax purposes, in conformance with the new Federal laws, but the Senate knocked it out. If passed, Fox Midwest and other circuits having more than one subsidiary in the state would have had to pay a higher tax.

Several sales tax bills and a measure to hike the income tax were the subject of considerable debate, but were allowed to expire and will be revived at a special session called within two months to raise revenue for social security legislation to be enacted at that time, following adjournment of Congress.

Addressing the Variety Club here, Representative Frank McFarland of Topeka declared theatres can expect to be included in a consumers' sales tax which is almost certain to pass the special session. He urged the industry to cooperate in suggesting a plan that would be least burdensome.

Pennsylvania Acts On Admissions Tax

HARRISBURG, March 12.—The first film measure to come out of committee of the Pennsylvania Legislature was that placing a 10 per cent tax on admissions. The bill was favorably reported last night by the House Ways and Means Committee, passed its first reading today and will probably pass the second and final readings in the House before the end of the week.

The measure is one of Governor Earle's administration revenue measures estimated to raise $6,000,000 in two years.

Bost Prizes on Darro

Bost Tooth Paste is offering cash prizes to exhibitors and theatre managers for the best photographs of window or lobby displays on the Frankie Darro Club-Bost tie-up. Bost, in addition, is distributing over 3,000 prizes to Frankie Darro Club members through the houses operating the clubs, and a grand prize of a trip to Hollywood for two.

This campaign is backed by national advertising and a coast-to-coast radio broadcast featuring Edwin C. Hill.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"George White's 1935 Scandals"

(Fox)

SAN DIEGO, March 12.—George White sat in the Fox California here and heard an audience applaud his "1935 Scandals" because he has turned out a spectacular musical comedy with the right mixture of tuneful songs and real, sure-fire comedy.

Equally as lavish as the 1934 edition, the new "Scandals" has just as many pertty girls doing figure eights, but White has spelled out box-office when he gave the laugh-makers, Cliff Edwards and Ned Sparks, the run of the show. Edwards' clowning as he sang "I Was Born Too Late" is one of the best comedy sequences in years.

The story starts with White's stop-off in a Georgia jerkwater town to witness a rival "White's Scandals." Delighted with the talent shown by Alice Faye, he offers her a Broadway spot, but she wants her boy-friend, James Dunn, in on the deal. White finally agrees when Miss Faye's aunt, once in show business herself, entreats. He also takes back the small-town "Scandals" producer, played by Sparks, and his side-kick, Edwards. The small-towners wow Broawday audiences, but Miss Faye and Dunn drift apart and become infatuated with two of White's jealous cast-off stars. Dunn falls for Eleanor Powell, whose sensational tap dancing is one of the picture's high spots. The yarn winds up as White fires Miss Faye and Dunn, but brings them back together as stars when the Georgia aunt travels to New York to see her proteges in the big-time.

Besides the leads, good performances are turned in by Lyda Roberti, Benny Rubin, Arline Judge, Charles Richman and others.

Plenty of exploitation points: well-known stars, clever comedians, a chorus of 200 including 30 beauty contest winners and songs everybody will hum. This one should appeal to all ages.

Previewed without production code seal. Running time, 80 minutes. "G."

Looking 'Em Over

"La Crise Est Finie"

(European Films)

Pleasant entertainment is this gay musical film, produced in France by Nero Films. It is tuneful fun done in the manner of Rene Clair. Peopling it is as charming a troupe of performers as one can wish for. The men will find the chorus gals quite an eyeful.

"La Crise Est Finie" ("The Depression Is Over") develops its story with a strong sense of irony. A theatrical troupe finds itself up against it when the backer of the show dismisses the company after refusing to pay off. With high hopes but with no definite plans, the performers head in a body for Paris where they induce the caretaker of a darkened theatre to let them live in the house and use it as a rehearsal hall.

They hit upon the idea of putting on a show of their own. The remainder of the film details the difficulties that beset their venture. When everything seems lost luck turns their way and the film ends upon a note of supreme elation.

The production boasts a number of attractive song numbers. One of them, bearing the title of the film, serves as the theme tune of "La Crise Est Finie." Jean Lenoir is responsible for the music.

Albert Prejean, Danielle Darrieux, Suzanne Dehelly, Regine Bary, Rene Lestelly and Milly Mathis are the most prominent in the cast. The direction is by Robert Siodmak.

There are plenty of English subtitles.

No production code seal. Running time, 80 minutes. "G."

"In a Monastery Garden"

(R. & S. Corp.)

Advertised as a "special Lenten presentation," it is doubtful whether or not this Julius Hagen production from London's Twickenham studio is all of that in the true sense of the words. Granted that it does capably handle a delicate religious theme, the first part of the film concerns itself with "men, maids and mistresses," to such an extent that it is strictly sophisticated fare, particularly for those understanding French.

The story is built around John Stuart, a brilliant young musician,

(Continued on page 9)

"U" Not Sold, Not Even to Huey: Laemmle

(Continued from page 1)

Universal by totally irresponsible people who are a part of the maniac fringe of the motion picture business.

"They cook up mad dreams and print them as facts.

"If their lies could have wrecked Universal, this company would have been a battered hulk many years ago—for I cannot recall one single year in the past quarter of a century in which some fake sale of Universal has failed to appear in print.

"I have never sought to send any of these fakers to jail for criminal libel because, to tell the truth, their libels have hurt them more than they have hurt Universal.

"In fact it is an amazing thing that in spite of all the circumstantial lies which have been published over a long period of time, the trade has maintained its confidence in Universal without the flicker of an eyelid!

"Stories which have been printed about Universal would ruin more than one company, but they have never ruined Universal.

"Even the Universal staff, which you might think would be disturbed by stories of sales and mergers, has remained on the job day in and day out.

"I have always been mushy enough to believe that sentiment cuts a lot of ice in this business or any other. I have always believed that the Universal staff and the Universal customers have had the same sentimental attachment for Universal that Universal has had for them. Time and experience have justified my belief.

"So—Universal is still here. It is still in the same hands. It has had its good years and its bad, but its average has been pretty good. It has never harmed anyone. It has helped thousands.

"It has not made me rich in dollars but it has made me rich in friendships and in confidence and in all the things which endure."

20th Birthday Nears

HOLLYWOOD, March 12.—On Friday, Universal City will observe its 20th birthday. Opened with a golden key in 1915 by Carl Laemmle, the plant is still under the same management.

Laemmle will be central figure in a celebration planned on that day.

Attendance at Roxy Up, Cullman Reports

(Continued from page 1)

Jan. 3, 1935, increased 18 per cent over the same period of the preceding year.

Despite a reduction in admission prices, gross receipts also increased. In the 38-week period of the trusteeship from June 15, 1934, through March 7, 1935, the theatre earned a net operating profit of $120,169.56 after taxes, lobby rent, interest on receiver's certificates and physical improvements were deducted, but, however, before interest on funded indebtedness, an increase of $11,784.34 over the same weeks of 1933-34 when the net operating profit was $8,385.22.

Anti-Industry Bills Beaten in Missouri

(Continued from page 1)

a license tax of one mill per foot on all films have been recommended not to pass by the Committee on Municipal Corporations.

The same recommendation was given a bill prohibiting standing room, sponsored by Representative Brady. Both types of legislation bob up perennially.

Rally Against Censor Bill

KANSAS CITY, March 12.—Industry forces here and in St. Louis today rallied against the Shea bill creating state censorship in Missouri following recommendation of the measure by the Senate criminal jurisprudence committee, which proposed six amendments. Exhibitors are bombarding the state capitol with protests since censorship is held unnecessary in Missouri and a burden to the industry of $100,000 yearly.

It is charged here that Senator Shea is grinding a private ax and that he introduced the measure at the behest of certain St. Louis theatre interests involved in litigation with major distributors as a means of punishing film companies.

Police Head Praises Industry's Attitude

HOLLYWOOD, March 12.—Peter J. Siccardi, president of the International Association of Chiefs of Police who is here for conferences and surveys with producers concerning their treatment of crime pictures, has expressed, on behalf of his association, its appreciation of the manner in which the industry has cooperated in efforts to fight crime.

"My report to my association," Siccardi said, "will be that the industry is conscientiously and painstakingly studying each crime story with the view of discouraging crime. The intent and present practice of the Production Code Administration is to make sure that the police officer is presented in his proper light. As president, I thank the industry both for its attitude and thorough spirit of cooperation in carrying on the work of depicting word pictures that crime does not pay."

Allied Men Gather At Des Moines Meet

DES MOINES, March 12.—About 150 members of Allied Theatre Owners of Iowa and Nebraska attended the mid-year two-day convention at the Hotel Savery today.

Leo F. Wolcott, president, said opposition to three bills now before the legislature was being pressed. One bill covers fire prevention regulations in theatres and the other is a two-man-in-a-booth bill. A third bill provides for an increase from two per cent to 10 per cent in the amusement tax.

Consider Jean Arthur

HOLLYWOOD, March 12.—Jean Arthur is being considered by M-G-M for the leading role in "Public Hero No. 1."

The company has also signed Countess Live de Maigret.

Reopen at Rumford, Me.

RUMFORD, Me., March 12.—The Arcadia has been reopened.

Looking 'Em Over

(Continued from page 8)

who renounces the world because of the treatment he received from it. Accused of a murder he didn't commit, robbed of the girl he loves and his own music by his brother, he chooses a cloistered haven rather than face the world.

The character portrayals are sketched with extremely broad strokes and American audiences will probably find it hard to understand the English accents and the French which are interspersed in spots. Besides Stuart, others in the film are Hugh Williams, Gino Malo, Joan Maude and Dino Galvani. The latter created snickers in a local audience yesterday by the way he leered, glared and smirked through every scene until finally killed.

The direction of Maurice Elvey depends more on dialogue than anything else for effects. The photography is good on the whole.

Reviewed without production code seal. Running time, 77 minutes. "A."

"Let's Live Tonight," tomorrow night's preview at the Roxy, was reviewed from Hollywood by wire Feb. 18.

"McFadden's Flats," yesterday's opener at the Rialto, was reviewed by wire from Hollywood March 2.

"The Wedding Night," which is opening Friday morning at the Rivoli, was reviewed from Hollywood by wire Feb. 16.

"Gold Diggers of 1935," *opening tomorrow morning at the Strand, was reviewed from New Orleans on March* 4.

Monogram Policies Being Talked Here

(Continued from page 1)

new specials and three other pictures. The sessions, which started yesterday, will continue two more days at the company's home office.

Attending the meetings are: Sam Flax, Washington; Harry Berkson, Buffalo; Irving Mandel, Chicago; Sam Seplowin, Detroit; Jim Alexander, Pittsburgh; Jack Jossey, Cleveland; Herman Rifkin, Boston.

The three specials being discussed are: "The Hoosier Schoolmaster," "Keeper of the Bees" and "The Healer." The other trio includes "Honeymoon Limited," "Reckless Romeos" and "Cheers of the Crowd."

RKO Meeting Routine

Consideration of new season production plans and transactions of routine business occupied the regular quarterly meeting of the board of RKO Radio Pictures yesterday, according to an official of the company. J. R. McDonough, president, and B. B. Kahane, vice-president, who came from Hollywood to attend the meeting, plan to return to the coast today.

Checks Fall From Atlanta

(Continued from page 1)

paid the checks for Sazeracs, Ramos gin fizzes or for whatever type of gullet the imbibing charter member dampened.

Says Mrs. Wilby in her letter accompanying the refunds:

"Though the treasurer's office—four tables—was going strong from noon until the banquet had been started an hour; though there was insistence that those steamboat drinks be drunk; though Dave Palfreyman did three men's work with absinthe frappes—with all that the treasury ended with a balance of $61.27—all cash.

"So there's a dividend check for your pro rata enclosed—$1.61 each, except Ed Rowley who gets 11c. It must be understood that this is no precedent for the future, if any. It may be just a come on!

"There's another dividend—liquid—for you whenever you happen to be in Atlanta."

The Immunity Club—no dues, no obligations, no bylaws—will meet at the best available bar during each succeeding M.P.T.O.A. convention.

Merely to indicate its scope, charter members at the New Orleans scene, included:

Page Baker, George Feinberg, Buddy Harris, Slim Higginbotham, Howard McCoy, Mike McInery, Don J. Alexander, Colvin Brown, John D. Clark, Harvey Day, Sam Dembow, Jr., S. Charles Einfeld, Claude and John Ezell, Al Fair, Felix Feist, Sol Gordon, L. C. Griffith, Ed Kuykendall, Jules Levy, M. A. Lightman, Morris Lowenstein, C. L. McCoy, Harry S. McLeod, Joseph Mayer, Jack Miller, senior and junior, Oscar Morgan, Helen O'Toole, Dave Palfreyman, Bill Pine, Harold Robb, Ed Rowley (seven per cent), Herman Robbins, Ben Rosenberg, Ralph Rolan, Dave and Harry Thomas, Arthur Ungar, George W. Weeks, Robert B. Wilby, Harold Wilkes, Seymour Weiss, Hal Young and Red Kann.

Next meeting, next year. Place undetermined.

Short Subjects

"Air Thrills"

(*Columbia*)

Here is a compilation of shots of every conceivable airplane from the world's speediest racer to the weird contraptions of crackpots. Thrills are packed in most every foot of this film, which starts off with old time wing-walkers and winds up with bombing demonstrations by the Army and Navy air forces. Audiences should get a kick out of this novelty.

Production Code Seal, No. 0347. Running time, 10 mins. "G."

"Fantasy in Fashion"

(*Al O. Bondy*)

This is a 10 minute fashion reel in Cine Color produced by Ben K. Blake under sponsorship of cotton goods manufacturers. Tied in with the detailed presentation of how the fabric is made and the mannequins who parade the results is a slim fantasy having to do with the cotton princess, her wealth, of course, being the looms and the commercial outlet of her product.

Satisfactory.

Hal Roach Studio Active

HOLLYWOOD, March 12.—Charles Chase returned to the Hal Roach studio today after an attack of the flu and started work in his fifth short, "Okay Toots." Henry Ginsberg has signed Carl Switzer, a hill-billy, for Our Gang comedies.

With the completion of "Vagabond Lady," Roach is now preparing a third feature. Laurel and Hardy will be co-starred in "Laurel & Hardy in India." Production starts in two weeks.

Wall Street

Eastman pfd Up 1½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (1)	41	40⅜	41	+ ¼
Cons. Film (1v).	5¼	5⅛	5⅛	— ⅛
Cons. Film pfd..	19	18⅜	18½	— ½
Eastman (5)	119½	119	119	—1
Eastman pfd	152½	151	152½	+1½
Fox Film "A"...	9½	9⅛	9⅛	— ¼
Loew's, Inc. (2)..	34½	33⅜	33⅜	—1⅛
Loew's, Inc. pfd (6½)	104¼	104¼	104¼	s15
Paramount Publix	3	2⅝	2⅝	— ¼
Pathe	5⅛	½	⅝	.....
Pathe "A"	13⅜	13	13	—1
RKO	1½	1⅜	1½	+ ⅛
Warner Bros.	2⅞	2⅝	2⅝	— ¼
Warner Bros. pfd	16	16	16	—1

No Change on Curb

	High	Low	Close	Net Change
Technicolor	15	14⅝	15	.....

Keith Bonds Gain ¼

	High	Low	Close	Net Change
General Theatre Equip 6s '40....	7⅛	7	7	— ¼
General Theatre Equip. 6s '40 ctf	7⅛	6⅝	6⅝	— ½
Keith B. F. 6s '46	68½	68½	68½	+ ¼
Loew's 6s '41 ww deb rights..	104⅞	104⅛	104⅛	— ⅞
Paramount B'way 5½s '51	48⅝	48½	48½	—1½
Paramount F. L. 6s '47	73	72¼	72¼	— ¾
Paramount Publix 5½s '50	74¼	72½	72½	—1½
Warner Bros. 6s '39 wd.....	50¾	50¼	50¼	— ¾

(*v*) *Defaulted in principal but not in interest.*)

(Quotations at close of March 12)

"Devil Dogs" Tops Dull Lincoln Week

LINCOLN, March 12.—A blizzard hit the street shortly after the week started and crippled theatres. However, "Devil Dogs of the Air" was still in the money and went over average by $100 with a $3,200 tally at the Stuart. This was almost solely on the strength of the first two days. The Lincoln sagged to an average run of $2,200 on "One More Spring." Perhaps the irony of the outside winter had a lot to do with it.

"Ready for Love" and a stage show followed by "The President Vanishes" on a split at the Orpheum was good for $2,700, about $400 to the good. At the Varsity the second week of "Whole Town's Talking" dwindled $600 below the normal take with $900.

Estimated takings for the 4 first run spots, $9,000. Average is $9,100.

Estimated takings:

Week Ending March 7:

"ONE MORE SPRING" (Fox)

LINCOLN—(1,600), 10c-25c, 7 days. **Gross:** $2,200. (Average, $2,200)

"THE WHOLE TOWN'S TALKING" (Col.)

VARSITY—(1,100), 10c-15c-25c, 7 days, 2nd week. **Gross:** $900. (Average, $1,500)

"READY FOR LOVE" (Para.)
"PRESIDENT VANISHES" (Para.)

ORPHEUM—(1,200), 10c-15c-25c, 7 days, 3 days with "Evening on Broadway" unit on stage. **Gross:** $2,700. (Average, $2,300)

Week Ending March 8:

"DEVIL DOGS OF THE AIR" (Warners)

STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $3,200. (Average, $3,100)

Majestic Men Will Convene in Chicago

(*Continued from page* 1)

the meeting spot. The sessions, which will be presided over by Herman Gluckman, president, will last three days.

Larry Darmour, production head, arrives by plane from Hollywood next week to go over preliminary details with Gluckman and E. H. Goldstein.

Charter a New Company

SACRAMENTO, March 12.—Incorporation papers of $500,000 have been filed here by San Francisco Studios, Inc., for the production and distribution of pictures. The new corporation's headquarters will be in San Francisco.

John Pettis, Kenneth Lovejoy, Walter Irving, A. J. Gould, James Espey, William V. Hollingbery and Herman J. Gute, all of San Francisco, were named as directors of the new concern.

'Dream' in Cutting Room

HOLLYWOOD, March 12.—After 11 weeks in production "A Midsummer Night's Dream" went into the cutting room today, costing to date $1,380,000, according to Warner estimates. Max Reinhardt will remain with the studio until the job of editing the film is completed.

Mrs. Goldberg Is "Fair"

The condition of Celia Goldberg, wife of Lou Goldberg, RKO theatre division manager, confined to the Jewish Hospital, Brooklyn, with a heart ailment, was reported "fair" last night.

Beery-Jones to Marry

HOLLYWOOD, March 12.—Children of two stars are planning marriage. They are Noah Beery, Jr., 21, and Maxine Jones, daughter of Buck Jones.

Purely Personal

GEORGE COYLE, Music Hall usher, went over to Madison Square Garden Monday night and scored the cleanest knockout in the *Daily News* Golden Gloves amateur boxing tournament finals. His victim was JOSE PUIG. COYLE, a sub-novice 112-pounder, leaves for Chicago in two weeks for the inter-city matches.

•

ARNOLD VAN LEER rates a couple of bows for his Monday forum at the Motion Picture Club when RAYMOND MOLEY spoke and went into a general defense of the industry. VAN LEER arranged the program complete.

•

WILLIAM COLLIER, JR., J. C. FLIPPIN, TED HUSING, JOE RIVKIN, JULES LEVY, ABE LASTFOGEL, MARY STEVENS and LOU HOLTZ were among those spotted at the Golden Gloves finals Monday night at the Madison Square Garden.

Quip of the Day

Robert Montgomery, as ring master, exhibiting his hunt team at the San Bernardino Horse Show and riding his horse, Det Lewis, took the first two jumps okay, but on the third, the horse tripped, fell and Montgomery spilled.

After the accident, applause of the crowd brought Montgomery to the center of the ring to say: "I've only to apologize for myself, not my horse."

Montgomery is, at present, under the care of a doctor. The horse is okay.

LILLIAN HERMAN, who wrote "The Children's Hour" and found a writing contract forthcoming immediately from SAMUEL GOLDWYN, is in town from Hollywood for a few days.

•

CHARLES A. MORLA, special representative for the Ritchey International Corp., is flying to Porto Rico to close a deal for the handling of Monogram product there.

•

SAM ENGEL, assistant to DARRYL ZANUCK at 20th Century, sails today on the *Manhattan* for a six months' trip abroad. He will visit England, France and Italy.

•

PHILIP SELETZKY, manager of the Jamaica, Jamaica Plain, Mass., was in town yesterday for a code hearing.

•

FRANK FARLEY, director of Paramount pictures in Paris, accompanied by MRS. FARLEY, arrives here today on the *Champlain*.

•

FRED QUIMBY leaves for the coast tomorrow to confer with M-G-M studio executives on next season's short subject lineup.

•

AL SHERMAN is now handling the publicity on "La Dame aux Camelias" for DuWorld.

•

FRANK MORGAN is en route to Hollywood where he is due to arrive tomorrow.

•

ROBERT BENCHLEY takes the bird's route to the M-G-M studio today.

•

LOUIS HEYWARD, M-G-M player, is on the way to the coast.

RUTGERS NEILSON had his hands full yesterday meeting incoming RKO Radio talent. At 8:45 A.M., he met FRANKIE THOMAS arriving on the 20th Century; at 10:15 A.M., MARGOT GRAHAME as she debarked from a TWA plane; at 10:50, he was at the docks when IRENE DUNNE arrived on the *Santa Paula;* at 9 P.M., he met the *Olympic* on which POLLY LAMONT was a passenger.

•

MITCHELL KLUPT, TOM MURRAY, HARRY C. ARTHUR, ABE MONTAGUE, EDWARD RUGOFF, LYNN FARNOL, WILLIAM YOOST, HORTENSE SCHORR and ANDRE SENNWALD were spotted at the Tavern during lunch hour yesterday.

•

GYLES ISHAM, who has been signed by M-G-M, arrives on the *Ile de France* on March 19. He is the son of SIR VERE GISHMAN, now appearing in "Family Affairs" on the London stage.

•

EDDIE HALL, FRANK ALLWORTH and FRANK MCNELLIS have been added to the cast of Educational's "Only the Brave," now in work at the Eastern Service Studio.

•

WILLIAM GRADY, talent scout for M-G-M, will take to the rails for a coast trip as soon as AL. ALTMAN returns from a Florida vacation. That will be sometime next week

•

SIDNEY JUSTIN of Paramount wore a cute pair of green and yellow checkered sox yesterday, the latest in hosiery fashions.

•

ALBERT WARNER is back from another Miami vacation. HARRY WARNER is due from the coast the latter part of the month.

•

SAM SEIDELMAN, brother of JOE, of the U. A. office in Mexico, is in town conferring with ARTHUR W. KELLY.

•

NICHOLAS LUDINGTON has gone back to the coast after a few days here.

•

ETTA SEGALL of the Philadelphia First Division office was in and out yesterday.

•

Prince SIGVARD BERNADOTTE hies west today, headed for the M-G-M studios.

•

A. C. BLUMENTHAL was a visitor at U. A. headquarters yesterday. That tan of his just won't vanish.

•

VINA DELMAR has sold an original, "Bracelets," to Paramount. CAROLE LOMBARD will probably have the lead.

•

Major I. E. LAMBERT is back from Miami.

•

CLAUDE RAINS sails from London today on his way here.

•

JACK BUCHANAN arrived on the *Olympic* yesterday.

•

WILLIAM SCULLY returns from Miami on Monday.

•

RICHARD A. ROWLAND goes to the coast today for an indefinite stay.

Good Friday Closing Demanded in Canada

(*Continued from page* 1)

being taken up in other parts of the Dominion.

In an open letter to managers, Rev. C. F. Curran, director of Catholic Action in the Archdiocese of Halifax, requested them to decide on uniform action in regard to closing on Good Friday. Otherwise, he asserted, it would be necessary to institute a campaign to dissuade Christians from "desecrating the sacred day."

"Among the means very likely to be adopted," he declared, "will be advising people to keep away during Easter week from those theatres which make light of the Christian endeavor to sanctify the anniversary of the Saviour's death."

Announcement has already been made that theatres in Hull, Quebec, and in other centres of the Province of Quebec, will be closed on the afternoon of Good Friday, but will open for evening performances.

Bay State Hearing On Race Repeal Set

(*Continued from page* 1)

decided it unwise to consider amendments to a law that may soon be repealed.

Senator Henry Putnam, chairman of the Legal Affairs Committee, which framed the present racing act, proposed that dog tracks be banned until the act can be re-submitted to voters at the state election next year with amendments to allow local option on track sites.

BOSTON, March 12.—Members of the Independent Exhibitors of New England, Inc., held their regular meeting today and discussed the dog racing situation, which is declared a menace to local exhibition.

Kansas Law Officer Rules on Bank Night

(*Continued from page* 1)

must be announced outside the theatre as well as inside, and the person on the outside having the right number must be permitted to enter the theatre and claim his prize without buying a ticket.

The copyrighted contract sold by bank night distributors conforms to the conditions laid down by the attorney general, it is said.

A stunt in many ways similar to bank night has made its appearance in the middle west. It is called "jackpot" and recently was taken over by a national distributor. It is said to have originated in Minneapolis.

Mystery Enshrouds Murder in Toronto

TORONTO, March 12.—The murder of Abner Appleby, whose body was found in the office of the Roxy, of which he was the owner, has developed into a mystery that rivals any of the stories which had been screened at the theatre. Relatives of Appleby have offered a $500 reward for the arrest and conviction of the murderer and the Toronto police department has offered a similar reward. Louis Appleby, son of the deceased, has received a threatening note while the theatre janitor has reported that he was threatened over the telephone because of his co-operation with the police.

recording the historic and exciting events of a
momentous year in motion picture industry progress

now in preparation



QP



This fellow will

SOON

set off a load of

DYNAMITE

that will knock this industry's box-offices records to pieces—

A Prediction: **Paul Muni in "BLACK FURY" will start a new cycle of he-man stories and bring the industry back to ACTION on the screen . . . The kind of action that sends audiences into hysterical cheers . . . of course Warner Bros. will present it!**

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 61 NEW YORK, THURSDAY, MARCH 14, 1935 TEN CENTS

Schenck Plan Would Retain Met Operators

New Pact for Skouras, Randforce in View

New long term operating contracts for Skouras and Randforce are provided in the Fox Theatres-Joseph M. Schenck plan of reorganization for Fox Metropolitan Playhouses, it was learned yesterday.

The original plan called for operating agreements which would be cancellable after May 1, 1936, in the event of an acceptable purchase offer being received by the bondholders. The final plan, which may be made public tomorrow when its sponsors will ask Federal Judge Julian W. Mack to set a date for a creditors' hearing on the plan, is not expected to meet with any serious opposition. Its provision for 75 cents on the $1 for the $12,460,700 of bondholders' claims, 20

(*Continued on page 8*)

Clevelanders Fight Daylight Time Move

CLEVELAND, March 13.—A plan to inaugurate daylight saving in Cleland and Cuyahoga County was buried under a storm of protests of theatre men, owners of night clubs and organized labor at a hearing by a City Council committee.

J. N. Unger, attorney, representing the downtown theatres, and Ernest Schwartz, president of the Cleveland M.P. Exhibitors' Ass'n., representing the neighborhood houses, stated that where daylight savings had been inaugurated, theatre attendance had dropped off 20 to 30 per cent. It is thought the plan is dead locally.

Film Financing Unit Formed in Delaware

WILMINGTON, March 13. — The Standard Capital Corp. has been formed here, with a capitalization of $1,500,000, to finance production. In the incorporation papers, J. Cheever Cowdin, New York financier, is listed

(*Continued on page 8*)

Para. Trustees Get Coast Unit Approval

Authorization for the Paramount Publix trustees to participate in a plan of reorganization for Paramount Properties, Inc., subsidiary holding company for the west coast studio and

(*Cantinued on page 8*)

"U" Planning 36 Features, Six Westerns, Four Serials Again

Universal is planning 36 features, six westerns, four serials and its usual quota of shorts for 1935-36. The new program will match the current lineup numerically.

James R. Grainger, general sales manager, left for Hollywood yesterday. Due to arrive there Saturday afternoon, he will go into an immediate session with the two Laemmles and the studio staff on the impending list of attractions for next season.

Currently, Universal has either completed or in distribution 23 of its 36, leaving 13 to go by the end of August.

Farnsworth Is Named as New Campi Member

Deputy Administrator William P. Farnsworth has been named third Campi administration member by the National Industrial Recovery Board. Compliance Director Sol A. Rosenblatt and Mrs. Clare Boothe Brokaw are the other two.

Farnsworth has been pinch-hitting for Rosenblatt as Government representative at numerous Campi sessions. While he still will have no power of voting in his new capacity, he will attend Code Authority sessions as a full-fledged appointee. Farnsworth fills a vacancy on the code which has existed since its inception. At one time A. Lawrence Lowell, president-emeritus of Harvard, was offered the post but declined.

According to the code, Article II, Section 2 (c), three Government representatives are to sit in at Campi proceedings. Rosenblatt has attended a number of sessions and Mrs. Brokaw only a few. Farnsworth has also been sitting in for Rosenblatt on the

(*Continued on page 3*)

Senators Studying Richberg Testimony

WASHINGTON, March 13.—Members of Congress tonight were evaluating the results of five days of testimony by Donald R. Richberg before the Senate Finance Committee, the concensus being that that astute gentleman had disclosed nothing not heretofore known and had made no suggestions which would meet the criticisms directed at major codes.

Richberg today wound up his testimony with a suggestion that the NRA might simplify administration and reduce the number of codes from over

(*Continued on page 3*)

Johnston Is Again Head Of Monogram

W. Ray Johnston was reelected president of Monogram by the company's board of directors late Tuesday night. In addition, Trem Carr was continued as vice-president in charge of production; Jack S. Jossey, vice-president for exchanges, and J. P. Friedhoff as secretary - treasurer.



W. Ray Johnston

The entire board of directors was reelected. Johnston, Carr, Jossey and Friedhoff are members in addition to Herman Rifkin, Boston franchise holder; Irving Mandel, Chicago; Floyd St. John, San Francisco; Arthur C. Bromberg, Atlanta; Robert F. Withers, Kansas City; Sam Sep-

(*Cantinued on page 3*)

Depinet Leaves to Plead at St. Louis

Ned E. Depinet, president of RKO Radio Distributing Corp., left for St. Louis by plane last night for arraignment and pleading in connection with the Federal grand jury indictments voted against himself and four others several months ago. He was accompanied by William Mallard, Radio general counsel, and Bruce Bromley, of Cravath, de Gersdorf, Swaine & Wood, special counsel.

Depinet will plead "not guilty" following his arraignment tomorrow. The trio is expected to return by

(*Cantinued an page 3*)

Loew Aims at 20 Houses in Chicago Move

Some Will Be Erected; Others Purchased

CHICAGO, March 13.—Loew's invasion plans in this city call for a total of 20 theatres, a number of which will be built by the circuit and the balance to be acquired, it was revealed here today. David Bernstein, executive vice-president and treasurer of Loew's, who is here going over the local situation with Louis K. Sidney and Thomas Lamb, architect, has already closed for a number of sites. A number of Loew M-G-M officials are also studying the layout.

Bernstein and his party plan to leave for New York tomorrow. Upon his arrival at the home office, the Loew vice-president is expected to announce the company's theatre program.

Invasion by Loew's will not affect Warner and B. & K. theatre spots, it

(*Continued on page 3*)

Jersey Allied, ITOA Hit M-G-M's Selling

Allied of New Jersey at its regular meeting on Tuesday and the I.T.O.A. yesterday expressed strong sentiments against M-G-M's percentage policy.

At the Allied meeting some members openly declared they would not do business with Leo's company next season unless the preferred playing time plan was changed. No official action was taken.

The board of directors of the I. T. O. A., in addition to passing a

(*Cantinued on page 3*)

Warners Will Soon Add Two to Circuit

Warners will add two new theatres to the circuit within the next three months. They are the Bromley, a 1,000-seat structure now being completed on North Broad St., Philadelphia, and the 1,500-seat Beverly being erected in Chicago.

The first is being built by Charles Segal and is expected to be ready for

(*Continued an page 8*)

Sending Pelton to Eye Florida Sites

LOS ANGELES, March 13.—There being no indication that the California tax program will be modified, Fred Pelton, M-G-M studio manager, has been delegated by the M. P. Producers'

(*Cantinued on page 11*)

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Mo. Censor Bill Gains

JEFFERSON CITY, Mo., March 13.—The criminal jurisprudence committee of the Senate today reported favorably on the censorship bill of Senator John P. Shea of St. Louis, with only a few minor amendments reducing the salaries of the censors and their employes. One amendment would cut the censors' salaries from $4,000 to $2,500 a year each.

Picketing Spreads Here

Picketing in the local area is spreading and circuit houses are now being visited by the sandwich men. Loew's State yesterday had two men with Allied M. P. Operators' signs picketing the house, while A. F. L. men continue to march up and down in front of the Mayfair and Astor.

David Chatkin Returns

CLEVELAND, March 13. — David Chatkin, who had been in Florida since the beginning of February, has returned.

Boyer Fractures a Rib

HOLLYWOOD, March 13.—Charles Boyer sustained a broken rib while working in "Break of Hearts."

FREE!
Thousands of Prizes
GET YOUR SHARE!
PACK YOUR THEATRE!
—Ask How—
FRANKIE DARRO MOVIE STAMP CLUB
630—9th Ave., N. Y.

Purely Personal

GEORGE HAIGHT'S deal with SAMUEL GOLDWYN does not mean that the former will entirely drop his legitimate stage activities. Not at all. He'll be back on Broadway in the fall when HERMAN SHUMLIN puts on "Sweet Mystery of Life."

•

MIKE ROSENBERG canceled his plans yesterday to leave for the coast at the last minute. He will get away some time next week. CHARLES SKOURAS, CHARLES BUCKLEY and EDWARD ZABEL may depart for the west over the week-end.

•

CAPTAIN RICHARD NORTON and JACK BUCHANAN, who arrived here from London a day or two ago, were in the audience at "Anything Goes" last night. BUCHANAN will probably do the BILL GAXTON role in the London production.

Quip of the Day

Ali Gaga nominates to the Nobel Peace Commission for the Peace Prize of 1934 *the name of Ruby Laffoon, governor of Kentucky, who, by appointing so many colonels, has made it virtually impossible to recruit an army of privates in America.*

WILLIAM A. JOHNSTON and JOHNNY HINES have sold their story, "The Butler," to Columbia. The same company has also bought "Theodora Goes Wild" from MARY MCCARTHY.

•

J. J. MCCARTHY, who is due in from the coast Saturday, will lead the M. P. P. D. A. delegation now quartered on the 15th floor up to the new offices on the 22nd floor next week. Nearer to headquarters.

•

TOM PETTEY, new M. P. P. D. A. acquisition from newspaperdom, is learning the ropes in the Advertising Advisory Council and not expecting any immediate trip to Hollywood.

•

MANNY SILVERSTONE, American representative of London Films, leaves tomorrow for Toronto for the opening of "The Scarlet Pimpernel" there.

•

WILL H. HAYS resplendent in gray fedora with pulled down brim and yellow yarn gloves on the Avenoo yesterday.

•

HUGH HERBERT, who is here on a vacation, will make a personal appearance at the Strand tonight after viewing "Gold Diggers of 1935."

•

GEORGE ARLISS is spending little time here. He arrived yesterday and will leave on the *Olympic* tomorrow night.

•

SIDNEY KENT terminates his usual Florida vacation on Monday when he returns to his desk at Fox.

•

AL JOLSON and RUBY KEELER will arrive in town in about two weeks for a long vacation here.

•

MILTON DOUGLAS, who opened at the Versailles Tuesday night, is set for a series of shorts for Warners.

HUNT STROMBERG, W. S. VAN DYKE, FRANCES GOODRICH and ALBERT HACKETT, all of whom have played prominent parts in turning out "Naughty Marietta," leave for Hollywood after the picture opens at the Capitol on March 22.

•

GILBERT JOSEPHSON for the third time has joined Consolidated Amusements as field supervisor of the circuit's 20 houses. He was last at the Monroe, where LOU GOLDFARB has succeeded him.

•

CHARLES MACDONALD has a swell yarn on HUEY LONG which you should hear. It has to be cleaned up from top to bottom to make these columns, however.

•

PHIL REISMAN sails Saturday on the *Conte de Savoia.* He was scheduled to leave last week for Paris and Italy, but delayed his departure a week.

•

BERNARD ROSE, treasurer of Projection Optics Co. of Rochester, was in town yesterday and left last night for Philadelphia, Baltimore and Washington.

•

HENRY HULL, having obtained a year's absence from Universal, will resume his Jeeter role in a road tour of "Tobacco Road."

•

JOHN BARRYMORE is playing with the idea of producing a picture in India and based on a play by TAGORE, Indian poet.

•

EUGENE PICKER can't stand anyone near him smoking a pipe. That's a warning to beware. He doesn't mind cheroot puffers.

•

ROBERT WOLFF and EDWARD RUGOFF plan to leave for Key West, Fla., on April 5, to test their prowess as fishermen.

•

NELL and LYNN FARNOL expect to move into their house by the end of the month if decorators, et al, come through on schedule.

•

BERNIE MILLS, Monogram Albany franchise holder, is in town. JIM ALEXANDER, Pittsburgh representative, has returned to the Smoky City.

•

HARRY ASCHER, Majestic Boston franchise holder, was in town yesterday conferring with HERMAN GLUCKMAN and E. H. GOLDSTEIN.

•

BORIS MORROS' anticipation now is that he will join the Paramount studio in April.

•

CHARLES STERN, an assistant to AL LICHTMAN, is back in Philadelphia again.

•

KARL BRENKERT arrived from Boston yesterday morning and left last night for Detroit.

•

HARRY ARTHUR has a swell "whoops" gag. Watch out he doesn't pull it on you.

•

JOE LEE arrives from Europe today after a month's vacation.

•

MOE ROSENBERG has taken over the Lwellywn, Newark.

Crooker to Do Tour For Einfeld's Plan

S. Charles Einfeld, in charge of Warner advertising and publicity, is putting into action the suggestions he outlined at the M.P.T.O.A. convention in New Orleans for exhibitor to form closer contacts with their local newspaper editors. In line with this idea, Einfeld is sending Herb Crooker, the company's publicity director, on an extensive tour for the purpose of forming closer alliances between exhibitors and local publishers.

Crooker leaves Sunday night and will stop at Boston, Rochester, Syracuse, Albany, Buffalo, Detroit, Chicago, Omaha, Pittsburgh, Baltimore, Washington and Atlanta. He will be gone about three weeks.

Pick Eastman Directors

Herman C. Sievers, vice-president in charge of sales and advertising, and Perley S. Wilcox, president of the company's subsidiary Tennessee Eastman Corp., have been elected directors of the Eastman Kodak Co. to fill the vacancies created by the deaths of Lewis B. Jones and Rudolph Speth.

The board also elected M. B. Folsom treasurer of the company and Cornelius J. Van Niel general comptroller.

Lightman Will Remodel

MEMPHIS, March 13.—The Palace, former Loew house recently acquired by M. A. Lightman, will be closed during the summer for remodeling at a cost of $25,000, the exhibitor said today following a conference with Y. Frank Freeman of Paramount Publix, which will be a partner in the operation. Freeman stopped here on his way to New York from New Orleans. The name will be changed.

Marks Plans Shorts

CHICAGO, March 13.—Meyer S. Marks, who, with his brother, built the Marbro and Granada in competition with B. & K. and later sold the houses to that circuit, declares he will enter the short subject field using radio personalities and asserts "The Rise of the Goldbergs" will be the first. He plans to make the series in the east.

Profit Up $111,784.34

The $120,169.56 net operating profit of the Roxy in the 38-week period of the trusteeship from June 15, 1934, through March 7, 1935, represented an increase of $111,784.34 over the same weeks of 1933-34, not $11,784.34, as appeared in yesterday's MOTION PICTURE DAILY as result of a typographical error.

Second Release Set

HOLLYWOOD, March 13.—Decision to release "Oil for the Lamps of China" as the second Cosmopolitan was reached as the result of a huddle between Harry M. and Jack L. Warner and Edgar B. Hatrick. The picture has 10 more shooting days to go. All hands unite in declaring their enthusiasm.

Brandt to Reopen Tudor

Harry Brandt will reopen the renovated Tudor, Third Ave. and 42nd St., tomorrow with Larry Robiczek as manager. Joe Hornstein handled the rejuvenation which cost around $15,000.

Farnsworth Is Named as New Campi Member

(Continued from page 1)

legitimate theatre Code Authority sessions, reporting to the compliance director after meetings.

Farnsworth was in town yesterday attending the meeting of the Legitimate Theatre Code Authority, but left town before he could be reached for a statement.

He was born in New Jersey about 30 years ago and attended the University of Virginia. He also studied law for several years, but has never taken the bar examination. About six months ago he married the secretary of an NRA official in Washington and now makes his home in the capital.

Fishing is Farnsworth's chief hobby, although he doesn't get much opportunity to pursue the sport on his present job. He joined the NRA during the latter part of the summer of 1933 as a member of the legal committee of the N. I. R. A. Shortly after he was appointed deputy administrator of all amusement codes, under Rosenblatt.

Farnsworth also has had a short experience with show business, having produced one play some time ago.

Senators Studying Richberg Testimony

(Continued from page 1)

700 to less than 200 by eliminating the service trades codes and consolidating all other small codes either with appropriate major codes or into a "small industries" code.

American industry is "overwhelmingly" in favor of the continuance of codes, he said in answer to criticism from Senator Borah of Idaho, and asserted he could bring "battalions" of business men before the committee to support the code organization.

Some of the monopoly charges, Richberg told the committee, arise from patent monopolies which cannot be corrected by enforcement of the anti-trust laws, this being particularly true in the electrical industries.

Members of the investigating group opposed to the NRA asserted that Richberg had not succeeded in changing their opinions, Senator King of Utah declaring that he had not made a showing justifying maintenance of the codes.

Alperson, Powers in L. A. for Clearance

Los Angeles, March 13.—Edward Alperson and William T. Powers are here from New York on the Los Angeles clearance schedule. Both Fox West Coast representatives appeared before Campi last Thursday to protest certain phases of the schedule and are now on the grounds. Looking into the 11 situations involved.

John C. Flinn is here from New York investigating F. W. C. objections. The local board met today and discussed the issues. Powers, Alperson and Flinn plan to plane back to New York Sunday.

Loew Aims at 20 Houses in Chicago

(Continued from page 1)

is held, the building and acquisitions being confined to territories dotted with Essaness and Schoenstadt units.

Jersey Allied, ITOA Hit M-G-M's Selling

(Continued from page 1)

resolution commending Chicago exhibitors for their stand against M-G-M's policy, sent Aaron Saperstein a telegram. The wire follows:

"Congratulations Chicago on your stand with Metro. All U. S. A. watching you. Independent Theatre Owners Ass'n. of New York 100 per cent in favor of your move. Count on us for cooperation."

No move to place a ban on M-G-M in the local area was made by the I. T. O. A., it was stated by some of the members, because it was felt that all local independents could not do without the company's product. David Weinstock, Harry Brandt's partner in New Jersey, brought up the M-G-M issue during a general discussion of conditions in this territory.

College Ordered to Limit Its Showings

Charlotte, March 13.—Following complaints of Rock Hill, S. C., theatres, Winthrop College has been ordered by the grievance board here to stop admitting the public to its film showings.

Theatre men protested that students are not allowed to attend theatres in the town and that the admission of persons outside the college to its showings constituted unfair competition.

Shea Withdraws Appeal

Mort Shea, operating the Weller, Zanesville, O., yesterday withdrew his appeal from the Cleveland grievance board's overbuying decision in which he was ordered to give the Zanesville Theatre Co., operating the Liberty, Quimby, Grand and Imperial, that city, 24 pictures of his allotment.

The appeal was on the Campi calendar yesterday, but was taken off at the last minute when the withdrawal came through.

Deny N. H. Clearance

Boston, March 13.—The clearance and zoning board has held that Claremont, N. H., and Windsor, Vt., are not competitive and that, therefore, the former shall have no clearance over the latter. The case was brought by the Strand in Windsor against the Latchis and M-G-M.

Set Vaude Amendments

Washington, March 13.—Vaudeville amendments to the film code were officially approved today by Compliance Director Sol A. Rosenblatt.

Build at Trenton, O.

Trenton, O., March 13.—A new theatre, the first to be built in this vicinity in several years, is being constructed by C. O. Dearth.

Begorra!

Boston, March 13. — St. Patrick's Day is a big day here. The Irish—and there are many of them—have parades, dinners and what not. Those with less interest in Erin's patron saint call it Evacuation Day and talk about the time when the British departed during the Revolution, but their style of celebrating is pretty much the same—without the shamrocks.

This accounts for the St. Patrick's Day committee of the Friars' Club, which reads: Abe Weiner, Jack Goldstein, Eddie Ansin, Louis M. Boas, Ed Stoneman, John Dervin and J. M. McGann.

Dervin and McGann wear green ties that day. Stoneman may.

Wall Street

Universal Up 3 on Big Board

	High	Low	Close	Net Change
Columbia vtc	41½	40	40¾	— ¼
Cons. Film Ind. (1v)	5	4⅞	4⅞	— ¼
Cons. Film Ind., pfd.	18¾	18½	18¾	+ ¼
Eastman	119	117¾	119	.....
Fox "A"	9¼	9	9	— ⅛
Loew's (2)	34¼	33⅛	34⅛	+ ¾
Paramount	2¾	2⅝	2¾	+ ⅛
Pathe	⅝	½	⅝	.....
Pathe "A"	13	12½	12½	— ½
RKO	1⅜	1¼	1¼	— ¼
Universal pfd.	39½	39	39½	+3
Warner	2¾	2½	2½	— ⅛
Warner pfd.	16	14½	14½	—1½

Trans Lux Off ⅛ on Curb

	High	Low	Close	Net Change
Sentry Safety	¼	¼	¼	.....
Technicolor	15	15	15	.....
Trans Lux (.10k)	2½	2½	2½	— ⅛

Para. Publix Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7	6½	7	.....
Keith B. F. 6s '46	68¼	68¼	68¼	— ¼
Loew's 6s '41 ww deb rights	104½	104⅛	104½	+ ⅜
Paramount B'way 5½s '51	48⅝	48⅝	48⅝	— ⅛
Paramount F. L. 6s '47	71¾	71¾	71¾	— ½
Paramount Publix 5½s '50	73¼	72¾	73¼	+ ¾
Warner Bros. 6s '39 wd	49¾	48½	48½	—1¾

(k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of March 13)

Issue First Film Order

Cleveland, March 13.—The Cleveland grievance board has issued its first order to distributors to stop service on a theatre in this territory. The order was issued, effective March 15, against the Shelby, Shelby, O., and follows failure of the theatre to obey the board's order to stop distribution of 10-cent courtesy passes and five-cent children admissions.

Bartlett to Columbia

Hollywood, March 13. — Michael Bartlett, opera tenor, has been signed to a long term contract by Columbia and has been assigned a featured role in "On Wings of Song," which will star Grace Moore.

Johnston Is Again Head Of Monogram

(Continued from page 1)

lowin, Detroit, and Norton Ritchey, head of the foreign department.

Reelected on the executive committee were Carr, Johnston, Rifkin, Mandel, Jossey and Ritchey.

About three weeks ago the western contingent of stockholders, who are franchise holders, were in town conferring with Johnston, Carr and Edward Golden. At that time the men proposed continuing the present slates. Eastern franchise holders as far west as Chicago are now in town for home office confabs. These men concurred with the western group in the reelections and the vote was put to the board for official approval.

Depinet Leaves to Plead at St. Louis

(Continued from page 1)

plane immediately, arriving here Saturday.

Paramount and Warners made arrangements with the Attorney General's office to enter pleadings for George Schaefer, Harry Warner, Herman Starr and Abel Cary Thomas, who were indicted with Depinet, at the time the case goes to trial. The only object of the arrangement is to avoid the necessity of those indicted making a trip to St. Louis at this time.

Former Senator Reed of Missouri will appear as counsel for Warners at the trial. Paramount has retained William R. Gentry and Samuel W. Fordyce, both of St. Louis, as counsel.

Tentative Trial Date April 2

St. Louis, March 13.—Trial of the defendants in the St. Louis anti-trust action has been tentatively set for April 2. By stipulation of counsel arraignment of the defendants has been deferred to the actual date of the trial in Federal court.

Due to a crowded docket and the fact that one judge is handling two divisions, it is very doubtful the case can be heard in April.

Allied Men Divide Iowa Into 32 Units

Des Moines, March 13.—Organization of Iowa into 32 districts, with a chairman and a committee for each, was effected today at the closing session of the mid-year convention of Allied Theatre Owners of Iowa and Nebraska at the Hotel Savery here.

President Leo F. Wolcott told the meeting the publication of box-office figures by the trade press was partially responsible for unfair tax measures. He also expressed opposition to designated playdates and to the competition offered tax-paying theatres by tax-free places of amusement.

The appointment of a successor to Lester Martin, who recently retired as secretary, was postponed to the next meeting.

A dance closed the convention, with music supplied by Jan Garber.

THEY'RE CLEANING UP AL

Warner Bros.' "Gold Diggers" Are Taking th



ON THE RADIO

Millions are tuning in on "Lullaby of Broadway," "The Words Are In My Heart," "I'm Going Shopping With You"—numbers timed to be the rage of the air at the very hour you break the picture.



IN THE NEWS

Headline stuff everywhere, "Gold Diggers" is giving you the biggest break in news space any picture has grabbed in two years from trades, magazines and dallies.

GOLD DIGGERS

DICK P

BRADY • FRA

CAWTHORN

VER AMERICA!

ıtion–TO THE MOVIES!



THE 'PIANO' AND 'BROADWAY LULLABY' NUMBERS WILL CLICK WITH ANY AUDIENCE . . . THEY ARE SUFFICIENT TO SET THIS MUSICAL INTO THE MONEY DIVISION

RED KANN
speaking in
M. P. DAILY

AT THE BOX OFFICE

Bigger attendance and more money than "Gold Diggers of 1933" in Miami, New Orleans, St. Petersburg and Portland build-up engagements —and that's the TOP!

ON THE SCREEN

"The Ballet of the Baby Grands" and "The Lullaby of Broadway" are only two of the swell numbers you'll see—staged with incredible splendor by Busby Berkeley.

ON EVERY-ONE'S LIPS

It's the talk of the nation —the show they can't wait to see as Warner Bros. sensational "picked engagement" policy sets it up, date by date, as the picture of the year.

OF 1935

'ELL • ADOLPHE MENJOU • GLORIA STUART • ALICE

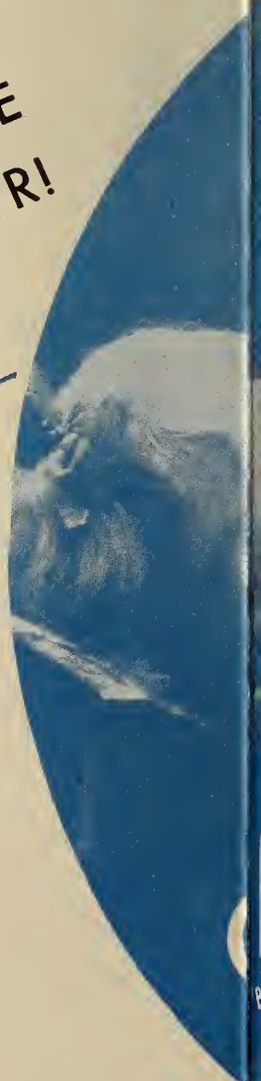
HUGH • GLENDA FARRELL • HUGH HERBERT • WINI SHAW • JOE

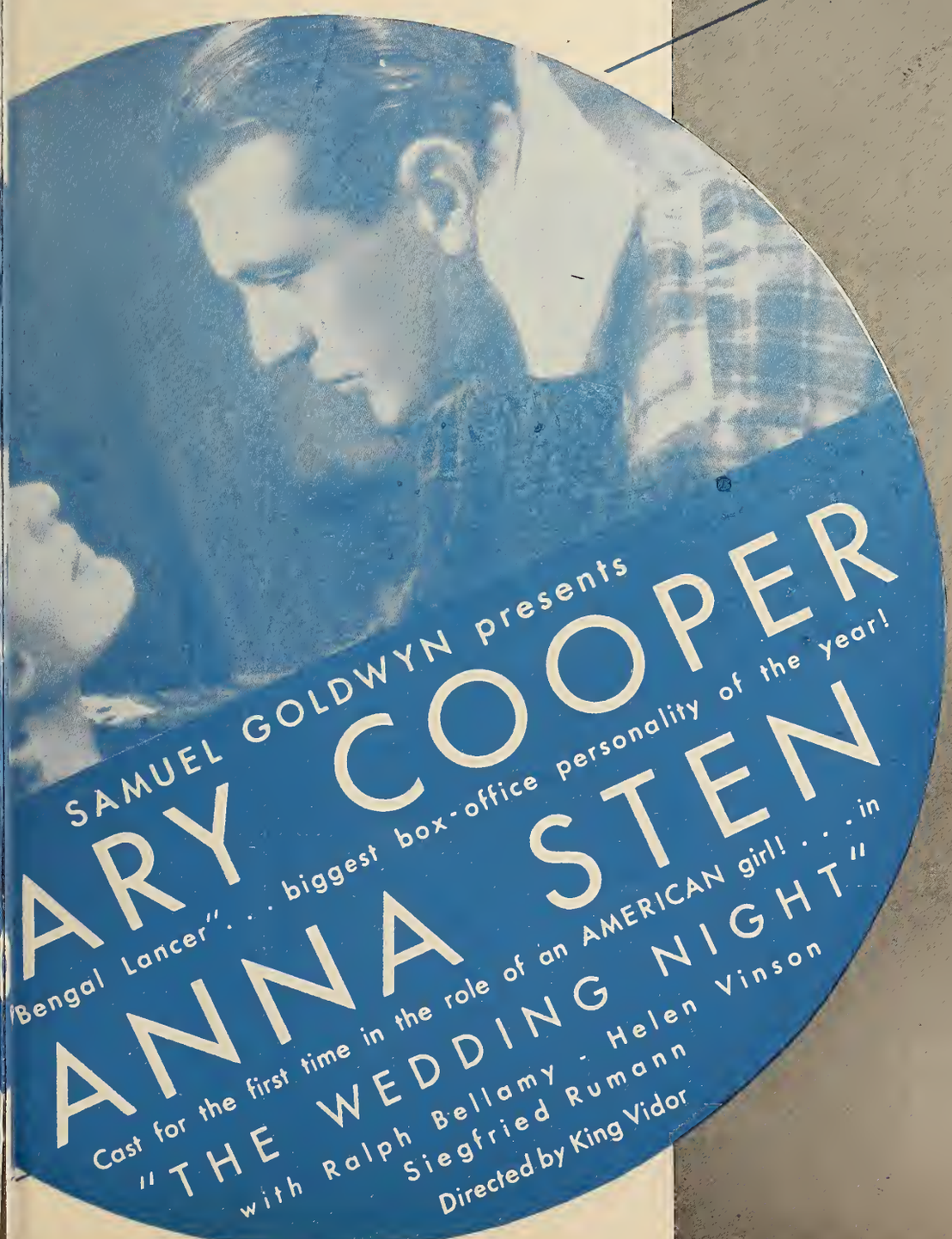
HERS • The story and the most superb spectacles yet screened directed exclusively by **BUSBY BERKELEY**

A First National Picture

Tomorrow! THE Wedding Night

STARTS PILING UP GROSSES
FROM ONE END OF THE
COUNTRY TO THE OTHER!





WATCH THE BOX-OFFICE FIGURES MOUNT AS "THE WEDDING NIGHT" STARTS ITS KEY CITY OPENINGS TOMORROW, MARCH 15th, IN THESE AND MANY OTHER CITIES . . . . .

Rivoli, New York City, N. Y.
United Artists, Portland, Ore.
Loew's State, Providence, R. I.
Loew's, Dayton, O.
United Artists, Detroit, Mich.
Loew's Valentine, Toledo, O.
Loew's Palace, Indianapolis, Ind.
Loew's Midland, Kansas City, Mo.
Loew's State, St. Louis, Mo.
Loew's Grand, Atlanta, Ga.
Loew's State Houston, Tex.
Loew's Vendome, Nashville, Tenn.
Loew's Fox, Washington, D. C.
RKO Albee, Cincinnati, O.
Melba, Dallas, Tex.

•

Released thru
UNITED ARTISTS

Schenck Plan Would Retain Met Operators

(Continued from page 1)

cents of which will be in cash and 55 cents in new bonds, has dispelled virtually all of the competitive bidding. Saul E. Rogers, attorney, is the only principal remaining in the field who is still regarded as likely to submit an alternative plan or offer.

The Fox Theatres-Schenck plan, however, provides for a reorganization of Fox Met rather than a foreclosure and sale. The large equity in the going company reserved for the bondholders under the plan has virtually assured it the all-important support of the bondholders' committee, which has on deposit more than 80 per cent of the principal amount of bonds outstanding.

Federal reorganization statutes require the assent of only two-thirds of the bondholders and creditors, together with a majority of the stockholders, for confirmation of a reorganization plan. Fox Theatres has a claim of $5,000,000 against Fox Met as an unsecured creditor, which represents about 85 per cent of all unsecured creditors' claims on file, and also owns all of the common stock of Fox Met. Thus, with the support of the bondholders' committee, the Fox Theatres-Schenck plan would be virtually unopposed.

The plan involves a cash outlay of approximately $1,900,000 which will be derived from the sale of the stock of reorganized Fox Met to Schenck and Fox Theatres. Schenck would become president of the new company. The new bond issue will be approximately $7,500,000, principal amount, and will be held by the present bondholders. Provisions are made in the plan for a sinking fund dependent on earnings and for a graduating interest rate on the bonds.

Para. Trustees Get Coast Unit Approval

(Continued from page 1)

Paramount Theatre Bldg., Los Angeles, to be filed in the Federal district court for Southern California, was granted yesterday in an order signed by Federal Judge Alfred C. Coxe.

The reorganization plan will provide for the issuance of a new $2,750,000 of bonds to replace those now outstanding, bearing the same rate of interest as the old and secured by the studio and building. A new lease on the studio to 1942 is proposed at an aggregate rental of $1,267,500 for the seven years, and on the theatre building for a similar period at an aggregate rental of $845,000.

Film Financing Unit Formed in Delaware

(Continued from page 1)

as president; Lawrence W. Fox, Jr., vice-president, and Margaret Sullivan, secretary-treasurer. The board of directors is comprised of George Armsby, Garrettson Dulin, Daniel M. Sheaffer, Samuel W. Atkins and J. Russel Forgan.

Margaret Sullivan, not the actress, yesterday refused to discuss the plans of the newly formed Standard Capital Corp. but admitted that a meeting would be called in a few days of the officers of the company, at which time announcement of the company's aims will be made.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Hold 'Em, Yale"

(*Charles R. Rogers-Paramount*)

HOLLYWOOD, March 13.—Adapted from a Damon Runyon story, this one deals with a girl who's nuts about anything in uniform but who, unfortunately, picks the wrong uniform. Well directed and acted, it is a hilarious comedy aimed at neighborhood clientele.

Patricia Ellis is the uniform-conscious girl who falls for Cesar Romero, a member of a gangster quintet. Miss Ellis' dad (George Barbier) has just paid off on a former love affair and is promoting the girl's marriage to Larry Crabbe when Romero moves in.

Miss Ellis surprises Romero and his fellow-gangsters (William Frawley, George E. Stone, Andy Devine and Warren Hymer) at an apartment during a ticket-scalping confab, stepping in bag and baggage. Romero fixes things with the gangsters by telling them that through her he will pay back $400 he owes them. Romero skips town, and then the comedy begins.

The story hits a laugh peak when Miss Ellis starts educating the gangsters in home economics and table etiquette. The climax features the gangsters' efforts to get rid of her, finally marrying her off to Crabbe, a football dizzy who somehow succeeds in being the hero of the Yale-Harvard game.

Sidney Lanfield's direction is timed for comedy tempo. Frawley's performance is the film's high spot. Capable performances are given by Miss Ellis, Stone, Devine, Hymer and Barbier. Paul Gerard Smith and Eddie Welch penned a creditable screen play.

This one, while not for the intelligentsia, should pull as good average fare.

Production Code Seal No. 628. Running time, 82 minutes. "G."

"Go Into Your Dance"

(*Warners*)

HOLLYWOOD, March 13.—This picture is a lavishly mounted musical interspersed with comedy, melodrama and romance before a background of many novel settings, beautiful girls and well-trained male dancing ensembles. It gives Ruby Keeler ample opportunities for displaying her terpsichorean art while Al Jolson counterbalances with the delivery of several catchy songs composed by Dubin and Warren. Bobby Connelly's handling of the big production numbers is eye-filling and Archie Mayo's direction as a whole is ably handled, although Patsy Kelly's comedy is subdued.

The story is typical Jolsonesque, portraying him as a nonchalant actor who gets in bad with the producers and becomes blackballed from Broadway. His sister, Glenda Farrell, trails him to California, making it possible for him to stage a comeback by promoting a bankroll to produce his own show. She also takes over a theatre and replaces the seats with tables and puts over a night club on a scale exceeding the imagination of the most fantastic dreamer. Jolson, Miss Keeler and Miss Farrell dominate, bolstered by the clever performances of Miss Kelly, Sharon Lynne, Barton McLane, Gordon Westcott, William Davidson, Joyce Compton and others. For audiences fond of musicals with a story this should be entertaining and amusing.

Production Code Seal No. 665. Running time, 90 minutes. "G."

Schools Get Film Book

NEW ORLEANS, March 13.—Edgar Dale's "Motion Picture Appreciation" gets a break in the public schools here through the efforts of Mrs. A. S. Tucker, Better Films Committee president. Mrs. Tucker, who has been urging motion picture appreciation on the youth of the town, recently held several conferences with State Superintendent of Education Harris. At their conclusion Harris notified school heads that Dale's book would be accepted as one of the "required" reading books for students.

Warners Will Soon Add Two to Circuit

(Continued from page 1)

opening sometime in May. The second is being put up by James Coston, partner of Warners in Chicago, and is slated to be completed about the middle of June.

Long term leases on both houses have already been signed, but policies have not been set.

Donates Bowling Prize

Nat Weltz, of the Weltz Ad Service, has donated a 24-inch silver trophy to the winning team in the M.P. Bowling League, which will shortly wind up its season.

Among the teams battling for the prize are United Artists, RKO, Columbia, Fox, Warner, M-G-M, Paramount and Consolidated.

Short Subjects

"South Seasickness"

(*Radio*)

Edgar Kennedy rubs his bald head, waves his arms, makes rash promises and screams at Florence Lake, Dot Farley and Jack Rice just as he did in previous numbers of this series, but the comedy results here fall short of the mark set by his earlier efforts. In this one he wants to run away to the South Seas, but is kept at home, finally to be reconciled with his wife, Miss Lake, when she tells him she is going to become a mother.

Kennedy fans will get a few laughs out of this film. Production Code Seal, No. 564. Running time, 20½ mins. "G."

"Japanese Lanterns"

(*Van Beuren-Radio*)

A color cartoon that tells the story of a Japanese family engaged in the making of colored lanterns. Everything is going along fine until a storm comes up and carries away all the newly made lanterns. The two children of the family try to save them and are wafted aloft also, but are saved, along with their handiwork, by a stork.

The coloring in the film is good, and the story interesting. It should please audiences. Production Code Seal, No. 0317. Running time, 9 mins. "G."

"Father Knows Best"

(*Universal*)

This short is really funny, particularly because of the antics of Sterling Holloway, assisted by Phyllis Fraser, Virginia Hammond and Franklin Pangborn.

Holloway's girl friend, because of his backwardness, is forced to take the initiative and ask him to marry her. She speaks to his family, is refused and the couple finally elope. All in all, it's grand fun.

A local audience got plenty of laughs. Production Code Seal, No. 569. Running time, 12 minutes. "G".

"Radio Songs"

(*Master Arts*)

Featuring organist Lew White, this short will have particular appeal to those that like music. It is a medley of "rain songs" against a background of real and cartoon figures.

The songs played include, "Singing in the Rain," "I Get the Blues When It Rains," "Chasing Rainbows" and "Rain."

Satisfactory. Reviewed without production code seal. Running time, 5 minutes. "G".

"Topnotchers"

(*Radio*)

This short is a presentation of the various topnotchers in the world of sport, past and present, and as the reel unfolds a description of the athletes is supplied by the Easy Aces of radio fame, with Goodman Ace supplying statistical data on the various champions and Jane Ace offering her own opinion for comedy effect.

Mildly entertaining. Production Code Seal, No. 0335. Running time, 11 mins. "G."

Americans Engaged By Mexican Studio

By JAMES LOCKHART

MEXICO CITY, March 13.—Cinematografica Mexicana, S. A., one of the larger Mexican producers, has two American technicians and a Mexican actor who has played in several Hollywood made pictures, on its staff for the first Mexican folklore story to be made with sound. The Americans are Lauron Draper, cameraman, who worked for M-G-M for several years in Hollywood and France, and Robert Quigley, formerly with the art departments of M-G-M, Radio, Monogram and Universal, who is handling the art work of this production, "Janitzio."

The Mexican is Carlos Navarro, who played in "The Big House," "Trial of Mary Dugan" and "The Kid from Spain."

Brown for Dwan Story

HOLLYWOOD, March 13.—Tom Brown moves over to the Fox Hollywood lot to do the juvenile lead in "Kiss and Wake Up," an original by Allan Dwan. Dwan also will direct.

Edmund Lowe and Claire Trevor have the top spots. Production will get under way March 22.

Acme Gets N. Y. Permit

ALBANY, March 13.—Acme Amusement Enterprises, Inc., Boston, has filed a statement and designation of office with the Secretary of State in order to do business in New York. Reginald Morse is president.

St. Louis Party Set

ST. LOUIS, March 13.—The local Variety Club will be host to a party of Variety members from Kansas City on March 18. Proceeds of the party will split with Father Dempsey's fund for feeding unemployed men.

Fox Holds "Small World"

HOLLYWOOD, March 13.—Fox has switched release dates on "It's A Small World" and will put the film on the 1935-36 program instead of on the current schedule, as planned.

Spencer Tracy and Wendy Barrie have the starring roles.

Omaha Variety Gaining

OMAHA, March 13.—Promoters of a Variety club here report 30 members have signed up and paid for memberships to date, while an additional 30 have indicated their willingness to join.

Missouri Bills Killed

JEFFERSON CITY, March 13.—The House Municipal Corporations Committee has killed the Brady and Eckert bills to impose a special tax of one-tenth of a mill per foot on all film exhibited in Missouri. The Brady anti-standing room bill also has been killed.

Maxwell Goes to Denver

PORTLAND, March 13.—Floyd Maxwell, has been appointed manager of the RKO Orpheum in Denver and has left here to take up his new duties on March 15.

"Horses" Pulls $5,000

Five days of "All the King's Horses" at the Rialto resulted in a take of $5,000.

Variety Club Chatter

Cincinnati

CINCINNATI, March 13. — Local barkers were given an eye and earfull at the Saturday night shindig when members of the LARRY RICH "Broadway Nights" company, playing the local Shubert, strutted their stuff, and "a good time was had by all."

HERMAN BERNFELD, film editor of the *Enquirer*, is the proud father of a baby girl. It's his first.

ROY PATTERSON, skipper of the Gordon, at Middletown, O., is the latest recruit on a non-resident basis.

NOAH SCHECTER, who is one up on most of the local barkers by spending the winter in Florida, is the champion tall tale-teller. SCHECTER, with a party of three friends, claims to have caught 400 pounds of fish in three hours, including 41 kingfish (not the Louisiana variety), two dolphins and two bonitas. He sends a photograph as evidence.

Detroit

DETROIT, March 13.—MAURICE CAPLAN is spending a couple of weeks with the Detroit baseball club at its training camp in Florida.

ALEX SCHREIBER is visiting New Orleans.

Regular monthly business meeting was postponed until next month by President EDGAR E. KIRCHNER.

W. G. BISHOP, M-G-M exploiter in this territory, is walking on crutches as the result of a fall in a Cincinnati hotel in which he sustained a severe ankle sprain.

HAROLD C. ROBINSON, who intended to vacation in Florida after attending the meeting of the National Film Carriers, Inc., held in conjunction with the M. P. T. O. A. convention in New Orleans, had to postpone it. He was called home on account of urgent business.

RAY MOON, general manager of Co-Operative Theatres, is back home from Florida.

HARRIS SILVERBERG, injured in the Lansing hotel fire some weeks ago, visited the Film Building for the first time since then last Saturday.

CARL BUERMELE has his right paw bandaged, the palm infected, but that doesn't keep him out of the pitch games as he deals left-handed.

JIM ROBERTSON will stay in Florida until after Easter Sunday.

MAC MCCOY has returned from a 10-day trip to Miami.

MAX RUBEN, who has been seriously ill for some time, is still at his home.

Indianapolis

INDIANAPOLIS, March 13.—Plans are set for celebration of the tent's first birthday party, March 23, at the Claypool Hotel. ED RESENER and his Lyric Theatre orchestra will furnish the music. The party will be limited to members and their wives.

JACK MANNING, former stage director of the "Greenwich Village Follies," was club guest Saturday night.

As part of the charity program, $100 has been donated to Riley Hospital.

Philadelphia

PHILADELPHIA, March 13.—With the return of members of various committees from the MPTOA convention and southern vacation spots, Tent No. 13 has practically formulated its spring schedule.

First of the fortnightly luncheons was held today at the Bellevue Stratford Hotel. The schedule included talks by Major General SMEDLEY E. BUTLER and Judge CHARLES KLEIN, Orphans' Court.

Determination to add new members to the lists was evident at the recent meeting of the board. Selection of a new second assistant chief barker was also discussed. Formal announcement on both matters will be made at the next luncheon.

Among the visitors last week were Judge USILTON, and Senator MAX ARON, head of the Pennsylvania Senate Finance Committee.

The Sunday trade showings are picking up in attendance.

Readjustment of the clubhouse's operating staff has been completed, and with the final decorating touches, the club can now be considered complete. A new and final set of house rules has been issued.

Washington

WASHINGTON, March 13.—Permission has been granted to First Assistant Chief Barker LOUIS ROME of Baltimore to establish a branch of Tent No. 11 in the Monument City.

The ROME request was granted at a special meeting of the board of governors, held prior to a general meeting of the club.

The proposal as accepted by the board was that ROME would have complete charge of the organization of the branch, assuming personally the responsibility of underwriting any expenditures, and that he would obtain 20 new members.

While the Baltimore branch would retain allegiance to Washington's Tent No. 11, paying the dues and other assessments here, the parent organization would refund to the branch one-half of the moneys obtained by the branch.

The by-laws were changed to create an "affiliate member" group, to be composed of non-film, but otherwise eligible, men who would be subject to the same obligations and have the same privileges (except those of voting and holding office) as resident members.

Other by-law changes were:

Increasing maximum regular membership from 100 to 125.

Adding standing committee on welfare and public charity.

Decreasing from 10 to five the number of names required on nominations.

Spotting the annual election on the first Monday in December, the terms to commence Jan. 1.

Revamping the term of office of the board of governors, to permit a two-year term with either five or six new canvasmen being elected each year.

One of the tent's main charitable projects at present is the donation of a projector to the Tuberculosis Sanitarium for Children, at Glendale, Md.

On March 18 BOB GRACE and SAM FLAX will officiate at a smoker meeting, at which JAY EMANUEL, publisher of *The National Exhibitor*, will formally present the *National Exhibitor* Trophy to the winning team in the M. P. Bowling League.

At his own request, STEVE COCHRAN has been named one of the kings for March 25. COCHRAN, manager of the National, wanted to have his turn when he could bring in as entertainers and guests BERT LAHR, RAY BOLGER, and other members of the "Life Begins at 8.40" company.

Theatres Opening in New Colorado Spots

DENVER, March 13.—Opening of theatres in new towns is getting an early start this year, as it did last in the Denver territory. Last year several towns that had not had theatres for three to six years were opened. The first this year is Sagauche, with Ross Labach putting in a theatre. The town has never had sound, and has been without any theatre for three years.

Fred Lind, owner of houses at Littleton and Steamboat Springs, Col., is adding to his string by building at Rifle, Col. He expects to open this month.

Combine 14 Theatres

With the merging of Bermuda Motion Picture Co. and Reid Hall, Ltd., operating 14 theatres in Bermuda, into Bermuda General Theatres with Morris Gibbons as managing secretary, Edwin Sedgwick Chittenden Coppock has returned to New York. Of the 14 houses, three have been closed as a result of the merger and cuthroat competition in the form of quadruple bills eliminated.

Coppock was with Paramount for nine years before going to Bermuda where he spent eight months with Bermuda M. P. Co.

Swedish Circuit Grows

WASHINGTON, March 13.—Another link in the circuit operated by Aktb. Svensk Filmindustri (The Swedish Film Co., Inc.), Stockholm, brings the total to 14, according to a report issued by the U. S. Department of Commerce.

This company—the largest producer and the leading theatre operator in Sweden—is erecting the 800-seat house in the heart of Stockholm. The first public performance will take place about October 1.

June Knight Quits Cast

HOLLYWOOD, March 13.—June Knight has dropped out of the cast of "Redheads on Parade," Lasky-Fox picture, and has been replaced by Dixie Lee. Miss Knight has the flu.

Renovate Boston House

BOSTON, March 13.—The National, an E. M. Loew house, is being externally repaired and freshened. The policy will remain the same for the time being.

Carry Away Dayton Safe

DAYTON, O., March 13.—Burglars forcing an entrance into the Classic, neighborhood, carried away a small safe containing $700.

Duals at Scollay Square

BOSTON, March 13.—The Scollay Square, an M. & P.-Publix house, has dropped vaudeville in favor of duals.

"Velvet" Hits Washington's Top, $18,500

WASHINGTON, March 13.—"Living on Velvet" was just that for the Earle last week when the Kay Francis picture attracted $18,500, or $900 over par. Dorsey Brothers' orchestra, with Bob Crosby, helped.

Runnerup was "One More Spring" at Loew's Fox. The take was $21,000, a mere $500 over average. Dave Appolon and his own revue were on the stage.

In the No. 2 houses, "Charlie Chan in Paris" was a smash hit at $6,500 worth, one of the biggest first run weeks the house has had at the present policy, 40c top. That figure is $3,400 over a par of $3,100. The Metropolitan, playing a return engagement of "Devil Dogs of the Air," broke par by $400 for a gross of $4,500.

"Power," the second film at the Belasco, took $1,600 and was held a second week.

Total first run business was $74,900. Average without the Belasco is $71,200.

Estimated takings, exclusive of tax, for the week ending March 7:

"POWER" (G. B.)
BELASCO—(720), 25c-65c, 7 days. **Gross:** $1,600.

"LIVING ON VELVET" (Warners)
EARLE—(2,218), 25c-77c, 7 days. Stage: Dorsey Brothers' Orchestra, with Kay Weber and Bob Crosby; Robert Williams & Red Dust, Paul Kirkland. **Gross:** $18,-500. (Average, $17,600)

"CHARLIE CHAN IN PARIS" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $6,500. (Average, $3,100)

"ONE MORE SPRING" (Fox)
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Dave Appolon and revue, witb Danzi Goodell; Lowe, Burnoff & Wensley; Luba Malina, Six Arabian Sheiks, Twelve Danny Dare Girls. **Gross:** $21,000 . (Average, $20,500)

"CLIVE OF INDIA" (U. A.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $13,000. (Average, $14,500)

"DEVIL DOGS OF THE AIR" (Warners)
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement). **Gross:** $4,500. (Average, $4,100)

"THE SCARLET PIMPERNELL" (U. A.)
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $9,800. (Average, first week, $11,400)

Ohio Employment Up 7% Above Last Year

COLUMBUS, March 13.—The monthly bulletin of the Ohio State University bureau of business research just released shows February industrial employment in Ohio up 4.5 per cent over January, and seven per cent over February of last year. The increase compared with a seasonal gain of 0.8 per cent, and brought the average employment for the first two months of this year to 7.8 per cent over the corresponding period of 1934.

Youngstown alone failed to share in the increase.

Exhibitors throughout the state report business considerably ahead of this season last year, especially with the better pictures.

"Roberta" Cincy Smash

CINCINNATI, March 13.—"Roberta" is proving a 10-strike and is heading for an estimated $17,000 on its first week at the RKO Albee. It will be held, probably moving to one of the other downtown houses.

"Sweet Music" Only Draw in San Francisco

SAN FRANCISCO, March 13.—"Sweet Music" was the only attraction downtown to do anything like good business last week. It reached $24,500, over the line by $1,500, at the Warfield.

"The Whole Town's Talking" took $8,000 in its second week at the Orpheum, but "Little Colonel," "The Private Life of Don Juan" and "Vanessa" failed to make much impression.

Total first run business was $74,750. Average is $82,000.

Estimated takings:

Week Ending March 5:
"A NOTORIOUS GENTLEMAN" (Univ.)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $12,500. (Average, $13,000)

Week Ending March 6:
"BEYOND BENGAL" (Ind.)
"WHILE THE PATIENT SLEPT" (Warners)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $8,750. (Average, $10,000)

Week Ending March 7:
"WHOLE TOWN'S TALKING" (Col.)
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days, second week. **Gross:** $8,000. (Average, $9,000)

"LITTLE COLONEL" (Fox)
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

"PRIVATE LIFE OF DON JUAN" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross.** $4,000. (Average, $8,000)

Week Ending March 8:
"VANESSA" (M-G-M)
"CAR 99" (Para.)
PARAMOUNT — (2,670), 25c-35c-40c. 7 lays. **Gross:** $10,000. (Average, $11,000)

"SWEET MUSIC" (Warners)
WARFIELD — (2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $24,500. (Average, $23,000)

"Copperfield" Gets Montreal Holdover

MONTREAL, March 13.—In spite of the start of Lent, two attractions rated a holdover. One of these, "David Copperfield," at the Capitol, pulled $12,000. "Clive of India" went over the top at the Princess and was held after a first week's take of $10,500, which was the best at this house in many weeks. "Ziegfeld Follies" at His Majesty's was formidable opposition to these pictures. "The Night Is Young" registered $9,500 at Loew's on the new reduced prices.

Total business was $35,500. Average is $29,500.

Estimated takings for the week ending March 9:

"DAVID COPPERFIELD" (M-G-M)
CAPITOL — (2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $12,000. (Average, $9,500) Held for second week.

"MYSTERY WOMAN" (Fox)
IMPERIAL—(1,914), 25c-30c-40c, 7 days. Stage: "Sky Scandals" musical show and specialties. **Gross:** $3,500. (Average, $3,500)

"THE NIGHT IS YOUNG" (M-G-M)
"THE WINNING TICKET" (M-G-M)
LOEW'S — (3,115), 30c-34c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $10,500)
PALACE—Closed for repairs.

"CLIVE OF INDIA" (U. A.)
"CARNIVAL" (Col.)
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $10,500. (Average, $6,000)

Loan Ruggles to M-G-M

HOLLYWOOD, March 13.—Charles Ruggles goes to M-G-M on a Paramount loan for "No More Ladies," which Irving Thalberg will produce.

Reginald Denny has also been signed for a featured role.

Correspondence

Connecticut mailbag:
Rosen Film Delivery System,
New Haven, Conn.
Dear Delivery System:

During the delivery on Sunday, your man threw a can of film against the wall of my lobby, causing the molding to break in two places. Hoping you are the same, I am,

Yours with a broken molding,

GEORGE COMDEN,
Fine Arts, Westport.

P. S.—You may expect a little bill for the damage.

N. B.—Rosen sent a piece of the molding by return mail.

"Iron Duke" Cleveland's Top, $6,100

CLEVELAND, March 13.—Two attractions garnered most of the first run profit here last week. "The Iron Duke" headed the list by going over par $3,100 on a gross of $6,100. "The Little Colonel" was a close second, getting $8,700, up by $2,700, at Warners' Hippodrome.

The only other attraction in town to reach normal was "Lightning Strikes Twice" which took $5,000 at the Circle.

Total gross for the week was $45,-300. Average is $43,000.

Estimated takings for the week ending March 9:

"THE IRON DUKE" (G. B.)
ALLEN—(3,300), 20c-30c-40c, 9 days. **Gross:** $6,100. (Average for 7 days, $3,000)

"THE LITTLE COLONEL" (Fox)
WARNERS' HIPPODROME — (3,800), 30c-35c-42c, 7 days, 2nd week. **Gross:** $8,700. (Average, $6,000)

"WHILE THE PATIENT SLEPT" (F. N.)
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: Weaver Brotbers & Elviry. **Gross:** $12,500. (Average, $15,000)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $9,500. (Average, $10,000)

"SOCIETY DOCTOR" (M-G-M)
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $3,500. (Average, $4,000)

"LIGHTNING STRIKES TWICE" (Radio)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage: Popeye in person. **Gross:** $5,000. (Average, $5,000)

M-G-M Signs Anita Loos

HOLLYWOOD, March 13.—Anita Loos has been signed to a long term writing contract by M-G-M.

She will work with her husband, John Emerson, who has been made a producer. Her first assignment will be "The Studio Girl," a novel by Gordon Ashley.

Hampton Quits Mascot

HOLLYWOOD, March 13.—Earle Hampton has resigned as publicity and advertising director for Mascot. His work has been taken over by Dave Flournoy, who was formerly his assistant. Hampton has not announced his future plans.

"Roberta" Is Pittsburgh's $18,000 Wow

PITTSBURGH, March 13.—The biggest thing in town last week and, in fact, the biggest thing around here for some time was "Roberta" at the Stanley. Playing at 40 cents, without stage support against big in-person attractions at two other houses, the musical turned in a sensational $18,-000, the best a straight picture has done here since "Little Women." It was moved to the Davis, which was reopened for a run.

At the Penn, "After Office Hours," with George Jessel on the stage, topped average by $1,000, getting close to $20,000, but everywhere else business was off due to the terrific competition of "Roberta." At the Alvin, "The Good Fairy" was a distinct disappointment at $8,500, while "Evergreen" at the Fulton, despite excellent notices and very favorable word-of-mouth, managed to get only $3,500. The Warner, too, suffered, doing just a little better than $4,000 with "Murder On a Honeymoon" and "Enchanted April."

Total grosses in five first runs were $54,600. Average is $46,000.

Estimated takings for the week ending March 7:

"THE GOOD FAIRY" (Univ.)
ALVIN—(2,000), 25c-40c, 6 days. Stage: Aunt Jemimah, Southland Rhythm Girls, Montez and Maria, Lamberti, Streamline Alvinettes and Jerry Mayhall's orchestra. **Gross:** $8,500. (Average, $10,000)

"EVERGREEN" (Gaumont British)
FULTON—(1,750), 15c-25c, 6 days. **Gross:** $3,500. (Average, $4,000)

"AFTER OFFICE HOURS" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. Stage: George Jessel, Lita Grey Chaplin, Chester Fredericks, Three Stewart Sisters, Three Kanes, Youthful Rhythms Revue. **Gross:** $20,000. (Average, $19,000)

"ROBERTA" (Radio)
STANLEY—(3,600), 25c-40c, 6 days. **Gross:** $18,000. (Average, $8,000)

"MURDER ON A HONEYMOON" (Radio)
"ENCHANTED APRIL" (Radio)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,100. (Average, $5,000)

"Wings" at $3,700 Is Oklahoma Smash

OKLAHOMA CITY, March 13.—"Wings in the Dark" took all the important money here last week by going to $3,700 at the Capitol. This tops normal by $1,700.

The Liberty held its own by getting $2,600 for the first four days of the week with a stage show. "The President Vanishes" was weak at $400 for the last three days.

Total first run business was $12,900. Average is $13,500.

Estimated takings for the week ending March 9:

"THE GOOD FAIRY" (Univ.)
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $2,800. (Average, $5,000)

"ONE MORE SPRING" (Fox)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,400. (Average, $4,000)

"WINGS IN THE DARK" (Para.)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,700. (Average, $2,000)

"HOME ON THE RANGE" (Para.)
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,600. (Average week, $2,500)

"PRESIDENT VANISHES" (Para.)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,500)

ITO Appeals To K.C. Board For Clearance

KANSAS CITY, March 13.—Filing of a clearance complaint by the I. T. O. is a reversal of policy under which the local organization originally decided not to have anything to do with the local clearance and zoning board. As first outlined, the plan was that if Fox Midwest rejected the independents' demands the next step would be to seek relief through the Federal legal machinery.

A three-man committee of the I. T. O. has been enrolling independents, members and non-members, in a "war chest" with which to prosecute legal action. It is understood the necessary amount has been raised.

The complaint lodged with the zoning board is for the purpose of exhausting every possible peacable means of obtaining relief.

Included is a schedule the I. T. O. wants the board to adopt, which is identical with one recently turned down by Fox Midwest and which was submitted to Campi. It would reduce protection of first runs and higher bracket admissions and also shorten the protection over 20-cent admissions or under. The currently extended clearance over 20 cents and less is the chief complaint. It is expected that first runs and Fox Midwest, which has practically all of the higher-priced suburbans, will resist the schedule.

Provisions of the Plan

The proposed plan provides: First suburban run at 25 cents or higher, 28 days from close of first run; second suburban run at 25 cents, 14 days later; third suburban run at 25 cents, following by 14 days; 20 cents, 14 days after close of last 25-cent run; 15 cents, three weeks after 20 cents; 10 cents, six weeks after 15 cents.

It is also provided that duals and premiums, when used singly, should draw a penalty of 28 days in clearance, and when used together the clearance should be 42 days. Also demanded is no protection between equally priced houses and that all pictures should be made available for dualling.

The penalties for multiple features and giveaways are a concession to exhibitors and distributors who feel that houses not resorting to these devices should have extra protection. The independents oppose distributors' designation of pictures to play twin bills on the ground that features shown with a major stage show first run will not stand up on a single bill at a suburban run.

The I. T. O. maneuvers are predicated on the fact no official schedule exists and are grounded on the claim that clearances were set up for this season on the basis of terms written into contracts held by Fox Midwest which others must follow.

New Washington Tax

SEATTLE, March 13. — Under a new Washington state theatre tax, patrons are now obliged to pay one cent on a 25-cent ticket, two cents on a 40-cent ticket, three cents on a 50-cent ticket and five cents on those costing $1.

Hollywood Personals

Hollywood, March 13.—Stepin Fetchit called back from tour by Fox to resume work . . . Erin O'Brien Moore signed by Fox for "Heaven's Gate" . . . Ruth Rose, Radio writer, at work on "Pompeii" . . . Marion Davies to start "Page Miss Glory" on March 15.

Grace Moore quite pleased with the Society of Arts and Sciences medal . . . Ed Shubert gets role intended for William Gargan in "Alibi Ike."

Claire Dodd a vamp in "Men On Her Mind" . . . Alison Skipworth has role in "Becky Sharp" intended by Lowell Sherman for Mrs. Leslie Carter . . . Fred Keating has sinus trouble . . . Maurine Watkins winds up at M-G-M.

Discuss Compromise On a California Tax

SACRAMENTO, March 13.—Governor Frank R. Merriam, in conference with Bud Lollier of Fox West Coast, said he was willing to accept a substitute for the proposed one per cent admission tax exempting the first 20 cents, to raise $4,000,000 biennially.

Lollier denied it was possible to raise that amount and said that theatres now charging 25 cents would have to drop their prices to 20 cents and that many would go broke as a consequence.

Merriam said he was unwilling to substitute another means of obtaining the revenue unless that revenue is assured by the new plan.

Lollier pointed out that a 40 cents admission really meant 50 cents if the bill is passed, what with Federal and state taxes combined.

Indications here are that Merriam is seeking a substitute measure, but will accept the tax on admissions unless another plan is devised.

A survey by film representatives indicates the chief danger in bills now lies in the income, admission and footage taxes with the Administration's promise for a veto on the latter, dropping of admissions if a substitute can be found, but no compromise on income taxes.

Lollier is organizing a fight on nuisance taxes which he feels would put many theatres out of business.

Dog racing opposition is being lined up in the south and will be presented at a committee hearing next Wednesday.

Sending Pelton to Eye Florida Sites

(*Continued from page 1*)

Ass'n to inspect proposed studio sites in Florida, it was learned today. He will leave Friday.

It is understood that in Florida he will be joined by New York studio representatives. The group will then proceed to New Jersey to look over possible sites there, it is announced.

Louis B. Mayer of M-G-M, addressing the Los Angeles Junior Chamber of Commerce on its 11th anniversary today, pointed out the perils of excessive taxation, stating that until laws are devised to take care of the jobless California will be faced with the necessity of levying confiscatory taxes that will drive all industries from the state.

Flu Holds Up "Crusades"

HOLLYWOOD, March 13.—With Cecil B. DeMille, director, and Henry Wilcoxon, one of the players, down with the flu, production on "The Crusades" has been halted at Paramount.

Century vs. RKO to Go on Again Today

With 24 hours actually devoted to previous hearings and more than 1,000 pages of testimony in the record, the seventh inning in the Century-RKO Long Island clearance dispute goes on today.

Another session, in addition to today's, will see the wind up of the longest code case on record. It is considered one of the most important in this territory because of its subsequent effect on the entire clearance map in Long Island. While RKO is affected directly by the decision, Loew's Valencia in Jamaica will also be brought into the picture later.

Wired Houses Total To 665 in Austria

WASHINGTON, March 13.—A survey made at the end of last year showed there were 665 houses wired for sound in Austria, according to Daniel C. Roper, secretary of commerce.

American distributors were granted 110 import permits for features and 173 for shorts by the Austrian government last year, Roper also reports.

Pete Carroll, 58, Is Dead on the Coast

HOLLYWOOD, March 13.—Pete Carroll, veteran exchange manager and with Hal Roach for the past 15 years, 10 of them spent as the producer's personal representative in New York, died of heart disease at his home here today.

Carroll, who started his career with Pathe, was 58 years old. His widow survives.

G.B. Signs Maude Howell

HOLLYWOOD, March 13. — Michael Balcon of Gaumont British today signed Maude Howell as scenarist and co-director of the two films the company is to make with George Arliss starred. She will sail on the *Majestic* on March 22 and will remain in England six months. Miss Howell is the first to be signed by the G.B. executive since his arrival in search of talent.

Seek Dismissal of Suit

CINCINNATI, March 13.—A motion for dismissal of the suit of General Talking Pictures Corp., New York, vs. D. F. McCoy, operating the La Max, Wilmington, O., has been filed in the U. S. District Court by the defendant, who contends that the court has no jurisdiction since the sum involved does not exceed $3,000.

Suit is based on defendant's alleged failure to comply with contract.

"Pimpernel" Denver Hit; Gets $6,000

DENVER, March 13.—Any lingering idea that an English picture can't compete with the best American product in this territory was dispelled last week. "The Scarlet Pimpernel" hit $6,000, over par by $3,500, at the Aladdin.

As a result, other downtown houses found the going rough.

Total first run business was $22,500. Average is $20,500.

Estimated takings for the week ending March 7:

"THE SCARLET PIMPERNEL" (U. A.)
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $2,500)

"RUGGLES OF RED GAP" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days, 2nd week. **Gross:** $4,000. (Average, $4,000)

"SWEET MUSIC" (Warners)
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $6,000)

"CARNIVAL" (Col.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $6,000)

"SOCIETY DOCTOR" (M-G-M)
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

"I'VE BEEN AROUND" (Univ.)
"NOTORIOUS GENTLEMAN" (Univ.)
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $900. (Average for week, $2,000)

"Diggers" Gets Big $8,000 in Portland

PORTLAND, March 13.—"Gold Diggers of 1935," helped by spring weather, brought crowds to the Broadway. In its first week it secured $8,000, over normal by $3,000.

"Ruggles of Red Gap" took $8,500 at the Paramount, with the assistance of a stage show. This was over par by $3,500.

Total first run business was $30,500. Average is $25,000.

Estimated takings for the week ending March 9:

"GOLD DIGGERS OF 1935" (F. N.)
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $8,000. (Average, $5,000.)

"UNDER PRESSURE" (Fox)
"WHITE LIES" (Col.)
MAYFAIR—(1,700), 25c-35c-40c, 7 days. **Gross:** $2,500. (Average, $3,000.)

"THE MIGHTY BARNUM" (U. A.)
ORIENTAL—(2,040), (2nd run), 25c-35c-40c, 7 days. **Gross:** $2,000. (Average, $2,000.)

"MURDER ON A HONEYMOON" (Radio)
ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000.)

"RUGGLES OF RED GAP" (Para.)
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,500. (Average, $5,000.)

"VANESSA" (M-G-M)
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000.)

Rialto Staff to Dance

The Rialto Theatre Service Club, made up of uniformed employes at the theatre, will hold its first annual dance and entertainment April 12 at the Knights of Columbus Hotel. Eddie Myers and his Continentals will furnish music. Arthur Page will be master of ceremonies.

Nat'l Screen Man Hurt

PORTLAND, Ore., March 13.—William (Billy) Green, Oregon representative of National Screen Service, was seriously injured in an automobile accident today.



JUST BREAK THE NEWS TO MOTHER!

NAUGHTY MARIETTA
starring JEANETTE MacDONALD and NELSON EDDY with Frank Morgan, Douglas Dumbrille. Music by Victor Herbert. A W. S. Van Dyke Production. Book and Lyrics by Rida Johnson Young. Produced by Hunt Stromberg. A Metro-Goldwyn-Mayer Picture.

RECKLESS
starring JEAN HARLOW and WILLIAM POWELL with Franchot Tone, May Robson, Ted Healy, Nat Pendleton, Robert Light. Produced by David O. Selznick. Directed by Victor Fleming. A Metro-Goldwyn-Mayer Picture.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 62 NEW YORK, FRIDAY, MARCH 15, 1935 TEN CENTS

Rogers' Met Bid to Await Schenck Plan

May Not Be Presented, If Latter Is Better

Saul E. Rogers, representing undisclosed interests, will not submit a plan of reorganization for Fox Metropolitan Playhouses until the Fox Theatres-Joseph M. Schenck plan has come before the Federal court for a hearing, and then only in the event the terms of the latter plan can be bettered by a competitive one, it was learned yesterday.

The receiver for Fox Theatres will petition Federal Judge Julian W. Mack today to set a date for hearing of the plan in which Schenck is participating. It is anticipated that the hearing date will be within the next week or 10 days.

So strong is the Fox Theatres-Schenck plan regarded that several competitive bidders for the circuit of 86 theatres who were in evidence a few weeks ago, have now withdrawn

(*Continued on page* 6)

Consolidated Film 1934 Net $917,160

The annual report of Consolidated Film Industries, Inc., shows a slight gain over 1933. During the period ending Dec. 31, 1934, the company had a net of $917,160 after depreciation, interest, provision for doubtful accounts, Federal taxes, idle plant expenses and other charges. This equals 22 cents on the common after provision for the $2 annual dividend on the preferred. In 1933 the net was 21 cents on the common and totalled $909,388.

Assets at the end of 1934 are listed at $5,257,688, including $1,240,474 in cash and marketable securities. Total assets aggregated $12,887,978.

Massachusetts Men To Build Big Track

BOSTON, March 14.—The new group which yesterday filed incorporation papers here plans to operate a $2,000,000 horse track in a Boston suburban town. The opening date is set for June 15, which will not conflict with the meets at Saratoga and Belmont Park.

The new corporation has filed an application with the racing commission for a license to operate.

Century vs. RKO Bumps Over Some More Legal Hurdles

Century vs. RKO (Mitchell Klupt for Century, complainant; Louis Nizer for RKO, respondent)—started Feb. 7, 1935, A.D.—went four hours nearer conclusion yesterday before N. Y. Clearance and Zoning Board, Leo Abrams, P.J.

Complaint brought under Article 6, Part 1, Section 1, C.F.C. of M.P.I.

Hours devoted to hearing now total twenty-eight and one-half (28½). Objections now are: Nizer, 144; Klupt, 121, not including those interspersed yesterday by Abrams. Yesterday's score was: Nizer, 26; Klupt, 28. A quiet day!

According to "New Courts of Industry," recently published by Mr. Nizer (see Page 101) there are "differences as to guiding principles" on clearance. Abrams thinks he's right.

It took from July to the end of November to draw up the code (See MOTION PICTURE DAILY). This

(*Continued on page* 12)

Historical Notes

What has transpired and what is to come during the hearing of Century versus RKO in the matter of a clearance controversy in Long Island:

Laurence Bolognino of Consolidated Amusement has passed through a pneumonia crisis, the grip and a bad cold. He expected to take a vacation in Miami several weeks ago, but now consoles himself that after the case is over he will visit Europe and take in the sights. He says so himself.

Harry Shiffman, after the second session, became a benedict. He didn't want to wait too long.

Robert Wolff and Edward Rugoff, who had planned to vacation long before this, may get away April 5 and head south on a fishing trip.

Fred Schwartz, who also was set on a vacation about this time, is doubtful whether he'll ever get away now.

Johnny O'Connor expects to be a proud daddy.

Senators Get Near NRA Fundamentals

WASHINGTON, March 14.—The Senate Finance Committee today began to get nearer the definite operation of the NRA with the appearance before it of S. Clay Williams, retiring chairman of the National Industrial Recovery Board, after five days of testimony by Donald R. Richberg, coordinator of emergency activities.

Whereas Richberg was questioned as to the broad policies of the Administration, Williams and those who

(*Continued on page* 12)

Chicago Bank Night Is Ordered Stopped

CHICAGO, March 14.—Revival of bank night by Essaness at the North Center speedily brought that circuit before the local grievance board this week. The complainant was George Gehring, who operates the Rosewood.

The board, in keeping with past policy, ordered Essaness to stop. Essaness will file an appeal with Campi.

Will Rogers Stays With Fox Till 1938

HOLLYWOOD, March 14.—Will Rogers has been signed to a new contract by Fox. The agreement calls for the comedian's exclusive services as an actor until 1938. Rogers has been with Fox since 1929.

Rentals Stir Agitation in Great Britain

By BRUCE ALLAN

LONDON, March 4.—The annual report of the Cinematograph Exhibitors' Ass'n indicates the prevailing rates for film hire are an outstanding problem of the year.

Circumstances have enabled distributors to increase prices "to uneconomic heights," says Secretary W. R. Fuller, in his survey, but if exhibitors were united, "film rentals could be reorganized on a basis which

(*Continued on page* 6)

Denver First Runs Back to Six Again

DENVER, March 14.—Denver has six first runs again. This has been tried several times, but the number has always returned to five.

Harry Huffman has opened the

(*Continued on page* 6)

Munger Group Now Approves Para. Setup

Letters to Be Mailed to Debenture Holders

The Munger debenture committee, representing approximately $800,000 of Paramount Publix debentures, yesterday approved the Paramount plan of reorganization. Letters giving notice of its assent to the plan are being prepared for early mailing to debenture holders.

It is learned that the letters will include a mild criticism of the proposed board of directors for reorganized Paramount. The committee is unofficially reported to be opposed to the election to the board of John D. Hertz, in particular.

The Munger committee is the last of the organized Paramount creditor groups to assent to the plan. The Vanderlip debenture committee, the stockholders' protective committee, Paramount Broadway bondholders and the merchandise creditors' committee signified their assent to the plan earlier. Bank creditors and others

(*Continued on page* 12)

Schulberg's Deal Stirs Objections

B. P. Schulberg's new producing and releasing agreement with Paramount drew the fire of various creditor representatives to whom it was submitted for lengthy hearing yesterday. Indications at a late hour, with the meeting still going strong, were that several changes in the proposed arrangement might have to be made before creditor approval would be given.

The proposed deal provides for production by Schulberg of seven pictures during the next year at an out-

(*Continued on page* 12)

California in Move To Tax Film Rentals

SACRAMENTO, March 14.—The Senate Revenue and Taxation Committee today approved a bill under which film releases and rentals and other tangibles can be brought under the sales tax.

This committee also set next Wednesday for a hearing on all the income tax bills. A Democratic-Progressive coalition in the Assembly is plotting against the $50,000,000 income tax plan which provides for a 15 per cent tax on incomes of $30,000.

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Ten Film Companies Formed in Delaware

DOVER, Del., March 14.—Sussex Theatre Corp., Hamilton Stuart Prod., Inc., and eight other corporations conducting theatres have been chartered here.

Sussex Theatre Corp. listed capital of $100,000. The incorporators are M. C. Swearer, M. E. Pinder and A. G Foulk of Wilmington.

Hamilton Stuart Prod. was incorporated to deal in motion picture machines, listing stock of 2,000 shares, no par value. The incorporators are Bernard O'Connor, Ridgewood, Queens, N. Y., William Miller, Astoria, L. I., and A. M. Docken, Sunnyside, L. I

Grenek Realties, Inc, Huntco Realties, Inc., Rock-Brook Realties, Inc., Frankstram Realties, Inc., Hemfree Realties, Inc., Washport Realties, Inc., Merja Realties, Inc., and Sunny-Bliss Realties, Inc., were incorporated to conduct theatres and music halls. Each listed a capital of $1,000 with L. H. Herman, Walter Lenz and B. R. Jones of Wilmington as the incorporators.

Warners Rush "G Men"

HOLLYWOOD, March 14.—In an effort to beat five other studios to release of a Department of Justice picture, Warners has assigned three units to "The G Men." William Keighley is directing the principals, William McGann is handling the exteriors and Bobby Connelly is doing the night club sequences.

Insiders' Outlook

By RED KANN

THIS day, we go oracular on you and warn that, unless exhibitors do something pointed and hurriedly about what is taking on proportions of a deluge, the present day excitement over dog racing will become a future day headache for theatres. Much fussing and fuming are under way in widely separated sections of the country all for the sake of pari-mutuel betting and canine loping. Twelve to fourteen bills strong already, the latest to hit the deck was Maryland, as recently as yesterday. . . .

▼

Handmaiden to the intensive campaign to legalize dog races, is a movement on behalf of horse trotting as well. The more imminent danger, however, goes readily to the dogs—and we are not punning—since they are easier to raise and train. A check into what has happened so far reveals the competition to theatres is direct and potentially serious on several counts. First, because the races are more often than not held at night. Secondly, because the code probably can do nothing about it and because admittance is largely turned over to the pass system. The idea is obvious: Get the public to the races and cash in on the betting which inevitably follows. There are instances where tracks have had a daily gate of $25,000 or more. . . .

▼

If part of our job were exhibition instead of struggling with a column of dubious merit, we should figure every dollar spent by the public to sweeten the lighter side of its existence was a potential motion picture dollar. We, therefore, should fight to get it or part of it anyway and gird our loins against encroachment of new style competition such as rears its head in this new-fangled box-office disturber. . . .

▼

The legislative battleground this winter and spring is sprawled virtually over the entire tier of the forty-eight states. In some places it's bad; it's worse in others. In no place, is it easy. Ohio, for example, is the scene of much activity. There, exhibitor members of the Independent Theatre Owners of Ohio admit they are sponsors and steamer-uppers of the Waldvogel bill which would prevent distributors from designating playdates. Denied is the rumor that the same organization is whipping up excitement over a measure to increase censorship fees from $1 to $5 a reel by way of a kick in the pants of distributors. However. . . .

▼

A slight digression is necessary to get over the point of these several paragraphs. In 1926, Connecticut enacted a $10 per reel tax. The situation which developed as a direct consequence was an industry sensation in those far distant days. A revolving fund was created and to it distributor and exhibitor contributed alike. After two years, the statute was repealed and so the incident terminated. That is, it went into trade history except for an extremely important something. In 1927, distributors inserted in standard contract forms a clause which exhibitors at large probably do not know is there. The context provides that any new tax legislated in any state for any purpose will be passed on to the exhibitor to absorb. . . .

▼

Argue no arguments as to its propriety or its legality, for that matter. The point is both simple and clear, as the standard contract itself sets forth. Getting back to Ohio again, the point there is also both simple and clear. If it should be a fact that the proposed censorship hike is retaliatory in intent and exhibitor in conception, the results will kick out the purpose. Distributors in New York have computed that at an increase of $4 in censorship cost, the tax to the exhibitor will run about fifteen cents a reel. To the man who pays $10 for a feature and adds shorts, this additional cost may run him $1.50 per show. And that's an item. . . .

▼

Bill Ornstein went into training last night. Objective: Five pounds off, mostly around the waistline, and a general transformation of avoirdupois into muscle. It's designed for what may have to be a protective move on his part, what with wife and baby to think about. The drama, or perhaps it's comedy, has to do with his reporting of the Century-RKO case which has been staggering along for days now under a load of objections fathered by Louis Nizer and Mitchell Klupt, window cards, Jamaica as, or as not, a shopping center, busses, automobile tags, death certificates, mailing lists and some other bits of testimony which don't readily come to mind. . . .

▼

This is the case involving clearance which could have been settled in a day. We didn't know that until someone closely identified with it volunteered the information yesterday. Only it hasn't, the procedure swelling into size and proportions admittedly beyond the importance of the issue or issues at stake until everyone identified with it wishes the damned thing had never come up in the first place. . . .

▼

The objections, described in MOTION PICTURE DAILY'S whimsy as an objectathon, have been running to a goodly tally, making their final total an operation best achieved on the auditing department's well-oiled and busily engaged adding machine. The published result has created displeasure—not merely a mild displeasure, but something much, much deeper, mind you—in three quarters and an expressed warning of considerable import to the Ornstein chassis. That explains his period of training. He is taking no chances on the theory or in the hope, maybe, that blood pressure which ran away from better judgment might be only kidding after all. Even some of our best known film men don't always exaggerate. . . .

"Gold Diggers" Gets Radio Plug at Start

"Gold Diggers of 1935" got quite an airing yesterday.

In a tieup with WNEW the comments of members of the audience were broadcast over a microphone of that station set up in the lobby of the Strand when the film opened there yesterday morning. Hugh Herbert, who appears in the picture, acted as master of ceremonies. S. Charles Einfeld, Warners' advertising and publicity chief, engineered the stunt.

In the evening no less than five important radio programs featured tunes from the picture. The plugging was done by Rudy Vallee, Lanny Ross on the Maxwell House program, Fred Waring on the Ford broadcast, Paul Whiteman on the Kraft hour and Ruth Etting and Harv and Esther on the Harvester Cigar program.

Henry King Improving

WATERVILLE, Me., March 14.—Henry King, Fox director here to make background sequences on "Way Down East," is improving at the Waterville Hospital from an attack of pleurisy that laid him low last week.

Revoke Mass. License

BOSTON, March 14.—The Governor's Council has voted unanimously to revoke the dog track license recently issued to a Springfield combine and to grant no more licenses until public opinion toward racing is ascertained.

Radio Sets British Deal

LONDON, March 14.—Ralph Hanbury, general sales manager for Radio Pictures, Ltd., has just closed a deal with Gaumont British for four features—"The Little Minister," "Red Morning," "Grand Old Girl" and "Romance in Manhattan."

10 STARS UNITE IN MELODY AND MERRIMENT TO GIVE AMERICA ITS FIRST *"Mirth-Musical!"*



More side-shaking laughter than a half-dozen comedies. More heart-exciting tunes than any musical you ever played. Glittering with a legion of delectable damsels . . . . and surprising spectacles that drench your screen with gorgeousness.

GEORGE WHITE'S *1935* SCANDALS

ALICE FAYE • JAMES DUNN
NED SPARKS
Lyda Roberti • Cliff Edwards • Arline Judge
Eleanor Powell • Benny Rubin • Emma Dunn
GEORGE WHITE

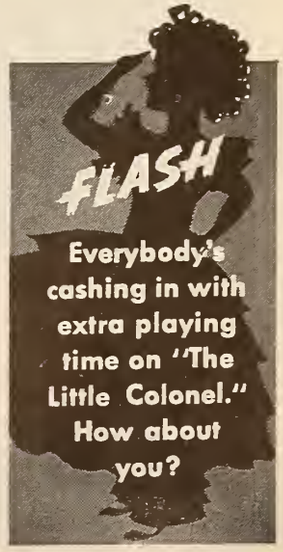
Entire production conceived, produced and directed by George White

Screen play by Jack Yellen and Patterson McNutt Based on a story by Sam Hellman and Gladys Lehman. Songs by Jack Yellen, Cliff Friend, Joseph Meyer Additional lyrics by Herb Mogidson

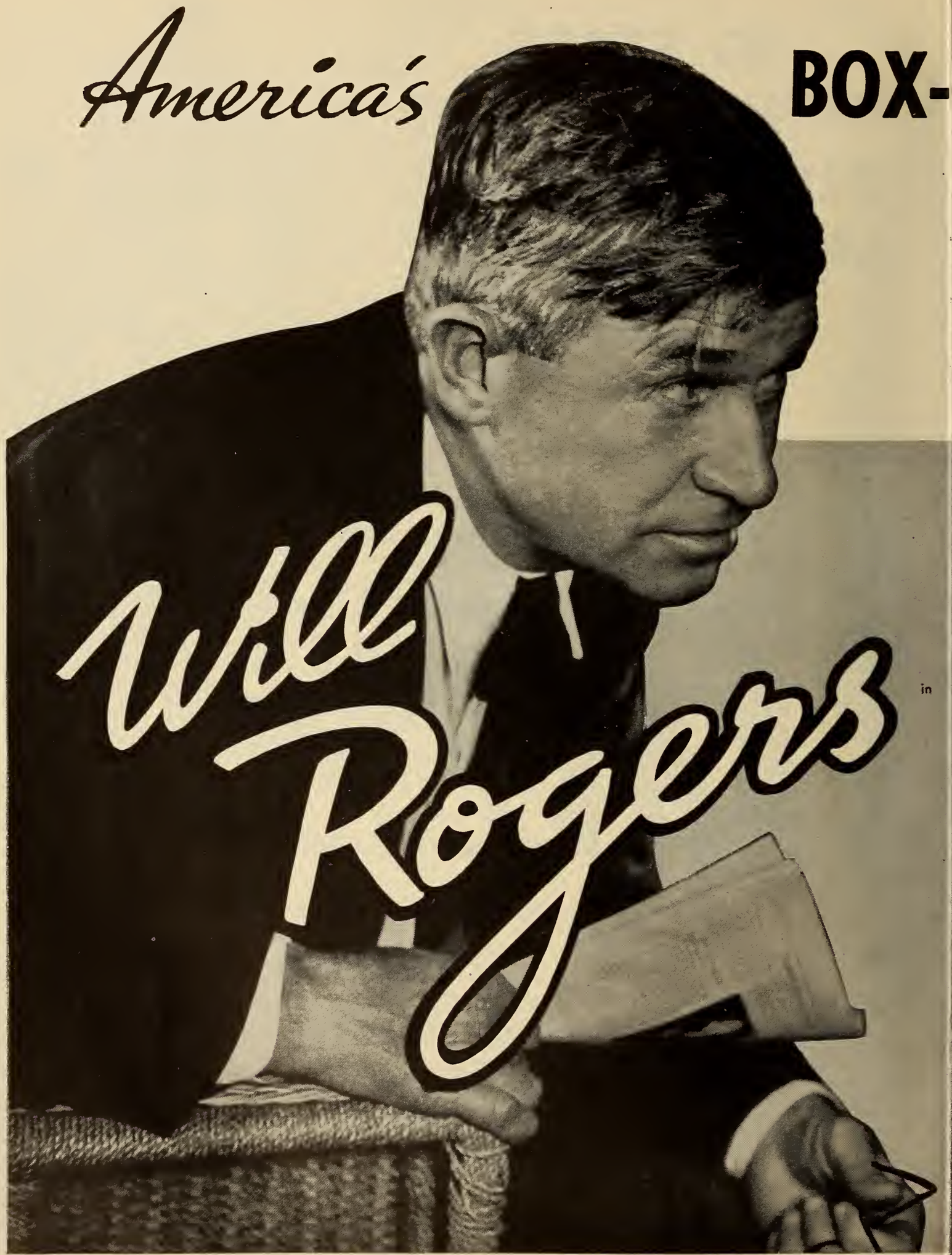
Already the nation is singing and swaying to these tunes:

"ACCORDING TO THE MOONLIGHT" "IT'S AN OLD SOUTHERN CUSTOM" "HUNKADOLA" • "OH, I DIDN'T KNOW YOU'D GET THAT WAY" • "I WAS BORN TOO LATE" • "I GOT SHOES —YOU GOT SHOESIES"

Hear them on the big broadcasts!



FOX


America's
BOX-
Wild Rogers
in

OFFICE *champion*

has proven his right to the title again!

Within the past year, Will Rogers gave you "David Harum," "Handy Andy," "Judge Priest," "The County Chairman." Now, critics announce, comes the best of them all. Your receipts will sustain their verdict.

'LIFE BEGINS *at* 40'

with

ROCHELLE HUDSON
RICHARD CROMWELL
GEORGE BARBIER
JANE DARWELL
SLIM SUMMERVILLE
STERLING HOLLOWAY

Produced by Sol M. Wurtzel
Directed by George Marshall

Suggested by the book by Walter B. Pitkin.
Screen play by Lamar Trotti.

FOX

Los Angeles Examiner: The most hilarious Will Rogers picture. Kept the preview audience laughing so continually that the dialogue was often missed.

The Exhibitor: Probably one of the best of the Rogers series from the dough and entertainment standpoint. Will be the usual clean-up.

Showmen's Round Table: Rogers in his best picture. Will draw youngsters and adults, pleasing universally. Rogers' popularity a sure draw.

Motion Picture Daily: Rib-rocking, heart-socking entertainment loaded with laughter. Should flood showmen's coffers with plenty of do-re-me.

Variety Daily: Top-notch, laugh-getting entertainment that has everything to please Rogers fans and those who have yet to become addicts of the Oklahoma sage.



Rogers' Met Bid to Await Schenck Plan

(*Continued from page* 1)

from the field. Rogers' plan appears to be the only remaining competitive possibility and this one patently will not be submitted if a study of the Fox Theatres-Schenck plan discloses the terms of the latter to be better than those which Rogers could offer.

While Rogers declined to name the interests behind his plan, he stated that it contemplated operation of the circuit by others than Skouras and Randforce.

Denver First Runs Back to Six Again

(*Continued from page* 1)

Broadway, built in 1890 and used for stage shows. This gives Huffman four first runs, the number he has had since he took over the Orpheum on a pooling arrangement with RKO a couple of years ago.

Huffman turned over the Orpheum to RKO this week, following redemption of the house. Bondholders had operated, with Huffman as manager, since the foreclosure soon after the opening in 1931.

E. T. Zadra, formerly with Butterfield, has leased the Washington Park from Sam Lustig. The house has been operated for some time by William Van Zant.

Seeks Blind Patrons

SPRINGFIELD, O., March 14.—Phil Chakeres, president Chakeres-Warner, Inc., is establishing a substantial fan following among the blind in this vicinity. By sending the sightless a weekly list of attractions playing the circuit's seven houses here and in nearby towns, and specifying the pictures where sound predominates over action, the clientele among the afflicted is growing rapidly.

End Cincy Receivership

CINCINNATI, March 14.—Federal Judge Robert R. Nevin has lifted the receivership from the Shubert and Cox, in effect since last August, when Ben L. Hiedingsfeld was appointed on application of the Trebuhs Realty Co., New York. Settlement of the financial difficulties was effected at a recent conference in New York.

Colorado Springs Builds

COLORADO SPRINGS, March 14.—A new $90,000 theatre along modernistic lines and with a stage will be built by the J. H. Cooper Enterprises on the site of the Rialto, now being torn down. No name has been decided upon. It will seat 1,200 and open about July 1.

Fix Sales Tax Rate

ST. LOUIS, March 14.—The Missouri House of Representatives at Jefferson City late yesterday passed the administration amendment fixing the sales tax bill rate at two per cent. The amendment passed by three votes.

Purely Personal

CHARLES MOSKOWITZ playing host these days to his friends at private screenings of "Naughty Marietta." OSCAR DOOB is usually along to regulate the sound volume, so he says, but it is rumored that particular seat in the projection room is the most comfortable.

•

RAMON PEREDA, who has been on the coast making Spanish versions, arrived in town last week-end. He is here to make a series of three Spanish features for FRANK Z. CLEMENTE of Latin Artists Pictures Corp.

•

EDWARD CHODOROV, former press agent and now a supervisor for Warners, has dramatized "Kind Lady," a HUGH WALPOLE story in which GRACE GEORGE is expected to play on the stage later.

Quip of the Day

Kuhn, Loeb & Co. is commonly credited with having drafted the Paramount Publix plan of reorganization. Now comes Sir William Wiseman of the former Paramount banking firm with the following statement to newspapers: ". . . we deem it our duty at this time to state that we consider the proposed plan for reorganization fair and equitable to holders of all of its (Paramount's securities . . . and recommend . . . that they should promptly assent to the plan."

JIMMY SAVO, BERT LAHR, EDDIE DOWLING, RUDY VALLEE, FRED WARING, RAY BOLGER and FRANK CRUMIT are among those who will gambol for the Lambs at the Waldorf tomorrow night.

•

JOE MOSKOWITZ and his side-kick, BOB GOLDSTEIN, take a "motorman's holiday" every night. They can be found in one of the picture theatres along Broadway seven nights of the week.

•

A. B. CREAGH, supply officer of the Byrd Expedition, who arrived in town on Wednesday after months in the Antarctic, was at the Strand yesterday to see "Gold Diggers of 1935."

•

JACK BENNY has put off that trip to the coast to work on early plans for his next picture for M-G-M. He hopes to get away in about two weeks.

•

HORTENSE SCHORR is having a tough time getting used to her new quarters at Columbia. She says "the quiet is deafening!"

•

MOLLY LAMONT, British actress recently signed by Radio who arrived on the *Olympic* Tuesday, left yesterday for the coast.

•

ELEANOR POWELL, who owns twinkling legs, leaves soon for the M-G-M studio.

•

GRAD SEARS is reported going in for skiing in the big manner.

•

NATHAN YAMINS is golfing at Pinehurst, N. C., these days.

•

NELSON EDDY will give a concert Sunday afternoon at the Town Hall.

WILLIAM P. FARNSWORTH stayed over yesterday after attending the Legitimate Code Authority hearing on Wednesday. He thought Campi was holding its regular session. After learning of his mistake he took a morning train back to Washington.

•

FRED SCHWARTZ has been forced to delay his vacation because of the Century-RKO clearance hearings. He had planned to get away April 5.

•

GEORGE BLACKMAN of Smith Film Service, Syracuse, and JAMES CLARKE of Horlacker's in Philadelphia were in town yesterday.

•

HARRY COHN is due in from the coast next week.

•

ROBERT RITCHIE sails Saturday on the *Champlain* for a two months' trip abroad.

•

NATHAN BURKAN is back from Hollywood.

•

LOU WEINBERG, MAX FELLERMAN, FRED MEYER, LEON ROSENBLATT, JULIUS CHARNOW, JOHN BENAS and SAM RINZLER were among the spectators at the local clearance hearing yesterday.

•

WILLIAM SAAL returns from Hollywood Saturday. He left the coast yesterday after completing retakes on "Frankie and Johnnie."

•

JOHNNY O'CONNOR's big day is March 24

•

PATSY FLICK handled the chores of master of ceremonies at the Ampa yesterday. He told a couple of jokes between introductions of SIDNEY OLCOTT, SYLVIA FROOS, HI MAYER, LANG and SQUIRE, HAL CUMMINGS, EDWIN L. MARIN, VI BRADLEY and others.

•

Y. FRANK FREEMAN returned yesterday from Memphis and New Orleans.

•

KAY KAMEN of the Walt Disney Enterprises leaves for Hollywood today.

•

JACK BUCHANAN, star of "Brewster's Millions," left last night for a short vacation in Nassau. U. A. will soon release his latest.

Lent Fails to Hurt N. O.

NEW ORLEANS, March 14.—Lent, which in previous years has brought out the red in theatre accounting departments, is proving better than in many previous years, there being no decrease in attendance. A few are showing a substantial increase over last fall. Night clubs are having even better patronage than theatres.

Filmtone May Dissolve

WILMINGTON, March 14.—Filmtone Corp., a Delaware firm, will hold a special stockholders' meeting here March 25 for the purpose of voting on the advisability of dissolving the company. The meeting will be held pursuant to a resolution adopted at a meeting of the board of directors. Record books of the company will be open for inspection by the stockholders.

Rentals Stir Agitation in Great Britain

(*Continued from page* 1)

would make exhibition a profitable section of the industry."

Competition for big features has rendered non-operative, suggests Fuller, a resolution of the association that 40 per cent should be a maximum rental.

"If a sufficient number of members choose to hand their bookings over to the General Council, the K. R. S. could bluster and threaten until it was blue in the face," is another striking expression of the C. E. A.'s general secretary.

In view of the distributors' declared policy of refusing to deal with booking circuits, another statement in the report has attracted much attention in England.

"It may be anticipated," says Fuller, "that from now on, there will be groupings of exhibitors in order to create equal bargaining powers with renters, and permit the laws of supply and demand to operate freely. This situation has not yet progressed to the extent that it would be possible for the General Council to protect the interests of independent exhibitors, but any further steps will call for a greater degree of support of its decisions than has been manifested in the past."

* * *

Gunter Stapenhorst, director for Ufa in Berlin, will be production supervisor for Sir Oswald Stoll in a scheme to revive production at the latter's Cricklewood studio on an international scale.

Five subjects per year, for world release, are planned and the Cricklewood studio, which has recently been leased to independents, will be enlarged and re-equipped.

* * *

London Film Prod. has bought film rights in the story, "Toomai of the Elephants," from Rudyard Kipling's second "Jungle Book" as the vehicle of Robert Flaherty's Indian picture to be called "Elephant Boy."

The Flaherty camera unit sailed on the *Corfu*, but Flaherty is waiting for the complete script.

* * *

The London County Council has adopted a recommendation of the Licensing Committee that theatres should be allowed to open on Sundays at 5:30 instead of 6 P.M. There had been determined opposition by the Lord's Day Observance Society and other bodies.

* * *

Lothar Mendes has been signed by Alexander Korda to a long term contract with London Film Prod. Mendes directed "Jew Suss" for Gaumont British.

Hold Connecticut Man

NEW HAVEN, March 14.—Herbert E. Logan, 34, of Torrington, has been bound over to the Superior Court for trial on charges of arson and causing injury to property by the use of explosives in connection with the $10,000 fire at the Garden last August. He is held in $2,500 bond.

A CRITIC WRITES AN AD!

By E. de S. Melcher in The Washington Star

SO, M-G-M isn't able to make a musical film! It isn't, isn't it! Well, then, what will you say when you hear that 'Naughty Marietta' is one of the best musical pictures that has ever been made; that the director of 'The Thin Man' and 'Forsaking All Others' made it; that it comes straight from M-G-M, and that Victor Herbert's music rings out from the screen with that same clarity, that same warmth and vitality and that same sweep and breadth that made Grace Moore's 'One Night of Love' a landmark in the motion picture industry.

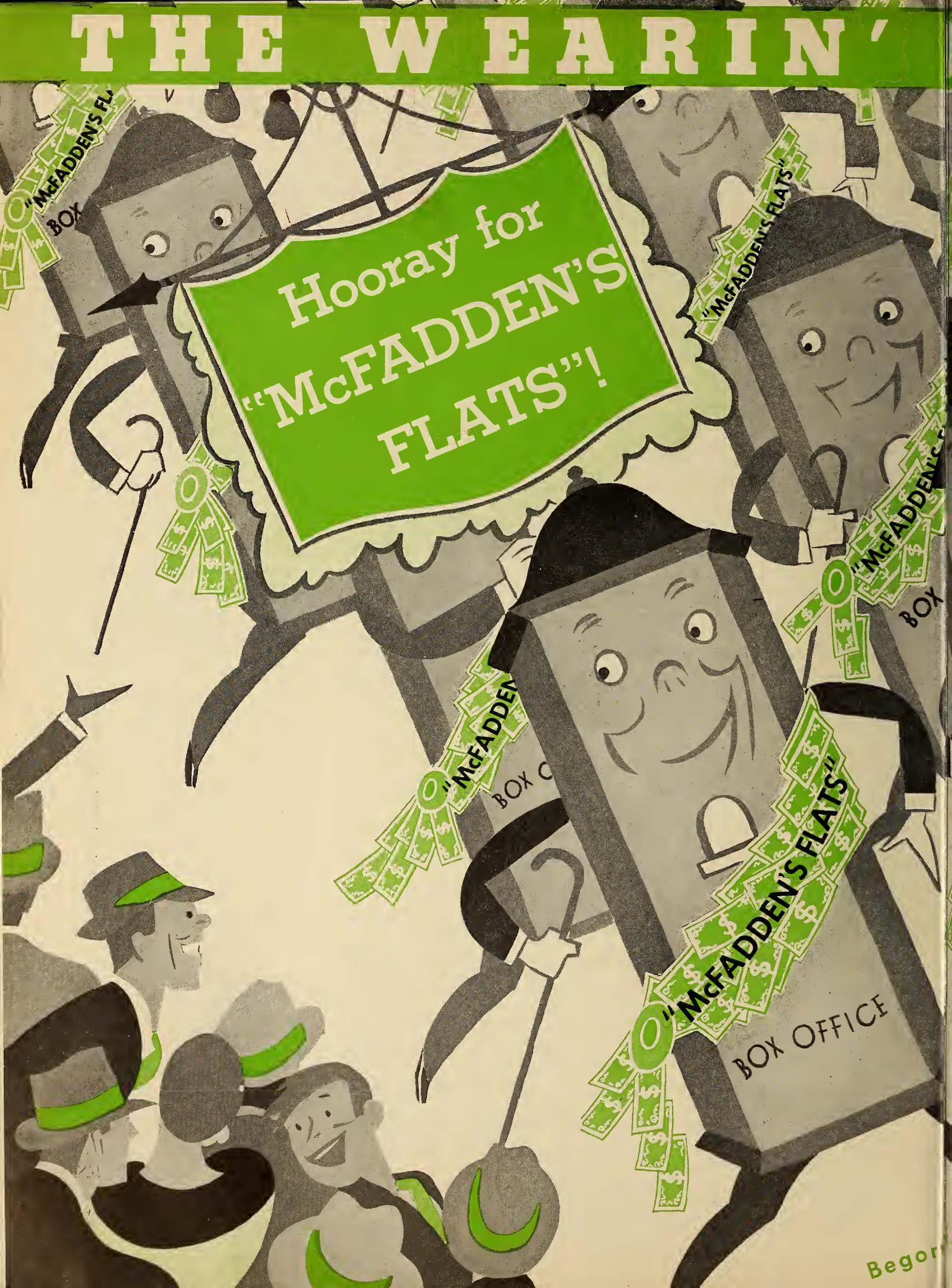
"All of this is fact. 'Naughty Marietta' is a credit to M-G-M and a credit to everyone concerned. It proves that W. S. Van Dyke is one of Hollywood's wonder men—that he can yank just as many rabbits out of Victor Herbert's hat as he can out of The Thin Man's or Joan Crawford's. His uncanny knack, particularly at the outset, of swelling every inch of this picture with rich orchestrations and of disguising the plot with such music as will make you jump out of your seat is a wonder and a delight. From now on, Jeanette MacDonald and Nelson Eddy will be referred to as 'tops.' 'Naughty Marietta' is something of which M-G-M, Director Van Dyke and Victor Herbert should be proud."

AND BY THE WAY— *just who can match these M-G-M musicals of the past:*

Broadway Melody
Hollywood Revue
Rogue Song
Marianne
New Moon
The Pagan
Dancing Lady
Going Hollywood
Merry Widow
etc., etc.



"Pardon my blushes . . . and wait till you see 'RECKLESS'!"


Hooray for "McFADDEN'S FLATS"!
"McFADDEN'S FLATS"
BOX OFFICE
Begor


F THE GREEN!
BOX OFFICE
"McFADDEN'S FLATS"
It's a Paramount Picture It's the Best Show in Town!
Paramount Pictures

Distributors Protest Mo. Censorship Bill

JEFFERSON CITY, Mo., March 14.—Representatives from Missouri's distribution centers protested against Senator John P. Shea's censorship bill as an unnecessary burden to the industry before the Senate committee on criminal jurisprudence here last night.

Arthur Cole of the Paramount Kansas City branch told the members of the committee that if the bill became a law it would cost the industry $250,000 annually in fees.

Fred Wehrenberg of St. Louis, R. R. Biechele of Kansas City, secretary of the Kansas-Missouri Theatre Ass'n, and Thomas Hall, Columbia (Mo.) exhibitor, called the committee's attention to the industry's voluntary efforts to raise film standards and its cooperation with community groups to improve the tone of screen entertainment.

The committee has recommended the bill for passage with amendments reducing the number of censor board members from three to one and cutting the proposed salaries of officials of the body.

Merchants Seeking Vaudeville for N. O.

NEW ORLEANS, March 14.—Claiming that the all-picture policies of the major houses here is depriving the city of a substantial payroll, the Association of Commerce has written members of the Theatre Managers' Ass'n. requesting conferences to discuss the possible return of vaudeville.

The coming of this powerful merchants' group into line with over 20 other organizations which have previously petitioned theatres may bring results.

Eckersleys Expanding

SPOKANE, March 14.—A new circuit is being developed by the Eckersley brothers, now operating houses in both Kooskia and Kamia, Idaho. They have recently opened a new house at Winchester, Idaho.

These houses are operated in conjunction with the Wigwam at Nez Perce, Idaho.

Haarmann in New Post

OMAHA, March 14.—William Haarmann has become booking manager for the Paramount exchange here, succeeding William Barker. Johnny Harms leaves the ad-sales department to become Haarmann's assistant and Irving Birge succeeds Harms as assistant manager of the ad-sales department.

G.B. Signs Noah Beery

HOLLYWOOD, March 14. — Michael Balcon of Gaumont British, here in search of talent, has closed a deal with Noah Beery for a role in one of his company's pictures similar to that he played in "Beau Geste."

Enloe Succeeds Clark

OKLAHOMA CITY, March 14.—O. E. Enloe, operator of the Criterion at El Reno, has been elected secretary-treasurer of the M. P. T. O. of Oklahoma, succeeding the late R. M. Clark.

Looking 'Em Over

"Abdul, the Damned"

(*Associated British Pictures*)

LONDON, March 1.—Capitol Prod., the Max Schach-Karl Grune combination, made this in association with B.I.P., at the latter's Elstree studio. A spectacular treatment of the last days of the Turkish despotism, it has color and drama, good acting by Fritz Kortner and Nils Asther, some dance stuff to contrast with the sterner scenes and the advantage of dealing, with some freedom, with actual events.

The big selling point is Kortner's portrait of Abdul Hamid II, at the time of his pre-war struggle with the Young Turks and ultimate deposition. Kortner, who sometimes underacts, makes the last of the Sultans a furtive figure, obsessed by the fear of assassination and driven by his fear to a policy of torture and wholesale execution. He keeps a drunken German actor to double for him in public appearances; uses, and then scraps, a chief of police to whom murder is all in the day's work and through it all, by his terror of dagger and poison, is a pathetic rather than a terrifying figure.

Romantic interest depends on the fact that an Austrian actress consents to enter the Sultan's harem in order to save the life of her officer lover. The latter, exiled, becomes a leader of the Young Turks and plays a prominent part in the final successful revolt. This is the weak side of the film, neither Adrienne Ames nor John Stuart having much opportunity.

The selling values are the portrait of Abdul, the grimness of the scenes of torture and execution—the Young Turks being shot down one by one with the song of freedom on their lips—and a background which is original and conveys an atmosphere of authenticity.

Apart from Kortner's fine work, there is a brilliant study of the chief eunuch by Esme Percy, and Asther shows real versatility by his study of the smiling-villain chief of police.

There is plenty of box-office material in it, but a good deal of cutting is necessary. One dance sequence is used for two entirely different scenes, separated by a considerable stretch of time. Abdul had too much money to need repeats.

Running time, 95 minutes. "A." ALLAN

Dave Frazier to Denver

DENVER, March 14.—Dave Frazier, manager for Sheffield at Salt Lake City, has been moved to Denver following the resignation of A. G. Edwards. J. R. Keitz, salesman for Sheffield here, has also resigned and joined Gaumont British as salesman.

Widen Vacation Period

Instead of limiting employes in various exchanges and home office to vacations during the four-month period starting May 15, M-G-M has modified the rule to provide that starting April 1 any employe can take a vacation at any time, regardless of the time of the year.

May Reopen in Cleveland

CLEVELAND, March 14.—It is rumored that Edward Flanigon and Sam Manheim are about to reopen the Terminal Theatre with a 10 and 15-cent policy. Flanigon was formerly president of the Cleveland M. P. Exhibitors' Ass'n., and Manheim was a prominent theatre owner and head of a burlesque circuit.

Livingstone Re-Signed

HOLLYWOOD, March 14.—Robert Livingstone has been signed to a new term contract with M-G-M because of his performance in "The Winning Ticket." He is now working in "Public Enemy No. 2."

Variety Club Chatter

Buffalo

BUFFALO, March 14.—A testimonial dinner to Major Louis Lazar, former upstate New York manager of Warner Theatres, with headquarters in Albany was the first extra-club affair staged by Buffalo Variety. Fifty men, including Warner house managers from Medina, Jamestown, Wellsville, Dunkirk, Elmira, Hornell and Batavia gathered at the dinner. SYDNEY SAMSON was toastmaster. There were talks by MOE SILVER, LAZAR's successor; NATE SAUBER of Universal, KENNETH ROBINSON of Paramount, and REV. JOSEPH MAHONEY. RALPH CRABILL lauded LAZAR as an executive and presented him a parchment testimonial on behalf of Warner managers in this area. HERBERT T. SILVERBERG, a trustee of Buffalo Variety, presented a traveling bag.

Recent visitors to Buffalo included JACK SAXE, WILLIAM HURLBUT and SAM SEPLOWIN, all of Tent No. 5, Detroit. They were guests of Barker JACK BERKOWITZ.

Chief Barker EDWARD K. (TED) O'SHEA and SYDNEY SAMSON, first assistant chief, are the latest to hear the call of the West Indies. They have sailed on a 12-day cruise that may take in Cuba.

Short Subjects

"Stranger Than Fiction No. 8"

(*Universal*)

Shifting sand that covers an entire forest in Oregon, a dog Pullman, a tombstone made from a railroad car wheel, mystic fire rites in Japan, a traveling dentist, a fighting gander, an oxygen hotel and baby alligators are presented.

On the whole, the film is up to the average set by others of this series and is recommended. Reviewed without production code seal. Running time, 10 mins. "G."

"Stranger Than Fiction No. 9"

(*Universal*)

This reel presents shots of two-headed trout, the manufacture of gasoline from sea water, a New Mexico salt mine, a fish taxidermist and the world's shortest railroad all in an interesting fashion.

Audiences should be pleasantly interested and entertained. Reviewed without production code seal. Running time, 9½ mins. "G."

"Telephone Blues"

(*Mentone-Universal*)

This film presents Olga Baclanova, Murray Lane and his Harmoniacs, The Three Dodge Brothers, Henry Scott and the Tic-Toc Girls. The Tic-Toc Girls carry the picture and make it top notch entertainment by means of their inimitable songs. Henry Scott plays the piano with mittens on his hands, the Dodge Brothers dance, Miss Baclanova sings a song in Russian and Murray Lane has his boys give a grand imitation of Borrah Minnevitch.

This short is recommended. Production Code Seal No. 0352. Running time, 19 mins. "G."

"Do a Good Deed"

(*Universal*)

As a master of a Boy Scout camp in this cartoon, Oswald is a great success. He teaches all the scouts to do good deeds daily and starts the day off with a lilting tune, "Do a Good Deed." A bear breaks up the camp and all the woodland friends of the scouts come to their aid.

An amusing short that should have particular appeal to children. Reviewed without production code seal. Running time, 7 mins. "G."

"Two Little Lambs"

(*Universal*)

Oswald, in this cartoon, is an aviator trying to win a prize for stunting so he can marry Bunny Lou. While talking to her, two little lambs steal his plane and fly away. They get all mixed up with the air circus, but Oswald saves them to find that their antics in his plane had won him the prize.

Satisfactory. Production Code Seal No. 607. Running time, 8½ mins. "G."

Takes Marysville House

MARYSVILLE, Kan., March 14.—The New Lawn has been taken over by R. Miller and renamed the Rialto.

FRIDAY

IS CHANGE DAY FOR THEATRES EVERYWHERE EXCEPT THOSE THEATRES PLAYING

ROBERTA

THEY'RE HOLDING IT OVER!

★ ★ ★ ★

KEEP **YOUR** TIME OPEN FOR AN EXTENDED RUN . .

RKO RADIO PICTURE

Munger Group Now Approves Para. Setup

(Continued from page 1)

who have approved the plan forward individual notices of assent to the N. Y. Trust Co., agent for the special master for Paramount Publix.

The assent of the Munger committee, assuming none of its debenture representation withdraws from the group, increases the bondholder assents to approximately $14,000,000. There is a total of $25,157,000 of Paramount bonds outstanding, of which two-thirds, or approximately $16,000,000, must assent to the plan to make it effective. The Vanderlip committee, which has assented, represents more than $13,100,000 of the outstanding bonds.

Schulberg's Deal Stirs Objections

(Continued from page 1)

side studio, but with Paramount financing up to 50 per cent and the balance of the financing being split between Erpi and Ralph Kohn, former Paramount treasurer, now on the coast. The productions are to be budgeted at a maximum of about $250,000. Creditors' objections were believed centered in the main on the provisions for use of an outside studio and to Kohn's participation.

Take Elizabeth House

ELIZABETH, March 14.—The Capital, dark for more than four years, has been taken over by the Morse & Rothenberg circuit, and has been renovated and equipped with RCA Victor sound. Louis Simon has been named manager.

Fox Changes Titles

HOLLYWOOD, March 14.—Fox has changed the title of Shirley Temple's next from "Heaven's Gate" to "Our Little Girl" and "Ginger" will be the final name for "Little Annie Rooney," in which Jane Withers and Jackie Searle will be featured.

Modernize Tulsa House

TULSA, March 14.—Robert Feldman intends to modernize the Palace by rebuilding the exterior, installing new sound, and building a marquee. The house is one of the oldest here. It used to be called the Wonderland.

League to Show "Opera"

The Film and Photo League of the New School for Social Research will present "The Beggar's Opera," directed by G. W. Pabst, Saturday night at 7 and 9:30. Also on the program will be a league newsreel.

Stop St. Joseph Ads

KANSAS CITY, March 14.—The local grievance board has ordered W. A. Leucht, Valley, St. Joseph, Mo., to stop premature advertising, on complaint of Frank Cassi, Rialto, same city.

Century vs. RKO Bumps Over Some More Legal Hurdles

(Continued from page 1)

case is not expected to take that long, observers agree.

Basic principles involved in this case are that Century wants seven days' protection which RKO now has for Far Rockaway and Jamaica houses over Century's Rockville Center house removed. RKO objects—not succinctly, but at length. Some of the board members sitting in the case work for film companies, but they don't mind the hearings. It's all in the cause of art.

Yesterday the board heard about the mailing list of the Alden, Jamaica. It took George Green of the Globe Mailing Service two hours to tell about that. What he had to say stirred up objections by Messrs. Nizer and Klupt, Esq. Finally, Mr. Abrams issued a cease and desist order, and Joseph Nocera of Rockville Center was called to the stand by Klupt to tell some more about the mailing list. Abrams ruled he had heard enough. Mr. Nocera didn't testify.

That Show Card Again

Before Mr. Green went on the stand, Mr. Nizer wanted to call a witness on the window card which has figured in about four hours of previous testimony, but Mr. Abrams ruled against this. Theodore Faust, an usher at the Century Merrick; Cecil Mitchell, assistant manager of the Merrick; Albert J. Burns, chief investigator and contact man for Century, and George Hines, manager of the Alden, also testified.

Tom Murray of Century went on the stand. Contracts were discussed, but Mr. Abrams called an executive session to get both attorneys to agree on certain stipulations.

When they came out of the executive session an adjournment was announced.

Thursday was set for additional testimony and summation.

Hits $98,000

"Roberta" garnered $98,000 in its first week at the Music Hall.

"The Little Colonel" succeeds the Radio film next Thursday.

Senators Get Near NRA Fundamentals

(Continued from page 1)

will follow are expected to be interrogated regarding methods used in the NRA and, possibly, the details of certain codes.

Williams today gave little real information other than to assert that control of hours and wags was a fundamental principle of NRA.

Littlefield Wins Case

BOSTON, March 14.—Walter B. Littlefield, operator of the Fairmount, has won his complaint before the grievance board against advertising passes with 15-cent service charges issued by Tom Spiro, operator of the Hyde Park.

New House for Anthony

ANTHONY, Kan., March 14.—A new theatre will be built here by interests of Ponca City, Okla., it is reported.

Hollywood Personals

Hollywood, March 14.—Virginia Sale finished in "It's a Small World" for Fox . . . Victor Varconi writing an original . . . Director Bruce Humberstone calls Herbert Mundin "Hugh" on the "Secret Lives" set . . . Mundin, who thinks Hugh Herbert is a good comic, too, doesn't object.

Mary Forbes goes into "Stranded" at Warners . . . Bruce Manning, Columbia writer, back from a three-week vacation in which he took in the New Orleans Mardi Gras . . . Victor Jory will leave for a hunting trip in Mexico as soon as he finishes in "Party Wire."

Nana Bryant, Broadway leading lady, in town to start her contract with Columbia.

Adolph Zukor back from a short vacation in Palm Springs . . . Sam Hinds added to the cast of "She" at Radio.

Helen Morgan back from Florida and New York, ready to go to work at Warners . . . Edmund A. and Mrs. Bliedung, parents of John Beal, Radio player, in from Joplin, Mo., to look over Hollywood and see their boy . . . Ferdinand Gottschalk into "Break of Hearts," at Radio.

Patricia Ellis gets an important role in "Stranded" at Warners . . . Al Jolson building a new ranch house for his place at Encino . . . Raymond Walburn will bring his comedy to "Redheads on Parade," for Fox . . . Jack Haley posing as Hamlet in the Fox galleries, for fan magazines . . . Harry Lachman making new scenes for "Dante's Inferno" for both the modern and "inferno" sequences.

Wall Street

Warner Pfd. Up ½ on Big Board

	High	Low	Close	Net Change
Columbia vtc (1).	41	39¾	39¾	—1
Cons. Film Ind..	4¾	4¼	4¼	— ⅛
Cons. Film Ind. pfd (1v)	19⅜	18⅜	18½	— ¼
Eastman	118	117	117	—2
Fox Film "A"...	9⅛	9	9	.....
Loew's, Inc. (2)..	34¾	32¾	32¾	— ⅞
Loew's. Inc. pfd (6½)	104⅜	104	104	— ¼
Paramount	2¾	2⅜	2⅜	— ⅛
Pathe	⅝	½	½	— ⅛
Pathe "A"	12½	12½	12½	.....
RKO	1⅜	1¼	1⅜	+ ⅛
Warner	2¾	2½	2½	.....
Warner pfd.	15	14¾	15	+ ½

Technicolor Off ⅜ on Curb

	High	Low	Close	Net Change
Technicolor	15⅜	14⅝	14⅝	— ⅜
Trans Lux (.10k)	2½	2½	2½	.....

Paramount F. L. Bonds Gain ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40....	6⅞	6¾	6¾	— ¼
General Theatre Equip. 6s '40 ctf	6⅞	6⅞	6⅞	+ ¼
Loew's 6s '41 ww deb rights...	104⅞	104½	104¾	+ ¼
Paramount F. L. 6s '47	72¾	72	72¼	+ ½
Paramount Publix 5½s '50	73¾	72	72	—1¼
Warner Bros. 6s '39 wd.	49	48½	48⅝	+ ⅛

(k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of March 14)

Lightman After a Star

MEMPHIS, March 14.—M. A. Lightman has been appointed chairman of a committee to seek one or more guest stars from Hollywood for the annual Memphis Cotton Carnival May 6-11.

The event will be more important than usual because the National Cotton Show will be held here at the same time.

Regis Toomey has already notified Lightman that he will pay Memphis a return visit for the Carnival, having sampled local hospitality at the fall tri-state M.P.T.O. meet.

Plan Somberby Dinner

BOSTON, March 14.—Plans are gathering headway for a testimonial dinner to Al Somberby, an exhibitor for the past 35 years, and manager of the Howard and Bowdoin Square. The entire local industry is behind the project. Details were tentatively set during a meeting with Executive Secretary Joe Brennan at the M.P.T.O.A. suite in Scollay Square. The date for the fete, which will have a Gay Nineties background, is March 26.

John Anderson Returns

FORT MORGAN, Col., March 14.—John Anderson, owner of the USA and Cover theatres, has decided he would rather be in the theatre than in the drug business. A druggist before operating houses, he leased his string to Edwin Bluck and went to California to reenter the drug business. He has returned and bought the leases from Bluck and is again exhibiting.

Richmond to Portland

PORTLAND, Me., March 14.—Arthur Goldstone has resigned as manager of Keith's, an M. & P. house. Sam Richmond has been shifted from Boston to handle the house which is now showing first runs.

"Spring" and Raymond Pile Up at Detroit

DETROIT, March 14.—"One More Spring" on the Fox screen and Gene Raymond on the stage proved a high powered combination. The $31,500 take left average so far behind that it didn't mean anything.

One of the other draws was "The Scarlet Pimpernel," which went over the line by $2,400 for a total of $12,400 at United Artists. "Society Doctor" was close behind in the big money class with $22,400 at the Michigan. George Olsen's band helped.

Total first run business was $78,900. Average is $60,000.

Estimated takings for the week ending March 8:

"THE LITTLE COLONEL" (Fox)
ADAMS—(1,770), 10c-40c, 7 days, 2nd week. **Gross:** $5,200. (Average, $5,000)
"ONE MORE SPRING" (Fox)
FOX—(5,100), 15c-55c, 7 days. Stage, 5 acts vaudeville. **Gross:** $31,500. (Average, $15,000)
"LIVES OF BENGAL LANCER" (Para.)
"THE GAY BRIDE" (M-G-M)
FISHER—(2,975), 10c-40c, 7 days, 2nd run. **Gross:** $3,300. (Average, $5,000)
"SOCIETY DOCTOR" (M-G-M)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage, George Olsen's band and vaude. **Gross:** $22,400. (Average, $20,000)
"CAR 99" (Para.)
"A NOTORIOUS GENTLEMAN" (Univ.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)
"THE SCARLET PIMPERNEL" (U.A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $12,400. (Average, $10,000)

Clemmer in New Post

SEATTLE, March 14.—James Q. Clemmer, former manager of John Hamrick's Music Hall, this week assumes the management of Hamrick's Blue Mouse and Music Box. The latter now becomes the key theatre in the Hamrick circuit, with the Music Hall switching to a third run dual policy.

Clemmer replaces Bob Murray as head of the two smaller houses. Murray, after seven years with the Hamrick organization, will devote his time to a recently-formed restaurant business.

Policies Shift in N. E.

BOSTON, March 14.—The Maine & New Hampshire Theatre Corp. has put the Arcadia in Rumford, Me., back in operation. In Connecticut, the Roger Sherman in New Haven and the Jacques in Waterbury are again combining stage shows with films. A. Twombley has closed the Opera House in Alton, N. H. The Rialto in Woonsocket, R. I., which booked second runs when operated by Fred Greene is being run as a first run situation by J. Donahue. In Maine, the citizens of East Millinocket have shut up their publicly owned theatre.

North Easton Spot Opens

BOSTON, March 14.—North Easton again has a theatre. The Easton is back on the active list, although on a part time basis. Ancil Sanborn, in Sanbornville, N. H., has darkened the Opera House until further notice. In Monson, the Capitol is reported as having passed from the control of Mrs. Mark Skwark. The Star in Poultney, Vt., has again changed hands. It is now run by Walter Lapata.

Awards by Academy Stir Reviewer's Ire

KANSAS CITY, March 14—The Academy's annual awards for excellence in acting are attacked by Lowell Lawrance, film critic of the *Journal-Post,* who complains that "the Academy seems to have forgotten what constitutes good acting."

"In giving the awards for the finest screen performances of 1934 to Clark Gable and Claudette Colbert for their work in "It Happened One Night," the Academy has, in my opinion, hanged Thespis in effigy and shown a discouraging lack of appreciation for true artistic merit in Hollywood," says Lawrance.

He charges further that the acting awards were based on box-office popularity rather than "histrionic excellence."

In Lawrance's opinion, the honors should have gone to Robert Donat for his part in "The Count of Monte Cristo" and to Bette Davis for her work in "Of Human Bondage."

"The ability to draw vivid characterizations, not merely showing off personality, is the mark of great acting," he adds.

Buffalo Votes for Own Player Awards

BUFFALO, March 14.—Dissatisfied with the Academy nominations for the 1934 awards, the *Buffalo Times* at the suggestion of Mayor George J. Zimmermann conducted a poll among readers to select their own winners.

Top choices were Robert Donat in "The Count of Monte Cristo" among men and Claudette Colbert in "It Happened One Night" among women. Miss Colbert also was the Academy choice. *Times* medals for the best 1934 performance, designed by Alex O. Levy, president of the Buffalo Society of Artists, will be presented the stars.

Incidentally, the balloters gave one vote for the dog Flush in "The Barretts of Wimpole Street" and one for the horse playing the title role in "Broadway Bill."

Lease Birmingham House

BIRMINGHAM, March 14.—P. A. Engler and R. B. Wilby have taken a five-year lease on the Negro theatre on Fourth Ave Repairs and alterations will be made. It will be operated as the Frolic.

The owner, the Mutual Life Insurance Co., will spend between $20,000 and $25,000 in repairs and alterations and the lessees will pay for air conditioning and furnishings.

Academy Roster Gains

HOLLYWOOD, March 14.—Technical membership in the Academy is on the increase. A late bulletin shows 36 new members joined in 1934 and a total of 33 since the first of the year. The latter group included eight art directors, eight film editors, seven cameramen, and 10 sound men.

Starr Goes to Seattle

KANSAS CITY, March 14.—Murray Starr, who has been assisting Beverly Miller, National Screen representative here, has been transferred to Seattle. Two of the company's representatives in the Pacific coast city have been injured in a motor car wreck, according to word received here.

Sweet Deal

Leave it to an exhibitor to change a lemon into an orange without going through the usual grafting process.

Abe Leff of the Leff-Meyers circuit owned an apartment house in the Bronx which was a consistent red ink affair. He left for Miami several weeks ago, fell for an orange grove and exchanged it for his building here.

During the last few days local branch managers and personnel of various exchanges have received boxes of oranges from Leff, indicating that it was a sweet deal.

Lewis Gets "Pompeii"

HOLLYWOOD, March 14.—Russell Lewis, former assistant to Robert Edmund Jones on "La Cucuracha" and "Becky Sharp," has been assigned by Radio to supervise the dances on Merian C. Cooper's "The Last Days of Pompeii."

Alexander Oumansky had previously been signed, but it is understood Radio has decided to cut out the ballet sequences for which Oumansky was signed.

Charter Two Companies

ALBANY, March 14.—International Booking Corp., New York City, has been chartered here with capital of $10,000 to engage in theatrical and musical booking. Felix W. Salmaggi, Joseph F. Viola and Norman Furman are directors and subscribers. A charter also has been issued to Promotional Films, Inc., with capital of 100 shares, no par value. Directors and subscribers are R. M. Savini, J. Michelson and Ceil Bernert, all of New York.

Define Rochester Area

BUFFALO, March 14.—For the first time, the Rochester sales area has been defined and established by the clearance and zoning board. It includes all theatres in the city and in suburban Fairport, Sea Breeze and East Rochester, and all theatres within 25 miles of the Rochester city limits.

Charter Jaydo, Inc.

ALBANY, March 14.—Jaydo, Inc., exhibitor, has been chartered here by Nathan E. Percy, Lawrence S. Timen and Eunice S. Slomin.

Another exhibiting firm just formed is Pierre de Reeder Prod., Inc., chartered by Benjamin Kopf, George Natanson and J. William Rosenbluth.

Warners Sign Mills Act

HOLLYWOOD, March 14. — Warners have signed the Mills Brothers, Ted Fio Rito and his band and Judy Canova's Hillbilly quartet for "Broadway Gondolier," a musical to star Dick Powell and Joan Blondell.

Sothern with Raymond

HOLLYWOOD, March 14.—Ann Sothern has been signed for Radio's "Hooray for Love," a musical starring Gene Raymond. In supporting roles are Arthur Byron, 'Bill Robinson, Maria Gambarelli, Jennie LeGon, Lionell Stander and Katharine Doucet.

"Roberta" Is Kansas City's $16,000 Wow

KANSAS CITY, March 14.—"Roberta" was a seven-day sensation, breaking some attendance records and soaring the Mainstreet's take to $16,000, at a house where average for films is $6,000. It was held for a second week. Campaign was largely built around fashions, appealing to the feminine trade.

"Vanessa" at the Midland took $8,100, and "The Secret Bride," the Tower's attraction, with a stage show, garnered $7,500. The Uptown's $3,700 for "One More Spring" was $200 above the line.

Total first run business, including 11 days at the Newman, was $46,200. Average is $36,000.

Estimated takings:

Week Ending March 4:
"ALL THE KING'S HORSES" (Para.)
NEWMAN—(1,800), 25c-40c, 4 days. **Gross:** $2,400. (Average, 4 days, $3,500)
Week Ending March 7:
"ROBERTA" (Radio)
MAINSTREET — (3,100), 15c-25c-40c, 7 days. **Gross:** $16,000. (Average, $6,000)
"VANESSA" (M-G-M)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $8,100. (Average, $9,000)
"THE SECRET BRIDE" (Warners)
TOWER — (2,200), 25c, 7 days. Stage: Vaudeville revue with The 3 Waltons; Wynn, Lee & Noriss; Helen McFarland; Roy, Rita & Roule, others. **Gross:** $7,500. (Average, $8,000)
Week Ending March 8:
"ONE MORE SPRING" (Fox)
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500)
Week Ending March 11:
"RUGGLES OF RED GAP" (Para.)
NEWMAN — (1,800), 25c-40c, 7 days. **Gross:** $8,500. (Average, $6,000)

"Sweet Music" Is Indianapolis Lure

INDIANAPOLIS, March 14.—"Sweet Music" was just that at the Apollo box-office. The $4,500 take was $2,000 on the profit side of the line, and everybody was happy except four of the other downtown spots where the competition was painful.

The only other first run to go over par was the Palace, where "Vanessa" reached $5,000. "The Scarlet Pimpernel," brought back to the Circle for a return engagement, took $1,500.

Total first run business was $22,700. Average is $25,000.

Estimated takings for the week ending March 9:

"SWEET MUSIC" (Warners)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $4,500. (Average, $2,500)
"CARNIVAL" (Col.)
CIRCLE—(2,800), 25c-40c, 3 days. **Gross:** $1,200. (Average, $4,000)
"SCARLET PIMPERNEL" (U. A.) (Second Run)
CIRCLE—(2,800), 25c-40c, 4 days. **Gross:** $1,500.
"LIVING ON VELVET" (Warners)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $4,500. (Average, $7,000)
"WHILE THE PATIENT SLEPT" (Warners)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $7,000)
"VANESSA" (M-G-M)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

Omaha Lothrop Is Sold

OMAHA, March 14.—Carl Snider has sold the Lothrop to Epstein Theatres, Inc. This leaves Snider with three and Epstein with six.

RKO Managers Shift In Cincinnati Spots

CINCINNATI, March 14.—RKO managerial shifts here include Manny Shure from the Palace to the Albee, and Cliff Boyd from the Albee to the Shubert, just acquired and opened by the circuit. Joe Alexander moves from the Capitol to the Palace, and is succeeded at the Capitol by Clarence Valentine, formerly assistant at the Palace.

Harold Eckert is Boyd's assistant at the Shubert. He previously was cashier at this house when it was a legitimate stand. L. Siebert, assistant at the Capitol, has been assigned a similar post at the Palace. Norman Linz, formerly assistant at the Grand, goes to the Capitol in a like capacity, and Arthur Piccola, chief of service at the Palace, has been promoted to assistant at the Grand.

Comerford Will Build

WILKES-BARRE, Pa., March 14—Construction of a theatre to replace the Hazle Street playhouse, built more than a quarter of a century ago, is proposed by Comerford-Publix, according to M. B. Comerford, vice-president.

The new structure will represent an outlay of $125,000. Charles Ryan, construction superintendent, says it will be "a modern, fireproof business block" of brick and limestone seating 1,200. It will be ready by early winter.

Men Hit Sunday Shows

GROVE CITY, Pa., March 14.—Three hundred local men at a mass meeting voted to send letters of protest to legislators in Harrisburg against pending bills to legalize Sunday films in Pennsylvania. T. J. Robinson is preparing the letters, which will be sent to State Senator Glen R. Law of the Mercer-Crawford district, and to Mercer County assemblymen, Major W. G. Smith of this city, and L. Norman Dilley of Greenville.

Would Tax Pin Tables

ALBANY, March 14.—A bill has been introduced in the Assembly by Eugene R. Duffy, Democrat of New York, to impose a tax of 50 on each pin table or game table operated in any place of business or location, to be paid each year, and providing if more than three tables are operated the annual tax shall be $2,000. Some theatres have pin or game tables in their lobbies.

M-G-M Remodels Stage

HOLLYWOOD, March 14. — M-G-M is modernizing one of the sound stages and equipping it for various types of water shots.

The entire floor will be of insulated composition and will be removable. A swimming pool, fountain and other water contrivances are being constructed under the flooring.

Joan Crawford will be the first to use the remodeled stage for her new film, "No More Ladies."

Planck Goes to Marion

MARION, O., March 14. — George Planck has been named city manager for Southio Theatres, Inc., here with supervision over the Palace and Marion. He succeeds Roy E. Peffley, who goes to Middletown as city manager in charge of the Paramount and Strand.

Key City Grosses Rising; Now at Best Autumn Level

Improvements in national grosses which set in following the low point reached in the week ending Jan. 24-25 have continued steadily with the exception of one week. The total for 22 cities reporting to MOTION PICTURE DAILY was $1,405,417 for the week ending Feb. 28-29. There has also been a slight increase in the number of first run theatres in these spots, the total now being 140. Last October there were only 131.

February closed with grosses running close to the point reached in the sudden pickup late last September and in early October.

The improvement was general, in spite of varying weather factors, as only nine cities of the 22 failed to register gains.

	Week Ending Feb. 28-Mar. 1		Week Ending Feb. 21-22	
	No. Theatres	Gross	No. Theatres	Gross
Comparative weekly totals:				
Boston	6	97,000	6	87,500
Buffalo	6	50,300	5	43,000
Chicago	8	121,000	8	143 500
Cleveland	6	60,200	6	39,000
Denver	5	23,700	5	18,750
Detroit	6	67,300	6	57,200
Indianapolis	5	29,750	5	29,500
Kansas City	5	43,800	5	34,500
Los Angeles	10	78,928	10	81,100
Minneapolis	7	25,000	7	24,800
Montreal	4	29,500	4	30,000
New York	10	277,989	10	240,680
Oklahoma City	4	12,900	4	13,100
Omaha	4	26,000	3	21,700
Philadelphia	11	123,700	10	103,000
Pittsburgh	5	56,400	5	48,100
Portland	6	30,600	6	31,900
Providence	6	46,100	6	42,800
San Francisco	7	76,000	7	78,500
St. Paul	5	17,000	5	24,800
Seattle	7	34,950	7	39,450
Washington	7	77,300	7	85,750
	140	$1,405,417	137	$1,318,630

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18		
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 28-29	140	1,405,417

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Set "Shark Island" Title

HOLLYWOOD, March 14.—Darryl Zanuck has set "Shark Island" as the definite release title on 20th Century's production of the life of Dr. Mudd, the physician who attended Booth after Abraham Lincoln's assassination.

Two Firms Chartered

ALBANY, March 14.—Latest incorporations here are Eastern Theatre Corp., chartered by Joseph Wolowich, Rose Kaplan and Mollie Singerman, and Dostov Corp., incorporated by Richard S. Petty, Marie D. Devany and Edna Ryan.

Fox Finishes Two More

HOLLYWOOD, March 14.—Fox has wound up production on the Spencer Tracy picture, "It's A Small World," and also "Spring Tonic," co-featuring Lew Ayres and Claire Trevor, formerly titled "Man Eating Tiger." Six films are now in work at the Westwood plant.

Marshall with Harding

HOLLYWOOD, March 14.—Herbert Marshall will play opposite Ann Harding in "The Flame Within" for M-G-M. Louis Hayward and Merle Oberon are in the cast.

"U" to Encourage Player Broadcasts

HOLLYWOOD, March 14.—Universal has established a television and radio department with a view to training its players for broadcasting on the theory that radio will help exploit their personalities and help develop their voices. Stock company players will be encouraged to try broadcasting.

The new department is under the direction of Louis Landfield, with Gene Grant as his assistant here and Max Hart handling the New York end.

Asks Liquor in Theatres

HARRISBURG, March 14.—The right to sell liquor in theatres and other places of amusement in Pennsylvania, which has been banned for 53 years, will be restored, subject to licensing, if a bill just introduced in the lower house of the Assembly is adopted.

The measure, introduced by Assemblyman Louis Schwartz, author of two other pending bills designed to permit Sunday shows after 2 o'clock in the afternoon, has been referred to the Committee on Law and Order.

Two Titles Are Set

"The Scoundrel" has been set as the release title of the Ben Hecht-Charles MacArthur production, "Miracle in 49th Street."

HOLLYWOOD, March 14.—"Goin' to Town" will be the final title of Mae West's latest film, previously known as "Now I'm a Lady" and "How Am I Doin'?"

Howard on O'Brien Film

HOLLYWOOD, March 14.—Sol Lesser has signed Dave Howard to direct the next George O'Brien western, "Hard Rock O'Brien," a yarn about Boulder Dam.

Charles Furthman penned the original and will also do the screen play. The picture will be produced under the Atherton Pictures banner.

Para. to Film Garibaldi

HOLLYWOOD, March 14.—Paramount will produce a story based on the life of Garibaldi, the Italian patriot. E. Alexander Powell, war correspondent and authority on the life of Garibaldi, has been signed to do the screen play. Executives believe it will be necessary to go off the lot to find a lead suitable, as none of the contract players are fitted for the part.

Pert Kelton for Musical

HOLLYWOOD, March 14.—Pert Kelton, comedienne, will play the feminine lead in "Hooray for Love," musical soon to go into production at Radio. Gene Raymond will play opposite Miss Kelton, and the supporting cast include Bill Robinson and Maria Gambarelli.

Menjou in "Gondolier"

HOLLYWOOD, March 14. — Adolphe Menjou gets a featured role in "Broadway Gondolier," Warner musical, which will have Dick Powell and Joan Blondell in the chief roles.

The film is slated for early production with Lloyd Bacon directing.

Lachman on "Orchids"

HOLLYWOOD, March 14. — Harry Lachman will direct "Orchids to You," which Fox will produce.

ALL AROUND THE WORLD EVERY DAY

Every twenty-four hours Motion Picture Daily surveys and publishes the significant happenings of the world film industry.

Correspondents in foreign film capitals and in key cities throughout the United States assure the completeness, accurateness and timeliness of this important service.

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MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 63 NEW YORK, SATURDAY, MARCH 16, 1935 TEN CENTS

KRS Refuses To Recognize G. B. Booking

British Society's Move Creates Sensation

By BRUCE ALLAN

LONDON, March 15.—The Kinematograph Renters' Society created a sensation in the trade today by refusing to recognize the Gaumont British booking deals with Hyams & Gale and Union Cinemas, Ltd. The latter controls 34 theatres.

K. R. S. will not accept bookings from these two pending assurance that there is no booking agreement with Gaumont British designed to obtain films at lower prices. John Maxwell says this attitude is fair in view

(*Continued on page 4*)

Darrow Attack on NRA Is Due Monday

By BERTRAM F. LINZ

WASHINGTON, March 15.—Arraignment of the NRA which may direct the course of the senatorial investigation is anticipated Monday when Clarence Darrow, chairman of the National Recovery Review Board which last year assailed General Hugh S. Johnson's administration, appears before the Senate Finance Committee.

Announcement that Darrow would be in Washington Monday was made

(*Continued on page 3*)

John Flinn Delays Return from Coast

HOLLYWOOD, March 15.—John C. Flinn is extending his trip here and will not leave for New York until March 25 or March 26, when he will

(*Continued on page 3*)

"Throttle Pushing"

A new feature by Harry E. Nichols (H.E.N.), traveling representative of *Quigley Publications*, takes its bow on page 4 today.

Over main highways and many anything but that, Nichols covers thousands of miles every year. His authoring will concern itself with the things he sees and the exhibitors he meets. There seems to be no limit to either.

Mayer Says Industry Will Quit Coast to Avoid Taxes

SAN FRANCISCO, March 15.—Louis B. Mayer who addressed the Shrine Club here yesterday, attacking Hitlerism, declared today in an interview with MOTION PICTURE DAILY that the industry can move lock, stock and barrel from California to some other state for $10,000,000, and will do so within the next two years, if the program of taxation now before the California Legislature is enacted.

He also sees the possibility of a secession of Northern California from Southern California, and the establishment of a strict embargo on the state's borders to keep out thousands of hungry, jobless itinerants.

McCormick to Return To Circle for a Day

S. Barret McCormick, advertising and publicity director for Radio, will live in the past for a day on March 22. On that date he will find himself back at the Circle, Indianapolis, in the post of managing director of the house which he held 15 years ago. The occasion will be the world premiere of "Laddie."

For that one evening McCormick will have around him, as far as possible, the very people who were on

(*Continued on page 4*)

Gable Contract Is Extended for Year

HOLLYWOOD, March 15. — Clark Gable's contract has been extended by M-G-M for one year starting April 1. In exercising its option, M-G-M guarantees 40 weeks in the year.

Leonard Praskins' option as a writer has not been taken up. Karl Freund, director, has been given a long term pact and Betty Furness' contract has been continued for another 12 months.

Change May Be Made In St. Louis Charge

ST. LOUIS, March 15.—Because there is some question about the name of one of the Paramount units listed in the Federal anti-trust indictments returned here recently, counsel for the Government and the defendant companies have entered into a stipulation that motions may be filed when the cases are called on April 2.

It is considered doubtful, however, whether the cases will actually go to trial on that day, because of the crowded court calendar.

Laurel-Hardy Split Up Old Comedy Team

HOLLYWOOD, March 15.—Stan Laurel and Oliver Hardy are no longer a team. The split resulted when the former terminated his contract over the asserted inability of Hal Roach to secure suitable story material.

Roach is retaining Hardy, who with Patsy Kelly and Spanky MacFarland will produce a new series of comedies under the general title of "The

(*Continued on page 3*)

"Jackpots.. Kilts.. Diapers"

Universal City yesterday celebrated its 20th anniversary on time and to the day.

The observance persuaded R. H. Cochrane to send the following telegram to Carl Laemmle in Hollywood, signing it "The Forgotten Man":

"How well do I remember that day 20 years ago when we opened our Universal City jackpot on a pair of deuces. That was the day I wore my first long pants. Today I own no pants at all. As clearly as though it were only 100 years ago I recall that you opened the gate with a golden key. I have often wondered whether it was real gold, but on that day of days in my childish innocence I believed in fairies. I even remember that you took me by the hand and conducted me through the newly opened studios to protect me from the fairies.

"You were like a grandfather to me and I shall never forget it. Since then you have been growing greater and greater so

(*Continued on page 3*)

Skourases Get Offer of New Fox Met Issue

Also Proffered Interest In Operating Unit

Skouras Theatres have been offered a large block of the new stock of reorganized Fox Metropolitan Playhouses, the parent company, in addition to a stock interest in the new subsidiary operating company, in connection with the plan of reorganization for Fox Met being submitted to Federal Judge Julian W. Mack early next week, it was learned yesterday.

The offer has been submitted by Skouras to the Haystone Securities Corp., financial advisors of the company, for study. If it is accepted and Skouras acquires the proffered stock interest, which would make Skouras a minority partner of Joseph M.

(*Continued on page 4*)

Para. Creditors Help Push Schulberg Deal

The proposed deal whereby B. P. Schulberg will continue to produce independently for Paramount has been agreed upon in principle by various of the company's creditor representatives to whom it was submitted on Thursday. It was anticipated yesterday that

(*Continued on page 4*)

Lloyd Will Star in One for Paramount

HOLLYWOOD, March 15. — Harold Lloyd will be starred in Paramount's "The Milky Way." Paramount will finance 100 per cent and will have full supervision. This is the first time in 12 years that Lloyd has permitted another company to finance him. The deal is for this picture only. Lloyd will get a flat sum, plus a percentage.

Urges His Employes To Aid Reorganizing

Paramount employes holding company stock are urged by George J. Schaefer, general manager, to file

(*Continued on page 4*)

Pat Garyn Gaining; Is Out of Hospital

DALLAS, March 15.—Pat Garyn, executive with "March of Time," stricken here several weeks ago with

(*Continued on page 4*)

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Wall Street

Eastman Gains 1½ on Big Board

	High	Low	Close	Net Change
Columbia vtc	41¼	40¼	41¼	+1½
Cons. Film	4¾	4¼	4¾	.....
Cons. Film pfd (1v)	18⅜	18	18⅜	+ ⅜
Eastman	118½	116¾	118½	+1½
Eastman pfd.	152½	152½	152½	.....
Fox "A"	8⅞	8⅝	8⅞	— ⅛
Loew's, Inc.	34½	32½	33⅞	+1⅜
Loew's, Inc., pfd.	104	103⅞	104	.....
Paramount	2⅝	2⅜	2⅝	.....
Pathe	⅝	⅜	⅝	+ ⅛
Pathe "A"	12½	12½	12½	.....
RKO	1⅜	1¼	1¼	— ⅛
Universal pfd.	40¾	40¾	40¾	+1¼
Warner	2½	2¼	2⅜	+ ⅛
Warner pfd.	15	14½	15	.....

Technicolor Up ⅜ on Curb

	High	Low	Close	Net Change
Technicolor	15	14¾	15	+ ⅜
Trans Lux (.10k)	2¼	2⅛	2⅛	— ⅜

Warner Bonds Rise ⅞

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ctf	6⅝	6⅝	6⅝	— ¼
Keith B. F. 6s '46	68¼	68⅛	68⅛	— ⅛
Loew's 6s '41 ww deb rights	104¾	104½	104¾	.....
Paramount B'way. 5½s '51	48¾	48¾	48¾	+ ¼
Paramount Publix 5½s '50	71	70¼	71	—1
Pathe 7s '37 ww	103½	103½	103½	— ¼
Warner Bros. 6s '39 wd	49½	49	49½	+ ⅞

(k) Paid this year. (z) Defaulted in principal but not in interest.

(Quotations at close of March 15)

Purely Personal

ED FINNEY is in a quandary. The *Daily News* Golden Gloves tournament is over and he's wondering what sort of amusement to provide for the gang at his Monday night soirees in the future. The suggestion of Minsky's Republic was quickly vetoed by his board of strategy. FINNEY says he'll extricate himself from the "cul de sac" shortly.

•

JULES LEVY, JOE BERNHARD, HARRY ROSENTHAL, JIMMY SAVO, VICTOR MOORE, GEORGE GERHARD, EARLE W. HAMMONS, JACK SKIRBALL, JOE LEE, HARRY H. BUXBAUM, GRADWELL SEARS and AUSTIN KEOUGH were among those at Sardi's for lunch yesterday.

Quip of the Day

Add similes, by Ali Gaga: "As improbable as a Literary Digest editor applauding 'The March of Time'."

S. BARRET MCCORMICK waxing eloquent on the merits of "Roberta" and doubly proud of the fact the picture was held over a second week at the Aldine, Wilmington. This is the first film in the history of the house to play more than a week.

•

ED HOLLAND, Radio exploitation man, is flying all over the country. He was in town Wednesday and in the office for a short while before grabbing a plane for Cleveland. He's due back for a day or so after making another stop in Indianapolis.

•

IRENE DUNNE was guest of honor at the Fashion Group luncheon yesterday at the Ritz Carlton, and was introduced by ALICE HUGHES, fashion editor for the Hearst dailies.

•

LOUIS GELLER has his mind set on leaving Monday for that long-deliberated and finally decided Miami vacation. He's taking a trunk of cigars along.

•

ED FISHER, United Artists exploiteer of Detroit, is in town for two weeks to handle the exploitation of "Behind the Green Lights" for Mascot.

•

DAVE LOEW is in Palm Springs and from there will go to Agua Caliente. He'll probably hit New York in another two weeks.

•

J. J. MCCARTHY has extended his Hollywood visit an additional week and now is not expected back here until next week-end.

•

MARILYN MCKAY, winner of the FRED ALLEN amateur contest, opened a week's engagement at the Roxy yesterday.

•

J. S. HARRINGTON, of Monogram, has just about licked that cold that laid him low for a few days.

•

GENE MARKEY'S "Champagne Charley" has been bought by Fox. EDMUND LOWE will have the lead.

•

JACK COHN is due back from Miami next week.

•

A. W. SMITH is visiting Miami beaches.

JOE SEIDER returned the other day from a southern vacation to find he was made a colonel during his absence and that film friends had arranged his appointment from Gov. RUBY LAFOON. The certificate of honor now graces his office.

•

L. G. HABGOOD and ROGAH SIGMUND of the Palmetta, Winnsboro, N. C., and M. D. DOUGLAS and BOYD BROWN of the Carolina, same city, were in town yesterday on an overbuying case affecting both theatres.

•

GEORGE MANN, president of Redwood Theatres, Inc., of San Francisco, his wife and two children, are driving in from New Orleans where they attended the M. P. T. O. A. convention. Due next week.

•

FRANKIE THOMAS will return to the coast early in June to resume work at the RKO Radio studios.

•

Compliance Director SOL A. ROSENBLATT is expected to arrive from Washington today.

•

LOU WEINBERG—the Uncle Lou of the industry—is really the uncle of GENE PICKER.

•

MIKE ROSENBERG plans to go back to Los Angeles either Monday or Tuesday.

•

E. M. FAY of Providence in town yesterday and visiting along the Main Stem.

•

HARRY M. WARNER is due back from the coast some time next week.

•

J. R. MCDONOUGH and B. B. KAHANE arrive on the coast today.

•

ED KUYKENDALL plans to take the fast mail southward tomorrow.

•

GEORGE ARLISS sailed for London last night. On the *Olympic.*

•

HARRY DECKER left yesterday to get some of that Miami sunshine.

•

BEN ROSENBERG has returned from Dallas and New Orleans.

•

ARTHUR LEE returns from the coast Monday.

Goldwyn to Europe

Samuel Goldwyn, accompanied by Mrs. Goldwyn, sailed last night for England on the *Olympic* to confer with Alexander Korda, production head of London Films, on a special star loan arrangement under which Merle Oberon will be the first player to appear under the Goldwyn banner in "Dark Angel," which starts June 1.

Miss Oberon is also sailing on the same boat for joint conferences with Korda.

Stallings Delays Talk

NEW HAVEN, March 15.—Laurence Stallings' second talk on newsreels at Yale, scheduled for yesterday, was postponed. He will talk some time after April 8.

"Roberta" Sets a Record

KANSAS CITY, March 15.—Setting a record for a downtown first run, the RKO Mainstreet holds "Roberta" for a third week, beginning today.

Evergreen Managers Discuss New Season

SEATTLE, March 15.—City managers for Evergreen State houses throughout Washington and Oregon gathered here this week for a "new season" sales conference with Frank L. Newman, Sr.

Carl Mahne, manager of the Egyptian here, received a first prize check for $300 for his operating record of the last quarter. Second prize went to Lynn Peterson of Bremerton. The all-day session was concluded with a banquet at the Washington Athletic Club.

In attendance were Frank L. Newman, Jr. and Morry Folladare of Portland; Lynn Peterson, Bremerton; Morry Nimmer, Wenatchee; Harold Murphy, Olympia; Joe Rosenfield, Al Baker and Russ Brown of Spokane; Jim Carey, Vancouver; Art Monohan and Bob Moore, Bellingham; Bill Hartford, Everett; Jim O'Connell, Eugene; and Jack Rosenberg, Herb Sobottka, Harry Woodin, Al Finkelstein, Al Rosenberg and Vic Gauntlett, Seattle.

Ascap Winner in 7 Mississippi Cases

NEW ORLEANS, March 15.—Hard upon the heels of exhibitors' fights against paying Ascap license fees come seven judgments rendered by Federal courts against theatres in Mississippi. They are: Drew, Drew; Folly, Marks; Princess, Waynesboro; Palace, Newton; Palace, Crystal Springs; Hazelhurst, Hazelhurst; Royal, Rollingfork.

In the hotel field, Ascap is reported ready to proceed against the Roosevelt and St. Charles. The Roosevelt is understood to have been picked as a test case. Its managing director, Seymour Weiss, close friend of Huey Long, is president of the Louisiana Hotel Ass'n.

Kincey Says South Is Showing Pickup

"Conditions are all right in the south and there has been a general improvement over last year," H. F. ("Mike") Kincey of the Kincey-Wilby circuit stated yesterday. The southern operator was in town on a code case and left last night for Charlotte.

Kincey-Wilby operate 53 houses in North and South Carolina and about 25 in Alabama. The State, Fayettville, N.C., was recently remodeled and other renovations are contemplated, Kincey added. Recently added to the circuit were the Imperial, Charlotte, and Pitt, Greenville, N. C., new theatres.

Chevalier Going to Paris

Maurice Chevalier is on his way here to make connections with the *Ile de France* sailing next week. He is hastening to France in order to be on hand when the French version of "Folies Bergere" opens in Paris at the end of this month.

Four Roxy Films Dated

"Woman in Red" is the next attraction for the Roxy, opening March 22. Following will be "I Love You Always," on March 29; "It Happened in New York," on April 5, and "Love in Bloom," either April 12 or April 19.

"Whole Town" Denver High; Gets $5,000

DENVER, March 15.—"The Whole Town's Talking" lived up to its title at the Paramount. Business started off well and stayed strong, with the result that the $5,000 take was over par by $1,000.

"The Scarlet Pimpernel" held up nicely in its second week at the Aladdin with a gross of $3,000. At the Tabor "The Best Man Wins" was strong on a gross of $3,500 helped by a stage show.

Total first run business was $24,500. Average is $25,500.

Estimated takings for the week ending March 14:

"SCARLET PIMPERNEL" (U. A.)
ALADDIN—1,500, 25c-35c-50c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,500)

"RUMBA" (Para.)
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $4,000)

"FOLIES BERGERE" (U. A.)
DENVER — (2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

"NIGHT LIFE OF THE GODS" (Univ.)
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $4,000. (Average, $6,000)

"THE WHOLE TOWN'S TALKING" (Col.)
PARAMOUNT — (2,000), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $4,000)

"THE BEST MAN WINS" (Col.)
TABOR—(2,000), 20c-25c, 7 days. Stage show. **Gross:** $3,500. (Average, $3,000)

Vidor to Direct Dix

HOLLYWOOD, March 15.—Charles Vidor who has just finished directing "Strangers All" for Radio, will direct the next Richard Dix picture, "The Peace Maker." It's a western. The last Dix picture "West of the Pecos," is a western.

M-G-M Signs Randall

HOLLYWOOD, March 15.—Carl Randall, dancer, has been signed to a long term contract by M-G-M. He has just completed "Reckless," in which he dances with Jean Harlow. Though he is well known on the stage, he has had no other screen engagements.

Missouri Bill Is Killed

JEFFERSON CITY, Mo., March 15.—The old age pension bill imposing a 10 per cent tax on admissions, introduced in the House by Representative Lindhorst, was killed in committee today.

Signs Two-Year Fox Deal

MANSFIELD, O., March 15.—Frank Harpster, warner city manager, has contracted for the entire Fox output on a two-year basis. Pictures will be divided between the Ohio and Madison.

Take New Orleans House

NEW ORLEANS, March 15.—Mortimore and Schiell, who operate the St. Maurice here, have taken over the Bell, operated for over 20 years by Mrs. William Jonqua.

Lillian Bond Recalled

HOLLYWOOD, March 15.—Lillian Bond has been recalled from a vacation in the Bahamas by M-G-M to play in "China Seas." Tay Garnett is directing.

"Jackpots.. Kilts.. Diapers"

(Continued from page 1)

that now you are like a greater, greater, greater grandfather to me while I have gone the other way and am now wearing kilts and diapers instead of long pants.

"You should thank God that I cannot be there to celebrate because I am almost certain I would break out with a speech. This would be the worst thing that could happen to any celebration, so let's celebrate the big fact that I am not there and, therefore, cannot make a speech.

"In conclusion, may I suggest that in honor of this occasion we all bow our heads in a period of solid silence. Love and kisses to almost anybody."

Laurel-Hardy Split Up Old Comedy Team

(Continued from page 1)

Hardys." The producer's refusal to meet Laurel's demands for higher remuneration was given by the comedian as the reason for his action. The actor asserted his contract would expire on May 7.

Laurel stated he had no future plans.

Ban Boonville "Night"

KANSAS CITY, March 15.—The Lyric, Boonville, Mo., operated by Fox Midwest, was ordered to discontinue "cash night" by the local grievance board on complaint of the Casino, same city.

The Helstrom, McPherson, Kan., has lodged a bank night complaint against the Ritz, same town.

Columbia Signs Merola

HOLLYWOOD, March 15.—Gaetano Merola of the San Francisco Opera Co. has been signed by Columbia to conduct the orchestra, which will record the musical sequences for the Grace Moore picture, "On Wings of Song."

Merola was formerly a conductor at the Metropolitan Opera House.

Virgil Miller Honored

HOLLYWOOD, March 15.—Virgil Miller, Paramount camera department head, has received notice of his appointment to the American National Committee which will go to Paris in July to attend the International Congress of Photographers.

Miller intends to join the committee.

Smallpox Closes Theatres

DIGHTON, Kan., March 15.—County commissioners have ordered theatres and all other public gathering places closed for two weeks because of a smallpox epidemic here. Other Kansas towns have been similarly affected.

Fox Summons Alice Faye

HOLLYWOOD, March 15.—Alice Faye, vacationing in the east, has been recalled by Fox, and will start in "Adios Argentina," as soon as she returns. She will play opposite Tito Guizar.

Ayres, Trevor Assigned

HOLLYWOOD, March 15.—Fox has handed Lew Ayres and Claire Trevor the principal roles in "Work of Art," Sinclair Lewis story. The film is slated to get under way April 1. John Blystone probably will direct.

Balcon Says Britain Welcomes Industry

HOLLYWOOD, March 15.—Speaking at a luncheon given for him by Louis B. Mayer at the M-G-M studio, Michael Balcon of British Gaumont said today that if the industry should decide to move out of California upon the success of the state's tax program, "it is welcomed to England."

Balcon also told his listeners, consisting of film executives, stars, newspaper publishers and civic and educational leaders, that to meet such competition as is offered by Hollywood "there is nothing left for me but to return to England and produce pictures with American backgrounds."

Dr. Koretz, counsellor of Vienna, where he represents M-G-M and Fox interests, was also a guest of honor. He told the gathering that "just as your pictures are the comfort and the consolation of the world so has my own country given the world its finest music."

Dallas Personals

DALLAS, March 15.—Karl Hoblitzelle, president of Interstate Circuit, has just returned from a business trip to Washington.

Harry Thomas of First Division is in Dallas visiting his brother Davis Thomas, who handles sales for First Division in this territory.

Frank Sarz of Interstate Circuit is back in town after a trip over the territory, getting Interstate houses set for two coming attractions, "As Thousands Cheer" and Helen Hayes.

Plan 3 Months on "Allah"

HOLLYWOOD, March 15.—M-G-M plans to put at least three months of preparation on "The Garden of Allah." Producer David Selznick has signed George Cukor to direct, and is contemplating sending a company to the Sahara desert to film some of the sequences.

Clara Blandick on Tour

HOLLYWOOD, March 15.—Clara Blandick has finished work in Columbia's "Party Wire" and has sailed aboard the *President Adams* on a world tour. She will make a lengthy stopover in Shanghai, where she was born.

Saenger Cuts Scales

JACKSON, Miss., March 15.—Admission reduction from 25 cents to 15 cents, excluding state tax, has been ordered in Saenger Class B houses here. The rate cut also goes into effect at Hattiesburg and Meridian.

Darrow Attack on NRA Is Due Monday

(Continued from page 1)

today by the committee after its members had heard, with evident distaste, that if the Industrial Recovery Act is to protect hours and wages, inefficient small concerns must be destroyed.

This statement was made by S. Clay Williams, chairman of the National Industrial Recovery Board and executive of one of the large tobacco companies. The tobacco industry, during his tenure of office, secured approval of a code with minimum wages running as low as 25 cents an hour.

Contrary to the views of those who believe the codes should be amended to conform to the anti-trust laws, Williams recommended amendment of the latter to make the codes effective.

Darrow's testimony next week is expected to be the signal for opponents of the NRA as now constituted to launch a bitter attack against that organization. As chairman of the Review Board last year, he signed reports viciously assailing the activities of the NRA and the dominant interests in the motion picture and a number of other industries, precipitating equally vitriolic replies from Administrator Johnson, denying the board's charges that the codes investigated tended to foster monopoly and crush the small operator.

John Flinn Delays Return from Coast

(Continued from page 1)

hop a plane for the east in time for the next Campi meeting on March 28. While here the code executive secretary will get the local board's final okay on certain phases of the schedule which were disputed by Fox West Coast.

Campi members yesterday agreed to hold the next session on March 28 instead of March 21, as originally planned.

Albany Premium Ban Will Start June 7

ALBANY, March 15.—A local ban on premiums, giveaways, script books and other forms of reduced admissions will go into effect June 7.

A recent vote ordered by the clearance and zoning board was heavily in favor of the ban. Affiliated theatres were unanimously for it and 80 per cent of unaffiliated houses favored it. The code provides that a 75 per cent vote in a competitive area is sufficient to make its giveaways clause effective.

Delay Frankfort Ruling

CINCINNATI, March 15.—Pending Campi's decision in the appealed case of the Morehead, Ky., State Teachers' College, which the local grievance board ordered distributors to discontinue serving on complaint of Paul M. Hooven, Trimble, Mt. Sterling, Ky., the board has postponed ruling in the case of J. D. Lee, operating the Capitol, colored house, Frankfort, Ky., against the Frankfort State Industrial Institute, colored, and M-G-M, Cincinnati.

The two issues are parallel. The respondent in the case just heard plays pictures on Saturday at a 15-cent admission, which complainant charges is non-theatrical competition.

Skourases Get Offer of New Fox Met Issue

(*Continued from page* 1)

Schenck in Fox Met, Haystone probably would finance the deal.

The Skouras stock purchase proposal has not been made a part of the plan of reorganization, and the fact that the offer has been made is indicative of the certainty which exists among the principals that the Fox Theatres-Schenck plan of reorganization for Fox Met will be accepted. The plan itself calls for acquisition of the new stock issue by Schenck and Fox Theatres, with Schenck becoming president of the new company. This accomplished, it is believed that Fox Theatres would then sell part or all of its interest in the new company to Skouras, assuming that the offer receives the approval of Haystone. So far as could be learned no similar stock purchase offer has been made to Randforce, joint operators with Skouras of the Fox Met houses.

To Get 10-Year Contracts

Skouras and Randforce will be given new 10-year operating contracts under the reorganization plan, together with provisions for stock ownership in the subsidiary operating companies. Fox Met bondholders will receive 20 cents on the $1 in cash and 55 cents in new bonds for their claims. This provision requires about $2,500,000 in cash, approximately $1,900,000 of which would be derived from the mortgaged cash of Fox Met on hand. The balance would be supplied by the Schenck and Fox Theatres stock subscriptions.

The plan will be presented in Federal court on Monday or Tuesday of next week and a date for a creditors' hearing set at that time. Such a hearing would be approximately three weeks later, as creditors must be given 20 days' notice. Judge Mack extended the time for presentation of the plan from yesterday to May 1, by which time, it is expected, the plan will have been accepted.

McCormick to Return To Circle for a Day

(*Continued from page* 1)

the staff of the house during his tenure there.

In the four years McCormick presided over the destinies of the Circle the house became famous for its stage presentations.

It was at the behest of Milton H. Feld, president of the Indianapolis Management Associates, operators of the Circle, that McCormick agreed to serve as guest managing director of the theatre for a night.

Pat Garyn Gaining; Is Out of Hospital

(*Continued from page* 1)

a severe relapse of flu, is now out of the hospital and he and Mrs. Garyn have taken an apartment at Maple Terrace.

The Texas climate agrees with Garyn, who is still convalescing. They expect to remain here about a month.

Throttle Pushing

By H. E. N.

GOODBYE TO NEW ORLEANS

The M.P.T.O.A. convention has come and gone and so we take to the open road once again. Disliked saying goodbye to one of the most efficiently operated exchanges in the country—the RKO office so well managed by Guy Brown. Will miss the smiling good mornings from Lee Newman, secretary; E. Zinser, cashier; and Clarence Moldon, the poster boss who, we hope, wins the next RKO national poster contest.

HIGHWAY 90—ALABAMA

Ten miles east of the Cochrane Bridge, across Mobile Bay, we met the Redwood Theatre Circuit of Northern California, stalking amongst the Piney Woods. George Mann in person, with the missus, little George Richard and Joye Vivian. Oh boy, what a road! Nine o'clock at night and the rain coming down in sheets. George and his Packard, towing that trick trailer, were sure plowing up the Alabama red clay. Only 12 miles to go, but we'll bet George will live over that night for 12 years to come. Mann plans a trip throughout Florida and will do a little golfing in Miami with Mitchell Wolfson and Sid Meyers, of the Wometco Theatres there. Then up the Atlantic Seaboard to New York before returning home to San Francisco.

CRESTVIEW, FLA.

When we made this town in 1920, there was a small airdrome in operation. Mrs. A. J. Outlaw was just starting in selling the silent drama. Was quite unprepared to see this town boasting such a fine, modern theatre, the Crestview. Mr. and Mrs. Outlaw have the agency for Falls City beer for Western Florida. Now we know why RKO, Universal and United Artists salesmen stop over so regular.

LIVE OAK, FLA.

Tom Flemming, who operates the Alimar, is all hot and bothered since competition is coming into his town. B. E. Gore, who operates several theatres in Lake City, Fla., is putting in a small house. Throughout film circles in this section, Flemming has a reputation for never having repudiated a contract.

QUINCY, FLA.

Herb Lord, a Banford protege, is running the Shaw for the Nat Williams circuit. Herb pulled one on "David Copperfield" which we think is a classic. He sold the county school board the idea of closing all the rural schools on Friday afternoon so that the children could come in and see the picture. Herb furnished transportation and got five school busses at a total cost of $5 (Mike Vogel, please take notice). This theatre is unique in many ways.

APOPKA, FLA.

Walter Gunn, former Chicago exhibitor, has opened a new house in this city. Present policy calls for two changes a week.

DAYTONA BEACH, FLA.

Ray Bang has reopened the old Kingston which has been closed for a number of years, has wired for sound and fixed the place up into a very nice suburban proposition.

Mrs. Charles Lewis, wife of the oldest and most popular shipping clerk in Kansas City film circles, will visit with C. W. Allen family here next week. Allen is the manager for RKO at Jacksonville.

JACKSONVILLE, FLA.

C. L. Swinney, service engineer for RCA in Florida and Georgia, is back in town after supervising the installation of equipment in a Nat Williams house, the old Dixie, now named the Pine, at Pelham, Ga.

M. C. Moore, Round Table Club winner and manager of the Riverside, had a run-in with Mayor Alsop, Milton, who is putting on a big campaign for "King of Kings," had his ballyhoo truck parked in front of the Presbyterian Church Sunday noon. The mayor took violent objections to this form of advertising and arrested the truck driver. Moore and the mayor darn near came to blows, but when the case was called Monday morning, the driver and Moore were dismissed as there is no ordinance in this city prohibiting the parking of an advertising truck.

Bartholomew Resting

HOLLYWOOD, March 15.—M-G-M has given Freddie Bartholomew, who was featured in "David Copperfield," a vacation on a ranch near here.

The child actor hasn't had a rest since arriving in Hollywood, having gone on six weeks of personal appearances right after doing the M-G-M picture.

Kupper, Wobber on Tour

LOS ANGELES, March 15.—William Kupper and Herman Wobber of Fox leave tomorrow for San Francisco. After several days there will head for Salt Lake City, Denver and other key centers.

Fox Signs Leftwitch

HOLLYWOOD, March 15.—Alex Leftwitch has been signed by Fox as a production executive.

Enlarge Mansfield Ritz

MANSFIELD, O., March 15.—The Ritz building will be extended 20 feet to the rear to facilitate installation of 200 additional seats. A new cooling system will be installed, and other improvements made, according to Sol Bernstein. The Ritz is an independent house.

Silverman a Producer

KANSAS CITY, March 15.—Joe Silverman, one-time distributor here in the silent film days and now an exchange operator in Oklahoma City, has entered independent production in Hollywood on a small scale, he revealed here this week.

Reopen at Kinsman, O.

KINSMAN, O., March 15.—The Kinsman Theatre, dark until recently, has been reopened by E. J. Smith.

KRS Refuses To Recognize G. B. Booking

(*Continued from page* 1)

of the K. R. S. policy of not trading with booking combines.

Union was refused film last Monday, but both groups are fairly covered with product for several months, it is understood. Union is considering the introduction of vaudeville.

The press is running posters and front page stories on the "Big Film War."

Para. Creditors Help Push Schulberg Deal

(*Continued from page* 1)

the deal, therefore, will go through the stages of formal ratification shortly.

However, there remain a number of obstacles, legal in the main, which have to be cleared away. These are not regarded as vital, although they are of sufficient import to slow down the progress of the deal towards consummation.

Schulberg will make seven for Paramount next season, as the contemplated arrangement now stands. These will be budgeted at not more than $250,000 each with Paramount furnishing half of the finances and Erpi and Ralph A. Kohn, former Paramount treasurer, the remainder.

Urges His Employes To Aid Reorganizing

(*Continued from page* 1)

their acceptances of the proposed plan of reorganization in a message appearing in the current issue of *Paramount Sales News*, distribution department house organ.

Zukor Starts East

HOLLYWOOD, March 15.—Adolph Zukor left for New York tonight where he is due to arrive Monday morning. He has been here for a month discussing 1935-36 production plans.

Quiz Kohn on Stock Suit

S. S. Isseks, of counsel for the Paramount Publix trustees, left for Los Angeles yesterday to take the deposition of Ralph A. Kohn, former Paramount treasurer, in connection with the suite brought by the trustees against former officers and directors of the company, and others, as a result of operations of the so-called Paramount employes stock purchase plan of 1928 to 1931.

End Florida Holiday

MIAMI BEACH, March 15.—Herman Robbins and Sam Dembow, Jr., of National Screen Service who recuperated here from the recent M.P.T.O.A. convention in New Orleans, leave for New York Saturday.

Fox Men Nearing Coast

HOLLYWOOD, March 15.—Due on the *Santa Paula*, which arrives from New York Sunday, are John Stone, John G. Blystone and Eugene Forde of Fox.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 65 NEW YORK, TUESDAY, MARCH 19, 1935 TEN CENTS

Philadelphia Meeting Gets Hot Over Tax

Charges Stir Replies; Committee Named

PHILADELPHIA, March 18.—Sixty film men got into a state of excitement discussing the proposed 10 per cent sales tax here today, but did nothing about it except to appoint a committee. "Sensational disclosures" had been promised in the call for the session, which was held at the Broadwood Hotel, but these consisted of charges that circuits favored a deal on the tax bill in return for Sunday shows.

The House is expected to act on the tax Tuesday. The committee includes Harry Fried, George Gravenstine, Luke Gring and Milt Rogasner.

The meeting was advertised by the I.E.P.A. and presided over By Morris Wax, chairman of the I.E.P.A.

(*Continued on page 3*)

Production Drops; 33 Features Going

HOLLYWOOD, March 18.—Production took a nosedive to new low levels last week with only 33 features and seven shorts before the cameras as compared to 39 and four for the preceding week. In addition, 22 features and six shorts are in the final stages of preparation

(*Continued on page 2*)

Century-RKO Case Testimony Halted

After 30 hours devoted to the eight hearings, testimony in the Century-RKO clearance dispute in Long Island yesterday was concluded by Mitchell Klupt, representing Century,

(*Continued on page 3*)

Bolognino Curious

Laurence Bolognino, head of Consolidated Amusements and one of the six judges on the Century-RKO clearance dispute in Long Island, yesterday brought up an important point when he noticed that the record of the testimony ran more than 1,250 pages. He said:

"I wonder who is going to reserve the scenario rights."

'Time' Shifts Sales Method; Will Expand

Drops Its 3,000-Theatre Plan; Changes Prices

Abandoning its original plan of holding down distribution of its monthly releases to 3,000 theatres, "The March of Time" yesterday completed plans for as wide a distribution as its selling crew can obtain and coupled with its switch in policy what is expected to be general reductions in its current rental level.

The move follows what was unhesitatingly admitted yesterday as an experiment in setting up the original rental schedule. "The March of Time" officials readily acknowledged that, at the outset, they did not know what their product was entitled to get or could get. After several months of their so-called laboratory test, however, plans have been rearranged along several lines.

In highlight, the scheme hinges largely on retail sales surveys made by the Department of Commerce and the territorial sales curve of a group of nationally circulated magazines. It was realized that some territories,

(*Continued on page 3*)

Look for $95,000 on "Roberta" Holdover

With $60,000 in the till for the first four days of the second week, "Roberta" is expected to tally around $95,000 for the second stanza at the Music Hall. This would be about $3,000 less than the first week.

"One More Spring," at the Palace, garnered about $8,000, and "McFadden's Flats," at the Rialto, wound up a week's run last night with approximately $8,000. The picture is being held an extra day and will be succeeded tomorrow by "Mystery of Edwin Drood."

Monogram Break

Harry H. Thomas of First Division yesterday stated his company had "disposed of the Monogram franchise in the New York territory and our commitments in Philadelphia will not be renewed."

Edward Golden, sales manager for Monogram, declined either to comment on Thomas' statement or on his own company's plans for these two important territories.

K.C. Showmen Join Fight on Claims Racket

KANSAS CITY, March 18.—Support of exhibitors will be thrown behind the Liability Protective Ass'n., Inc., the group organized to fight the fake claim racket in Kansas City, it was indicated at a meeting at the Chamber of Commerce.

Theatres are listed as one of 55 industries in the city from which financial support is asked in the campaign to smash the racket which has been exacting a toll of thousands of dollars. An amusement division has been formed with Finton H. Jones, insurance man, as chairman and with these

(*Continued on page 3*)

Expect Early Test On California Tax

SACRAMENTO, March 18.—The first real test of the backing of the income tax measures is expected this week when the Governor begins to run his tax bills through the Legislature.

A progressive Republican-Democratic coalition is seeking a compromise. Their $50,000,000 measure is double that of the Governor's.

Sirovich Asks Science, Art Cabinet Post

Also Wants a Building Done in a Big Way

By BERTRAM F. LINZ

WASHINGTON, March 18.—Creation of a new cabinet post—Secretary of Science, Art and Literature—is proposed in a concurrent resolution introduced in the House today by Congressman Sirovich of New York. It was referred to the Committee on Patents, of which he is chairman.

The proposed new department would take over all bureaus and other agencies of the Government which have jurisdiction over the arts and sciences, including films and radio. A separate building "architecturally in keeping with the beauty of art, the dignity of science and the visions of literature" would be provided.

"The limitations of the olden stage have been removed by the motion picture, accompanied by sonancy," Sirovich declared in his resolution, "and

(*Continued on page 2*)

Darrow Delays His Testimony on NRA

WASHINGTON, March 18.—Expressing a desire to wait until Senator McCarran of Nevada returned to Washington before discussing the

(*Continued on page 3*)

Dozen Amendments For Code Approved

Twelve amendments to the code, including the addition of Alaska to the territory now covered, have been approved by the NRA. Most of the

(*Continued on page 3*)

Four-Day Film Campaign Show Set for M. P. Club

For four days, beginning April 1, there will be on exhibit at the M. P. Club in New York advertising, publicity and exploitation campaigns submitted to the Managers' Round Table Club of *Motion Picture Herald*, among them many that have earned Quigley Awards. The display will be sponsored by the *Herald* in conjunction with the M. P. Club and will be known as "The Show of Showmanship." It will be held annually.

Many persons prominent in the industry have been invited to serve on the committee which will have charge

(*Continued on page 22*)

Delay Skouras Pact

Charles Skouras has put off his return to the coast until next week, indicating another delay in signing of the 10-year contract with National Theatres for operation of Fox West Coast.

Mike Rosenberg and Charles Buckley, however, plan to trek west today. They have been here several weeks.

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Comerford Holding Gains in Hospital

WASHINGTON, March 18.—M. E. Comerford, who has been seriously ill at the Emergency Hospital here since Feb. 21, continues to show daily improvement, according to Dr. Walter A. Bloedorn, attending physician.

Dr. Bloedorn states that the improvement is definite and that the patient maintains the cumulative gain, making the ultimate outcome of his condition most hopeful.

Walsh Calls ITO Meet

SAN FRANCISCO, March 18.—Morgan A. Walsh, president of the I.T.O. of Northern California, has called a meeting at Sacramento for March 26 which about 35 exhibitors in the Sacramento Valley are expected to attend.

MITCHELL MAY, Jr. COMPANY
INC.

SPECIALISTS IN FILM and THEATRE INSURANCE

75 Maiden Lane New York

510 W. 6th St. Los Angeles Cal.

Purely Personal

ARTHUR A. LEE is back in town after a week in Hollywood conferring with MICHAEL E. BALCON, Gaumont British production head now on the coast arranging for an interchange of stars. LEE toured several western branch exchanges on his way back east.

•

DANNY FINKELSTEIN is in town. Says the reason for the trip is theatre business is so bad in Iowa he came to town to cry his eyes out here. Better background for his tears, or something like that.

•

OSCAR HAMMERSTEIN 2ND and JEROME KERN have been signed by M-G-M to write an original. The title of the picture will be "Summer Breeze."

Quip of the Day

To Jim Cunningham of Motion Picture Herald who reported that Sophie Tucker had "nonchalantly tossed five years into the ash-can," Ali Gaga retorts:

"That's one thing Shirley Temple can't do."

CLAUDE RAINS, who recently finished "The Clairvoyant" for Gaumont British in London, arrives today on the *Majestic*.

•

NATE BLUMBERG tomorrow leaves for Denver to be on hand for the reopening of the Orpheum under the RKO aegis.

•

LARRY DARMOUR flew in from Hollywood yesterday for conferences with Majestic officials on the new season's lineup.

•

HARRY H. BUXBAUM left for Miami yesterday, calling off that trip to South Africa.

•

KING CHARNEY of Agfa arrived from the coast yesterday on one of his periodical visits.

•

GEORGE SCHAEFER, Y. FRANK FREEMAN and AUSTIN KEOUGH did their lunching at the Astor yesterday.

CHARLIE FORD was at the receiving end of a surprise party at his own apartment Saturday night. He's editor of Universal Newsreel, you know. Among those present were TED SCHLANGER, CHARLES PAINE, PECK GOMERSALL, FRED MCCONNELL and the JIM CRONS.

•

LAURA LAPLANTE and her husband, IRVING ASHER, who is head of the London production department of Warners; ALFRED WEINER, owner of *Film Courier* of Berlin, and MRS. WEINER and GYLES ISHAM are due here today on the *Ile de France*.

•

EDWARD PESKAY, MAX FELLERMAN, HARRY SHIFFMAN, EUGENE PICKER, TOM MURRAY, LEO ABRAM, CHARLES MOSES, ROBERT WOLFF, IRVING WORMSER and AL JUDKOWITZ gathered at the Paramount Chop House for their mid-day meal yesterday.

•

W. RAY JOHNSTON and JACK JOSSEY were guests of HERMAN RIFKIN in Boston over the week-end. JOHNSTON returned to town yesterday while JOSSEY headed straight for Cleveland, his center of operations.

•

BRUCE BLEZARD and IRENE THOMPSON were married up in Greenwich over the week-end. They're on a short honeymoon now and will be back shortly.

•

NAT HOLT, RKO division head in Cleveland, and CHARLES KOERNER, division head in Boston, are in town conferring with home office circuit heads on bookings.

•

A. H. SCHWARTZ caught a 1,000-pound swordfish at Key West over the week-end and promises to bring home the sword as proof of his prize catch.

•

SIDNEY R. KENT is back from Florida.

•

Item from the *Nassau Daily Review*: Mr. and Mrs. THOMAS GERETY returned to Rockville Center yesterday from a South American cruise aboard the *Rotterdam*.

Block Booking Bill Indorsed by Lowell

Dr. A. Lawrence Lowell, honorary president of the M. P. Research Council, has endorsed the Pettengill bill for restriction of block booking and blind buying, according to a statement issued yesterday by the council.

Lowell, a former president of Harvard, was quoted in the council's press release as saying that he favored the bill because he is "unable to see that the practices of block booking and blind selling have any object except that of supporting a monopoly and obliging exhibitors to use films which for moral or other reasons they do not desire to exhibit."

Amos 'n' Andy Are Sued

Van Beuren sued Amos 'n' Andy and NBC in Supreme Court here yesterday, charging the comedians broke a contract in 1933 for a series of shorts. Damages of $181,995 are sought. The defendants have filed counterclaims.

Schulberg and Jaffe Sell Agency Shares

HOLLYWOOD, March 18.—As a result of a disagreement between Charles Feldman and Sam Jaffe, the Schulberg-Feldman-Jaffe agency has been dissolved with Ad Schulberg and her brother, Jaffe, getting $70,000 for their interest from Feldman.

Jaffe plans to join B. P. Schulberg as production manager of the latter's independent unit as soon as the former Paramount production head closes his deal for seven pictures. Paramount trustees in New York are considering approval of the Schulberg deal.

Kelland Yarn for Cantor

Samuel Goldwyn has picked a Clarence Budington Kelland story tentatively titled "Dreamland" as Eddie Cantor's sixth annual musical for United Artists. Howard Lindsay and Russel Crouse will adapt the story. Cantor will leave for the coast in May and the picture will start June 15.

Sirovich Asks Science, Art Cabinet Post

(*Continued from page* 1)

the genius of dramatic authors and writers is no longer pent up in the Utica of confination to small stages and auditoriums, but ranges the United States so that the lesser villages may now receive the same presentations as the major cities, and, instead of fustian and bucram, the backgrounds of film dramas are as realistic as if, as in many cases they are, they were the actual scenes of the words and actions of the plays shown on the film.

"Radio has become the handmaiden in modern days of the muse of music speeding her harmonies and melodies through the air to many millions of American homes."

Production Drops; 33 Features Going

(*Continued from page* 1)

while 43 features and 12 shorts are in the cutting rooms.

Warners led the field with seven features in work, one preparing and five editing; Fox had five, six and four; M-G-M, four, three and seven; Columbia, four, five and four; Paramount, four, two and five; Radio, four, one and five; Universal, zero, two and three; Roach, zero, zero and one; Century, zero, zero and three, while the independents had five, two and six.

In the short subject field Roach reported one before the cameras, two preparing and three editing. Universal had one, one and one; Columbia, one, zero and one; M-G-M, zero, three and five; Radio, zero, zero and two, while the independents had a total of three, six and two.

Frank Joyce Passes After Long Illness

HOLLYWOOD, March 18. — Frank Joyce, 43, died at the Good Samaritan Hospital following a year of a lingering illness. He had been a partner in the Joyce-Selznick Agency since 1928.

Joyce is survived by his widow, Dorothy West Joyce; two sons, and his sister, Alice Joyce (Mrs. Clarence Brown).

He was born in Kansas City, but went to New York while a young man and for four years was a vaudeville actor. Later he went into the real estate business. During the war he served in the navy and later became a hotel manager in New York and in Florida.

W. G. Strange Is Dead

NEW ORLEANS, March 18.—W. G. Strange, president of the Southern Amusement Co., operating out of Lake Charles, La., died Friday after a long illness at the age of 74 years. Strange was born in Louisville, Ark. He is survived by his widow, three brothers and one sister.

May Move Para. Branch

ATLANTA, March 18.—Paramount may switch its exchange to the Samuels building, near its present quarters on Walton St.

'Time' Shifts Sales Method; Will Expand

(*Continued from page* 1)

more densely populated than others, could be expected to return more revenue as, for example, Ohio as compared with Mississippi which has less population and also less whites.

The result of a national investigation conducted by a corps of auditors now is described as a "national standardized price policy of uniformly equal prices in equal sales situations." Developed at a recent Detroit meeting of "The March of Time" and First Division branch managers and salesmen, it was stated yesterday that the first workout of the new idea was tried in Michigan with results "so gratifying that its sponsors feel it is now ready to be introduced nationally."

Coupled with it will be a national promotional campaign which may run to as high a cost as $40,000 monthly. The pages of *Time* and *Fortune,* as well as radio time on "The March of Time" weekly broadcast, will be the basis to which will be added newspaper advertising and paid space in a number of national media. The anticipation is the results will be fruitful in that the full advantage of the ballyhoo will be reaped while each release is in distribution. It is planned to withdraw each from circulation at the end of four weeks.

Exhibitors to Get Refunds

The price revision includes refunds on all contracts taken at prices higher than the new scale now being whipped into final shape. Where an exhibitor pays less than $50 a release on a six release basis and where his experience with four subjects tells him the price is too high, he may cancel and "The March of Time" promises to return 50 per cent of his rental price. Any account signing for six releases automatically gets an option on the following group of 12. If, however, "The March of Time" desires to cancel for a competitive sale elsewhere, the producer agrees to pay the exhibitor half of the rental on the initial six. There will also be a credit of 10 per cent of the total contract for accessories, this applying to new contracts on the new selling basis.

Actual sales under the new order will be handled through a new company known as The March of Time Distributors, Inc., as apart from The March of Time, Inc., the producer, and First Division, the actual distributor. Roy E. Larsen, Harry H. Thomas and Ralph Rolan are officers. Fred McConnell, W. P. Garyn and Richard Beck, Jr., will transfer from the producing company to the new distributing company. Additional representatives probably will be added in the impending drive for wider distribution.

First Division, according to Thomas, will keep pace although he failed to explain in detail how yesterday. Extension of direct production was hinted with the arrival back on the coast of Nicholas Ludington.

"Diggers" Being Held

"Gold Diggers of 1935" will be held a second week at the Strand.

K.C. Showmen Join Fight on Claims Racket

(*Continued from page* 1)

members: E. C. Rhoden, Fox Midwest division manager; Jay Means, head of the I. T. O.; George S. Baker, Publix Newman manager; John McManus, Loew's Midland manager, and C. A. Schultz, Commonwealth theatres.

A contribution of $1,000 is sought from theatres toward the fund of between $15,000 and $20,000 it is estimated will be required to set up the protective bureau. As one of its first activities, the bureau plans to concern itself with false injury claims against theatres.

The seriousness of the situation for exhibitors, especially the smaller ones, is seen in the fact that about 30 independent suburban houses are not covered by liability insurance, while they are one of the chief targets for fake injury claims and lawsuits. Only about 10 theatres of this type carry insurance.

The absence of coverage is explained by the prohibitive cost, the liability rate for theatres having been boosted from 10 cents a seat to 40 cents. The insurance companies blame the growth of the claim racket for the excessive cost and in some instances refuse to cover theatres even at the high rate.

Century-RKO Case Testimony Halted

(*Continued from page* 1)

and Louis Nizer, representing the respondent. Yesterday's meeting was the shortest of the eight with only one and a half hours actually being devoted to the examination and cross-examination of witnesses. Prior to the start of the hearing, the board was tied up in executive session for an hour discussing various phases of the case.

Klupt took about 15 minutes to wind up his case with Nizer following. Tom Murray of Century, Walter Gutteridge, manager of the Strand and Columbia, Far Rockaway; Fred Schwartz, son of A. H. Schwartz; Al Judkowitz, owner and interested in the operation with RKO of the two Far Rockaway units; James Finey, of the RKO home office booking department; J. G. Heines, manager of the Alden, Jamaica; Charles McDonald, RKO division manager, and John O'Connor, head RKO buyer and booker, were the witnesses of the day.

Advertising of RKO and the Fantasy, Rockville Center, was the principal topic of discussion.

There was a considerable furore when the Alden mailing list was brought up again after the board had ruled out further testimony and references. McDonald was first questioned on the list by Nizer, who appealed to the board to admit further testimony on the subject. Nizer defied Klupt to prove that RKO bought a list of names from a swimming pool for the Alden and this started the commotion with Klupt and Nizer exchanging remarks that were stricken from the record.

Nizer then tried to examine O'Connor on an analysis he made of auto license numbers taken down by two Century employes. Klupt objected and another hectic argument followed with the result that an executive session was called again and all reference deleted from the record.

Both attorneys tallied 15 objections for the short period, making a new total of 159 for Nizer and 136 for Klupt.

Summations will be held Thursday with the Century counsel taking the floor first.

Wall Street

Big Board Has a Bad Day

	High	Low	Close	Net Change
Columbia vtc (1).	40½	39¾	40	—1
Consolidated	4½	4⅛	4⅛	— ½
Consolidated pfd. (1v)	18	17⅝	18	— ⅜
Eastman (5)	117⅜	116¼	117⅜	— ⅛
Fox "A"	8⅞	8⅝	8⅝	— ⅜
Loew's (2)	34	32⅞	33⅝	— ⅜
Loew's, pfd. (6½).	104	103¼	103¼	— ¾
Paramount	2⅝	2⅜	2½	.....
Pathe	⅝	½	⅝	.....
Pathe "A"	12	11⅞	12	— ½
RKO	1¼	1¼	1¼	— ⅛
Warner	2⅝	2⅜	2½	.....

Curb Issues Take a Loss

	High	Low	Close	Net Change
Technicolor	15⅛	14⅝	14⅞	— ⅜
Trans-Lux (.10k)	2⅜	2⅜	2⅜	— ⅜

Warner Bonds Drop a Point

	High	Low	Close	Net Change
General Theatre 6s '40	6⅝	6½	6½	— ⅛
General Theatre 6s '40 ct....f....	6⅝	6⅝	6⅝	.....
Keith B. F. 6s '46	68⅛	68	68	— ⅛
Loew's 6s '41 ww deb rights...	104⅜	104⅝	104⅝	.....
Paramount B'way 5½s '51	48½	48½	48½	— ¼
Paramount F. L. 6s '47	69⅜	69⅜	69⅜	— ⅝
Paramount Publix 5½s '50	71	70⅛	70¾	.....
Pathe 7s '37 ww..	103½	103½	103½	— ⅛
Warner Bros. 6s '39 wd	49½	49	49	—1

(k) Paid this year. (v) Defaulted in principal but not in interest.

(Quotations at close of March 18)

Dozen Amendments For Code Approved

(*Continued from page* 1)

amendments cover vaudeville sections of the code.

The 1934 budget of $203,589.12 has been signed by W. A. Harriman, administrative officer of the N.I.R.A. Unless objections are filed by March 22, the budget becomes effective April 6.

Of the 21 decisions on appeals announced yesterday, nine involved bank nights in various forms, in each instance discontinuance was ordered. I. B. Adelman of the Delman, Houston, Tex., won on the clearance appeal by the Texan, Iris, Ritz, Kirby, Majestic, Metropolitan and State, same city. The local board held that 75 days after first run Houston with 14 days to clear was reasonable in Adelman's case with Campi upholding the decision. The Philadelphia ban on premiums was reversed, as exclusively reported in MOTION PICTURE DAILY Feb. 5.

Flash Review

Liliom—American audiences should enjoy this French production...

This film will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Philadelphia Meeting Gets Hot Over Tax

(*Continued from page* 1)

board. Members of the M.P.T.O. also were present, but no circuit representatives attended.

Those invited to speak included William Brown, Pittsburgh exhibitor; Fred Herrington, secretary of the western Pennsylvania Allied unit; Sidney Samuelson, Allied president, and David Barrist, I.E.P.A. member.

Barrist was the first speaker. He said that Warners had sponsored a drive to help the Republican candidate for governor at the last election, with the result that a Democrat had won and there was feeling in the present administration against the industry. He declared that circuits were "selling the independents down the river in return for an open Sunday." He called it "the betrayal of the independent," but offered no proof to support his arguments.

Brown, a member of the state industry steering committee, reviewed the work of the committee to date.

Asked by Charles Segall what the heralded charges were, Barrist said the purpose of the meeting was to prevent a swap or compromise measure in return for Sunday shows.

Herrington, a member of the steering committee, said that circuit representatives had dropped out of the committee's work one by one. Warner and Loew representatives were named as among those who had quit. Wilmer & Vincent representatives are still active, it was stated. Herrington quoted a conversation designed to show that M. J. O'Toole, Comerford representative, had withdrawn from the committee "on orders from New York."

Herrington declared that Lewen Pizor, M.P.T.O. president, was supporting the alleged deal on the part of the circuits with the administration.

Jack Cohen leaped to his feet and hotly defended Pizor. He declared that Pizor was doing good work. He said he had attended a conference with the Governor at which Pizor also was present and that Pizor had made no deal, but had tried to show the Governor the plight of the industry.

Darrow Delays His Testimony on NRA

(*Continued from page* 1)

NRA situation, Clarence Darrow today did not appear before the Senate Finance Committee investigating the NRA, but is expected to do so Wednesday. Discussing the inquiry, Darrow today characterized it as a "whitewash," pointing out that he was apparently the only opponent of the NRA to be called.

S. Clay Williams, chairman of the National Industrial Recovery Board, continuing his testimony before the committee, today flatly denied that either the Recovery Act or its administration had brought about the suspension of the anti-trust laws beyond the point necessary to effectuate the basic requirements of the law.

Universal City, '15-'35: Its Genesis and History

1915



Opening of Universal City March 15, 1915. This historic picture shows Carl Laemmle being greeted by the "chieftess" of studio police; Isadore Bernstein, then studio general manager; P. A. Powers is at Laemmle's left.

HOLLYWOOD, March 18.—When producers pioneered into California, warm bright sunshine and natural beauty also attracted Carl Laemmle who had been filming Universal pictures previously at Fort Lee, N. J. Fresh from Kenosha, he built his first studio at Gower and Sunset, in Hollywood.

There was a great deal of activity in the little studios, which employed sunlight exclusively for photographic purposes back in 1912 and two years later the Gower Street "plant" was so crowded, Laemmle began to worry about larger quarters. The town itself was beginning to grow, thanks to the picture industry, and real estate prices boomed.

Besides, there was an increasing demand for westerns which could not hold 50 horses, so Carl, Senior, felt the best investment he could make would be to buy a large ranch and build a plant that would met the needs of every type of picture from westerns to serials to animal films to comedies. So he began pioneering again at distant places for a site that would match his ambition.

For more than six months, Universal agents scoured the surrounding countryside. Finally, early in 1914, Isadore Bernstein, then manager of Universal Studios, negotiated for the purchase of the Taylor estate, in what was then Lankershim. The property was located five miles from the heart of Hollywood and about 13 miles from the Alexandria Hotel, then the hub of Los Angeles. Two hundred and thirty-five acres and ideally suited for picture making. Laemmle pondered.

Through Stanley Anderson, who later developed Beverly Hills, Bernstein acquired the Taylor estate and was ordered to prepare for Laemmle's approval, his concept of what the "world's largest studio" should encompass. This was the beginning of Universal City, which today extends west from Dark Canyon Road, the Burbank city limits, to Lankershim Blvd., the main street of North Hollywood. Scenes representing every corner of the globe have been filmed here and from the studios located here have gone more than 2,250 pictures which have made film history and brought fame and fortune to many stars, writers, directors and producers.

Long before a street car line approached this "magic city" of the San Fernando Valley, the site of Universal City was the scene of a modest little war. Spanish invaders from northern California came down to El Camino Real from San Francisco and, following the inhabitants of the Puebla, heard of the advancing forces and marched north along the riverbed until they met the attackers. It is said that for three days there was gun fire, a lot of noise and, after a mule had been killed and two men wounded on each side, the clashing warriors got together and celebrated peace with a huge fiesta and the valley was quiet again.

Without assistance and although he was managing the affairs of 20 companies making pictures every week, Bernstein laid out Universal City, even to the point of arranging a residential section, enabling the studio thus to obtain the rating of a fourth-class city with its own governmental post office. He designed the buildings and acted as contractor with William Horsley as head of the construction crew.

In the fall of 1914, construction crews began clearing the western end of the ranch, leveling off sites for stages and building roads, particularly "Laemmle Boulevard," a paved street a mile long leading from the front admission gate to the "Back Ranch." Presently the farming community of Lankershim began to grow into a city of considerable size, for those who did not and could not live at Universal City bought property and moved there. In October, 1914, there were nearly 500 inhabitants of Universal City, among them 75 Indians, who lived in tepees on the edge of the hill; western riders, "soldiers" and workmen and 125 head of horses.

By December, 1914, the administration buildings, cafe, stables, hospital, and post office were complete. At first, open stages were built, to accommodate overflow production from Gower St. The new stages were large enough for several companies at one time. North of the sets were the dressing rooms and over the dressing rooms was a huge grandstand where tourists and visitors were admitted at a small charge, the whole thing resembling a baseball park in many ways. Visitors came to the studio in busses, mounted the bleachers and were permitted to applaud so long as they did not disturb the work before the box cameras.

The crowning achievement of this early plant was "the electric stage." Pioneering again, a stage electrically equipped was erected between the electrical department and the scenario building, which was closed in and not open to the bleacher visitors. On this stage the first "trick" shots were photographed. Nearly 50 pictures were completed at Universal City before the grand official opening and filmland's finest zoo had become so well established that elephants, camels, and even trained lions made their way about the back ranch with homelike nonchalance.

March 15, 1915, had been heralded as the opening day for this then wonder city. Colored posters had been tacked in railway stations from coast to coast, promising thrills never before experienced would assail the eyes and ears of California visitors when Universal City opened.

A special train from New York picked up Universal branch office managers and leading exhibitors at Chicago, Kansas City and Denver.

1916



They charged a quarter to see how pictures were made in those days. Scene at Universal City when a "Rubberneck Wagon" made regular trips from Los Angeles to the studio. Tourists were the customers and they came in droves.

Buffalo Bill met the party at the Grand Canyon and crowds at every station sped them to the show. At San Bernardino, Bernstein and studio officials ballyhooed their arrival and the 100 passengers motored into Los Angeles.

Early next morning, Monday, March 15, the visitors headed a motorized caravan through Hollywood, over Cahuenga Pass and down into the valley to the main gate of Universal City. Here a crowd of more than 20,000 saw the west's first woman police chief, Laura Oakley, present Laemmle with the golden key to the chain lock.

As a band played the national anthem, a flag was pulled to the top of the flag pole, and Laemmle with a grand gesture and his smile, opened Universal City and studios. R. H. Cochrane, vice-president, P. A. Powers, treasurer, Joe Brandt and Bernstein proudly assisted their chief. U. K. Whipple, camera man who was later to become a famed war photographer, ground off newsreel scenes.

As visitors entered the grounds on their first tour of inspection, cowboys, mounted actors costumed as Union and Confederate soldiers; Indians, in full war paint and regalia, acted as guides and guards. During the lunch hour, the guests of honor were served in the studio restaurant, and famous players of those days were introduced between speeches of greeting and well wishing.

When luncheon was over, the party

(*Continued on page* 19)

1918



Reunion at the studio. The group includes Eddie Lyons, kneeling; Tom D. Cochrane, Dorothy Phillips, Rupert Julian, Mary McLaren, Carl Laemmle, Monroe Salisbury, Priscilla Dean, Marie Walcamp, P. A. Powers and Eddie Polo.

1921



In the days when a young unknown named Irving Thalberg was beginning to win his spurs. He was then Carl Laemmle's secretary. This is one of the prized photographs from the Laemmle collection over the years.

1931



Carl Laemmle acquainting Professor Albert Einstein with some of the intricacies of production as well as some of its problems. In the group also are Mrs. Einstein and, at the left, Mrs. Stanley Bergerman, nee Rosabelle Laemmle.

1932



When Ignace Paderewski, world famous pianist and wartime premier of Poland, visited the "Back Street" set. From the left: John M. Stahl, who directed the picture; Laemmle, who produced it; Irene Dunne, who starred in it, and Lew Ayres.

20th ANNIVERSARY OF UNIVERSAL STUDIOS

Not Millions – But Billions!

While I have been in this business 29 years, this is really the 20th Anniversary of Universal because the first nine years of my picture career only led up to Universal. Then we opened Universal City. I wish I could find words to express my deep-seated joy in being able to commemorate this 20th year.

Twenty is a lot of years for any company to remain unchanged as a world-wide organization.

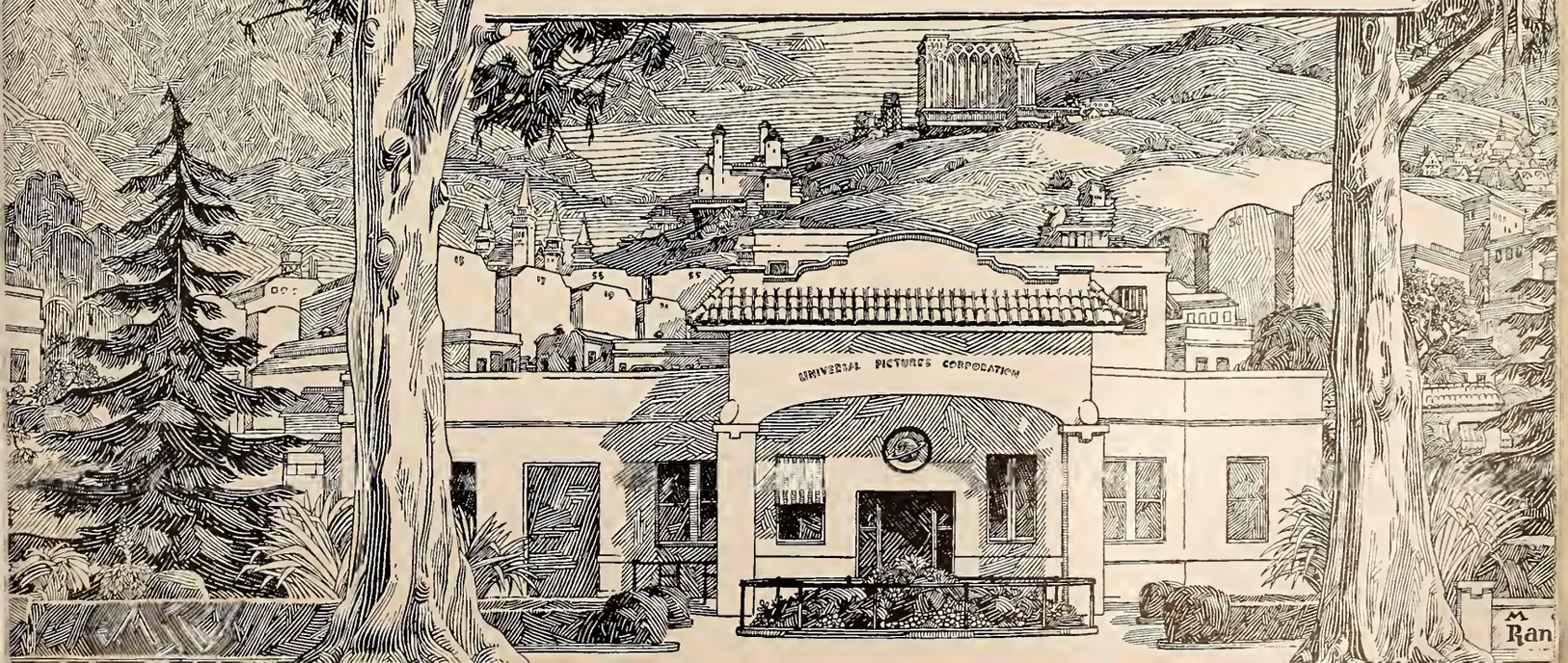
I am therefore extremely happy on this occasion to thank my associates and co-workers who have helped to make possible such a glorious past, and those of you who are now wholeheartedly helping to preserve the name and integrity of Universal for the future.

What can I say? How can I adequately put into words what I now feel? I don't know. I am stumped. So I won't try.

I'll just say to each and every one of you—thanks, a million thanks. But that is not enough. Today we deal in billions instead of millions. So, I say billions of thanks for the perfectly glorious way in which you have stood by me through thick and thin.

Carl Laemmle

U N I V E R S A L



20th ANNIVERSARY OF UNIVERSAL STUDIOS

Carl Laemmle

presents

JEAN PARKER

and

CHESTER MORRIS

in

"PRINCESS O'HARA"

with

LEON ERROL, VINCE BARNETT
VERNA HILLIE, HENRY ARMETTA
and RAYMOND HATTON

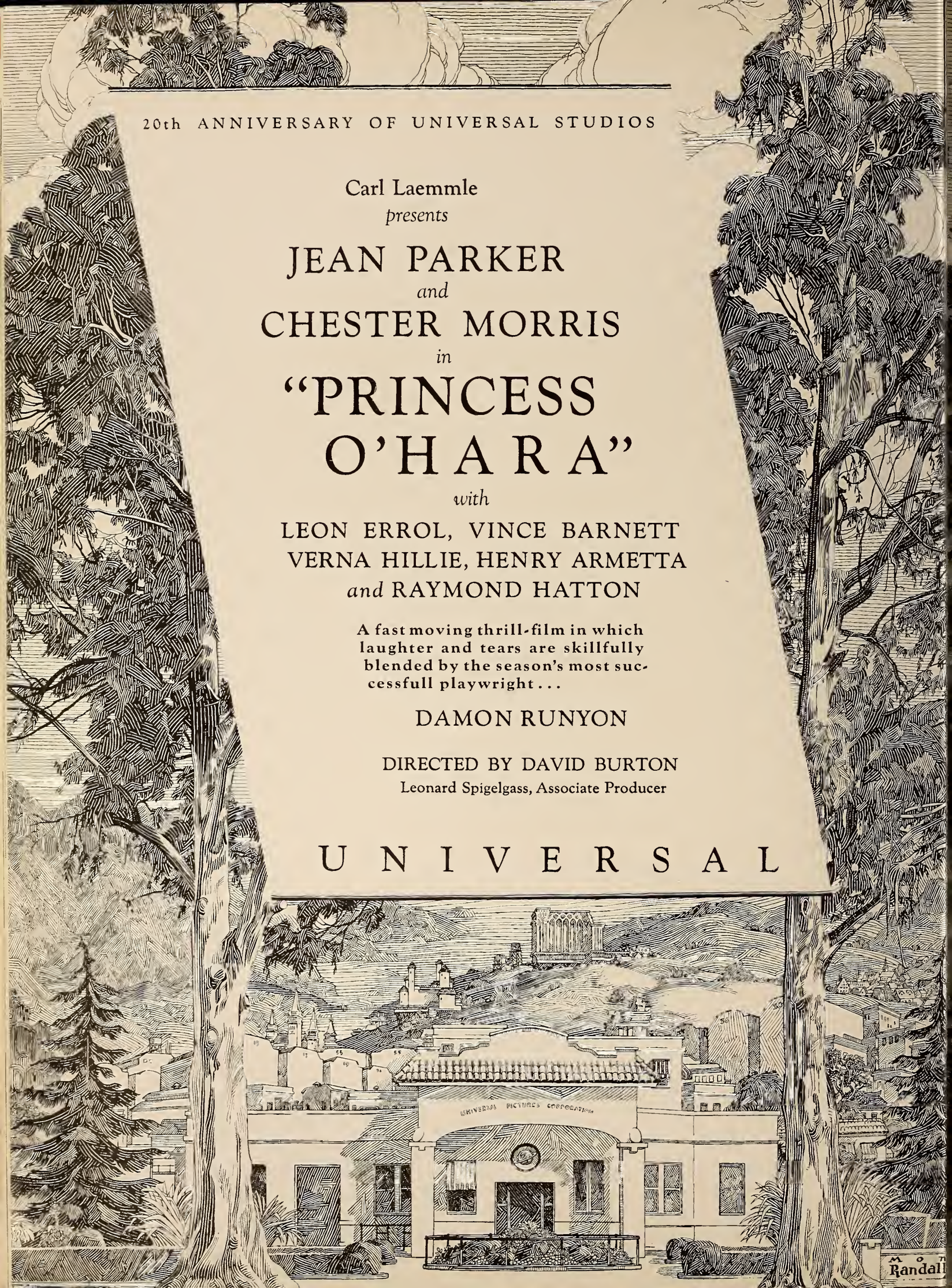
A fast moving thrill-film in which laughter and tears are skillfully blended by the season's most successfull playwright . . .

DAMON RUNYON

DIRECTED BY DAVID BURTON

Leonard Spigelgass, Associate Producer

U N I V E R S A L



Randall

20th ANNIVERSARY OF UNIVERSAL STUDIOS

Carl Laemmle

presents

"IT HAPPENED IN NEW YORK"

with

LYLE TALBOT
GERTRUDE MICHAEL
HEATHER ANGEL
HUGH O'CONNELL

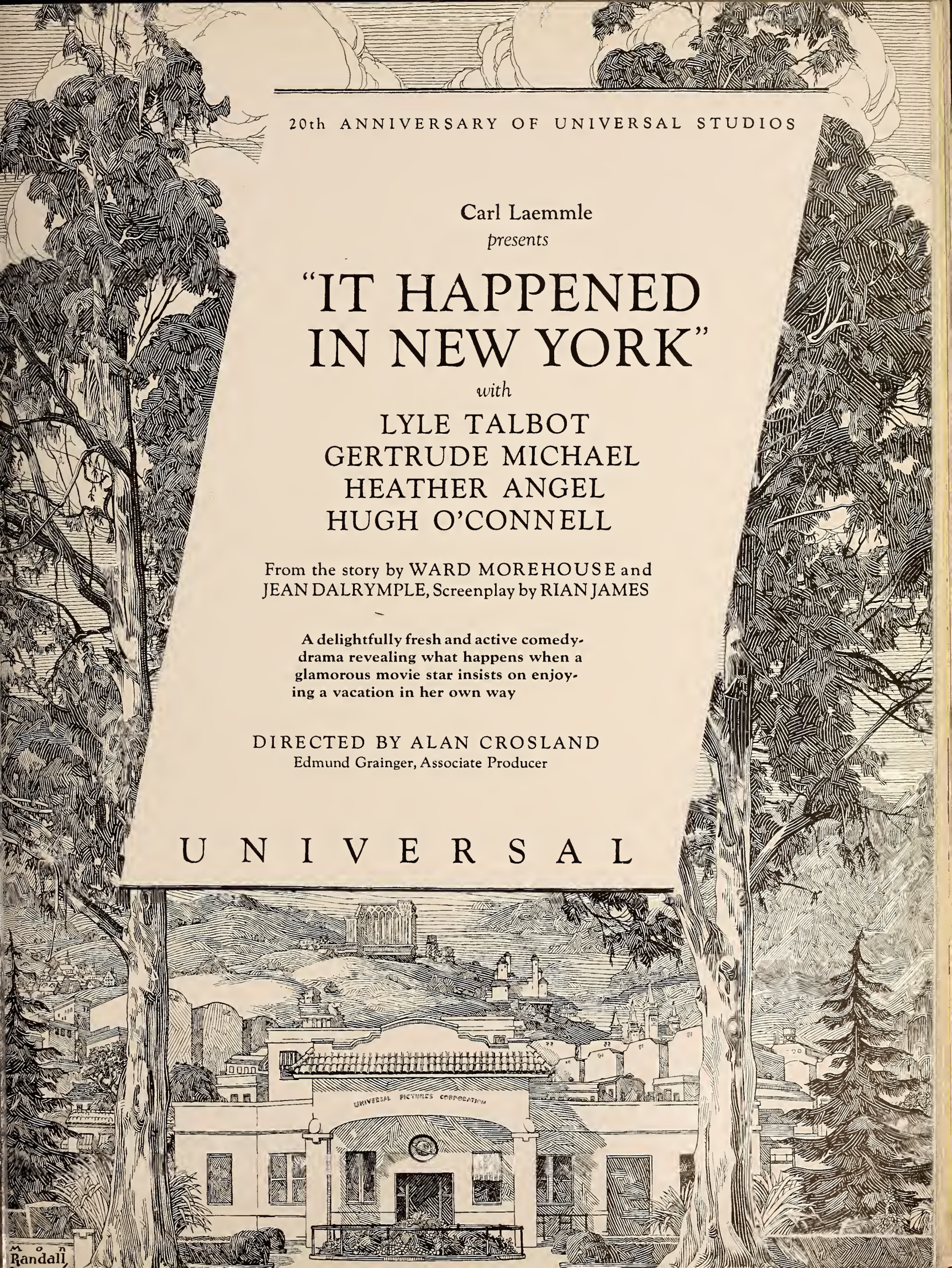
From the story by WARD MOREHOUSE and JEAN DALRYMPLE, Screenplay by RIAN JAMES

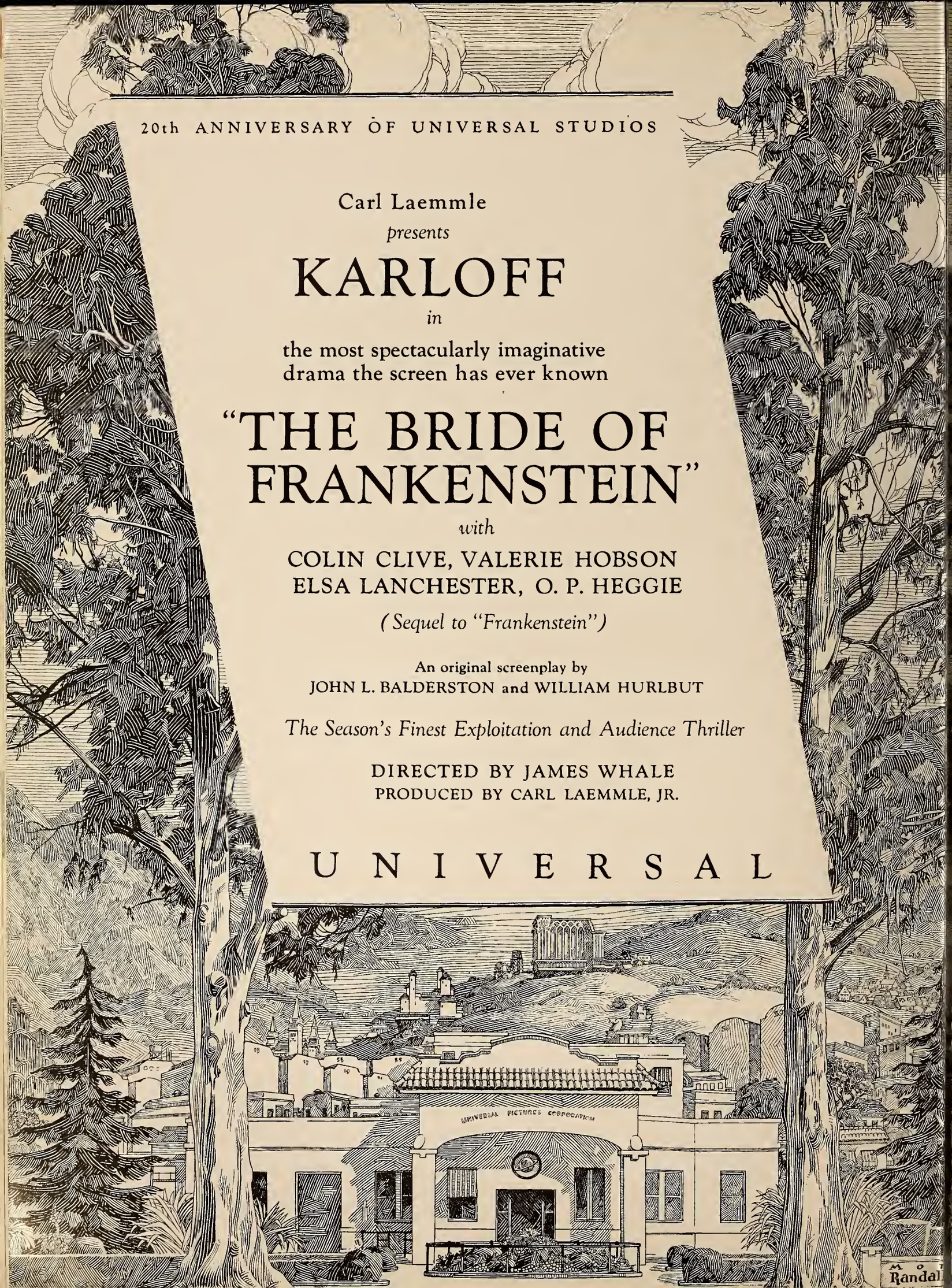
A delightfully fresh and active comedy-drama revealing what happens when a glamorous movie star insists on enjoying a vacation in her own way

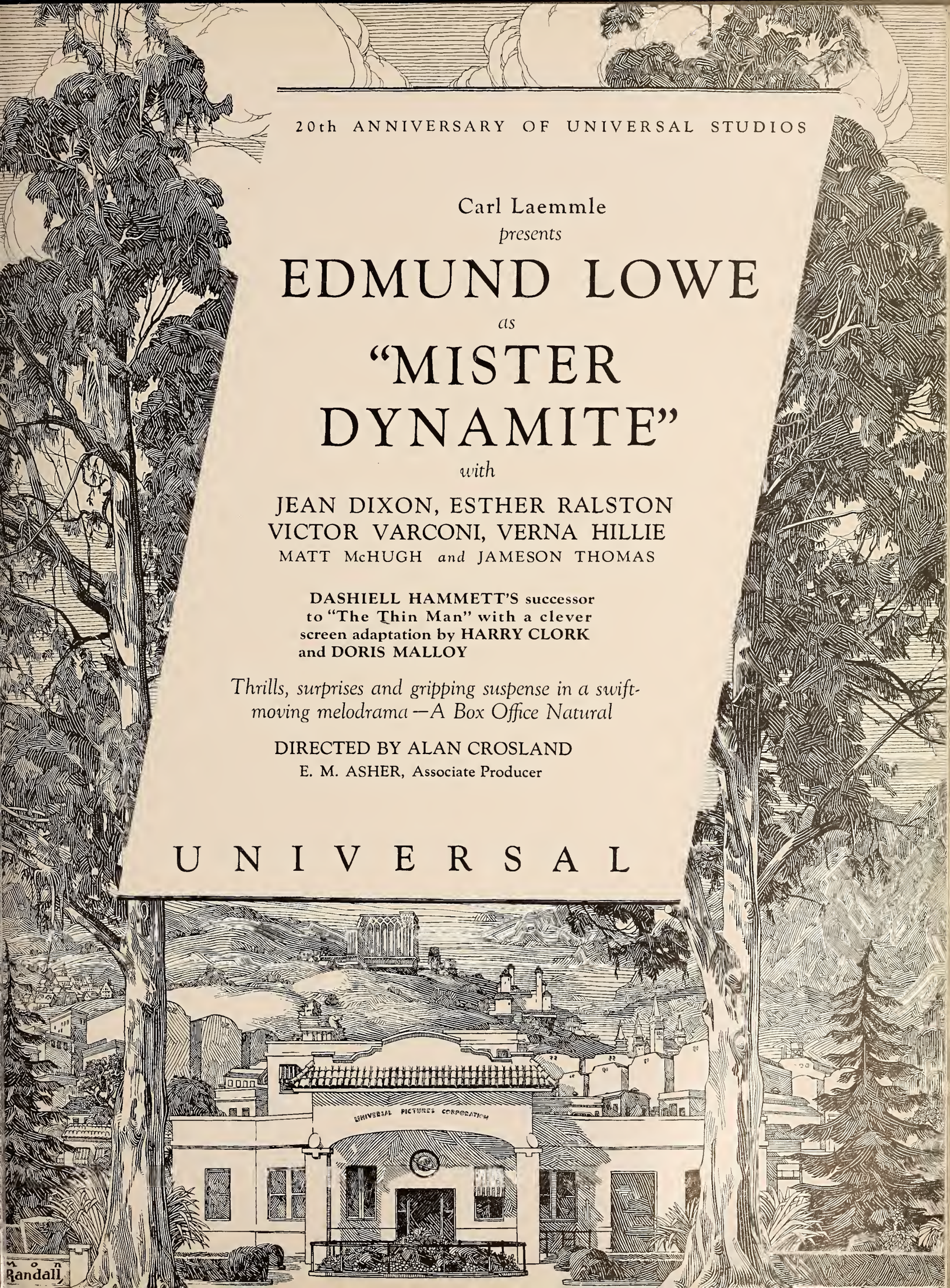
DIRECTED BY ALAN CROSLAND

Edmund Grainger, Associate Producer

UNIVERSAL




20th ANNIVERSARY OF UNIVERSAL STUDIOS
Carl Laemmle
presents
KARLOFF
in
the most spectacularly imaginative
drama the screen has ever known
"THE BRIDE OF FRANKENSTEIN"
with
COLIN CLIVE, VALERIE HOBSON
ELSA LANCHESTER, O. P. HEGGIE
(Sequel to "Frankenstein")
An original screenplay by
JOHN L. BALDERSTON and WILLIAM HURLBUT
The Season's Finest Exploitation and Audience Thriller
DIRECTED BY JAMES WHALE
PRODUCED BY CARL LAEMMLE, JR.
UNIVERSAL
UNIVERSAL PICTURES CORPORATION


20th ANNIVERSARY OF UNIVERSAL STUDIOS
Carl Laemmle
presents
EDMUND LOWE
as
"MISTER DYNAMITE"
with
JEAN DIXON, ESTHER RALSTON
VICTOR VARCONI, VERNA HILLIE
MATT McHUGH and JAMESON THOMAS
DASHIELL HAMMETT'S successor to "The Thin Man" with a clever screen adaptation by HARRY CLORK and DORIS MALLOY
Thrills, surprises and gripping suspense in a swift-moving melodrama—A Box Office Natural
DIRECTED BY ALAN CROSLAND
E. M. ASHER, Associate Producer
UNIVERSAL
UNIVERSAL PICTURES CORPORATION
Randall

20th ANNIVERSARY OF UNIVERSAL STUDIOS

Carl Laemmle

presents

HENRY HULL

and

WARNER OLAND

in

"THE UNHOLY HOUR"

with

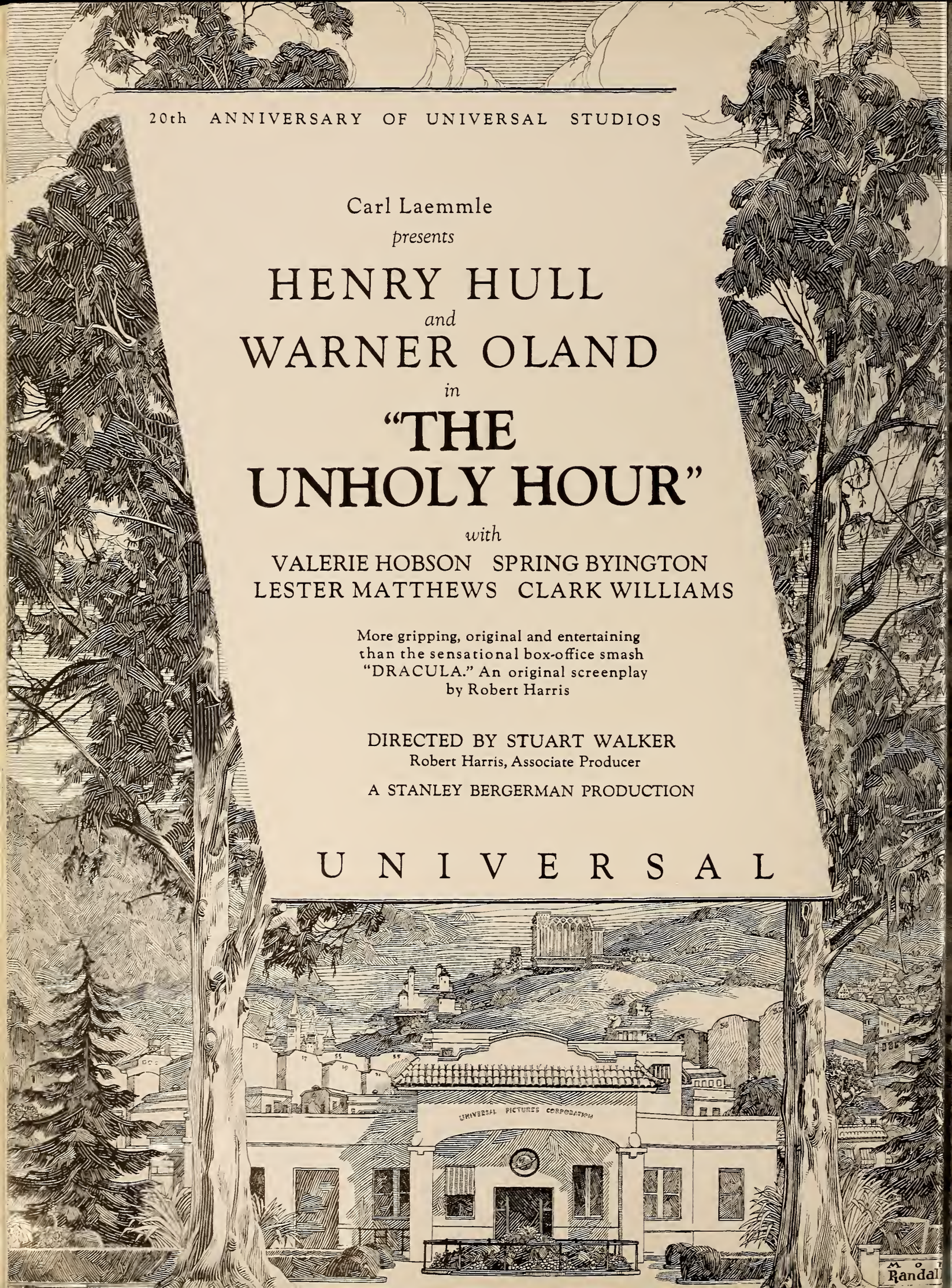
VALERIE HOBSON SPRING BYINGTON
LESTER MATTHEWS CLARK WILLIAMS

More gripping, original and entertaining
than the sensational box-office smash
"DRACULA." An original screenplay
by Robert Harris

DIRECTED BY STUART WALKER
Robert Harris, Associate Producer

A STANLEY BERGERMAN PRODUCTION

U N I V E R S A L





20th ANNIVERSARY OF UNIVERSAL STUDIOS

Carl Laemmle
presents
Three Screen Classics

IRENE DUNNE
in
"SHOW BOAT"

The Edna Ferber-Florenz Ziegfeld All Time Theatrical Hit
DIRECTED BY JAMES WHALE
A CARL LAEMMLE, JR. PRODUCTION

A Best Seller for Five Years
"MAGNIFICENT OBSESSION"

by LLOYD C. DOUGLAS
DIRECTED BY JOHN M. STAHL
who made those great hits "IMITATION OF LIFE"
"BACK STREET," "SEED," "ONLY YESTERDAY"

Blaise Cendrar's Epic of Gold Rush Days
"SUTTER'S GOLD"

Screenplay by GENE FOWLER
DIRECTED BY HOWARD HAWKS

1930

"All Quiet on the Western Front"
"King of Jazz"
"Hell's Heroes"
"College Love"
"The Cat Creeps"
"Shanghai Lady"
"Little Accident"
"A Lady Surrenders"

1931

"Seed"
"Frankenstein"
"Dracula"
"East of Borneo"
"Waterloo Bridge"
"Strictly Dishonorable"
"Spirit of Notre Dame"
"Murders of the Rue Morgue"

1932

"Airmail"
"Back Street"
"The Mummy"
"Once in a Lifetime"
"Tom Brown of Culver"
"All American"
"Okay, America!"
"Impatient Maiden"

1933

"Private Jones"
"The Big Cage"
"Only Yesterday"
"Counsellor-at-Law"
"Saturday's Millions"
"Invisible Man"
"By Candlelight"
"Kiss Before the Mirror"

1934

"Imitation of Life"
"The Good Fairy"
"One More River"
"Little Man, What Now?"
"Night Life of the Gods"
"Man Who Reclaimed His Head"

CARL LAEMMLE, JR. PRODUCTIONS . . . .

UNIVERSAL PICTURES

Now Producing

"THE BRIDE OF FRANKENSTEIN"
Starring KARLOFF

•

Preparing

"SHOWBOAT," Starring IRENE DUNNE
An Untitled MARGARET SULLAVAN Production
An Untitled IRENE DUNNE Production
Two Untitled All-Star Productions



"THANKS!"

to exhibitors who elected me the "ranking Western star" in the 1934 Motion Picture Herald Box Office Poll

BUCK JONES

MOST RECENT

UNIVERSAL

RELEASES

"Stone of Silver Creek"

"The Crimson Trail"

1935-1936

UNIVERSAL

RELEASES

"ROARING WEST"

A 15-Chapter Serial

and

8

BUCK JONES

ADVENTURE

FEATURES

20th Anniversary of Universal Studios

20th Anniversary of Universal Studios



MARGARET SULLAVAN

CO-STARRED WITH HERBERT MARSHALL

in

"THE GOOD FAIRY"

UNIVERSAL PICTURES

20th Anniversary of Universal Studios



DOUGLASS MONTGOMERY

FEATURED PLAYER IN

"MYSTERY OF EDWIN DROOD"

and other outstanding

UNIVERSAL PICTURES

20th Anniversary of Universal Studios



SALLY EILERS

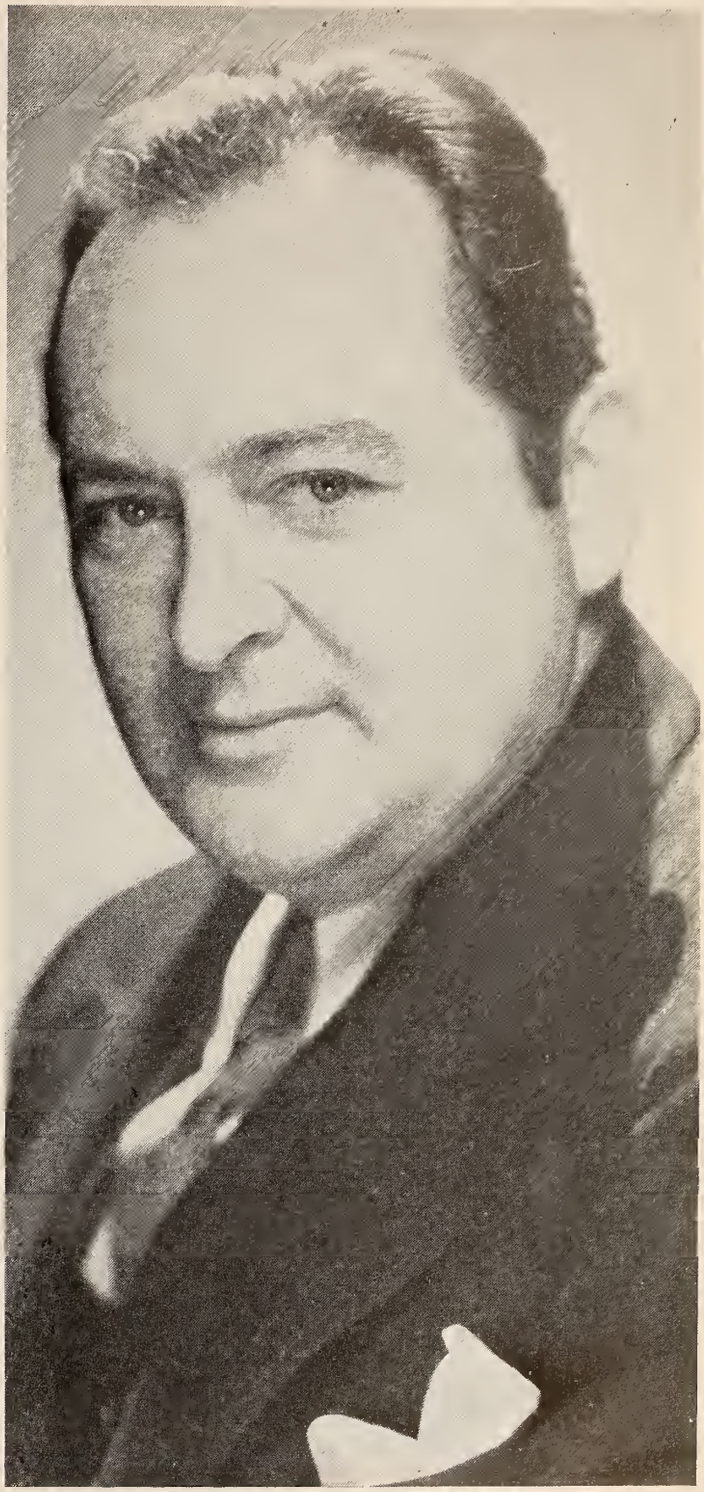
STARRING IN

"ALIAS MARY DOW"

and other

UNIVERSAL PICTURES

20th Anniversary of Universal Studios



EDWARD ARNOLD

(Under Contract to B. P. Schulberg)

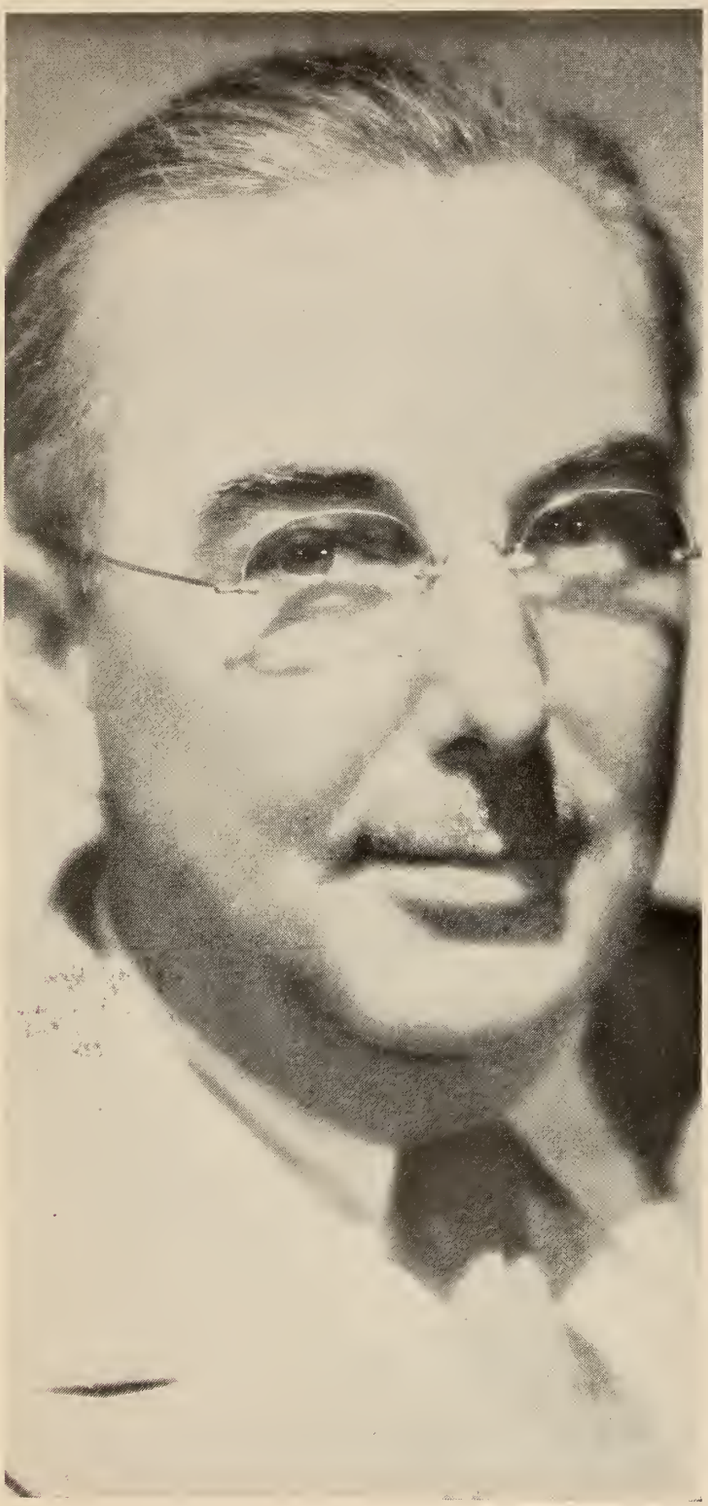
IS GRATEFUL FOR THE OPPORTUNITY TO PORTRAY THE MOST GLAMOROUS CHARACTER OF OUR DAY - - - -

"DIAMOND JIM"

FOR

UNIVERSAL PICTURES

20th Anniversary of Universal Studios



STUART WALKER

DIRECTED

"ROMANCE IN THE RAIN"
"GREAT EXPECTATIONS"
"MYSTERY OF EDWIN DROOD"
"THE UNHOLY HOUR"

To

Carl LAEMMLE:

Congratulations

on twenty years of Constructive Service to the Motion Picture Industry

●

WESTERN COSTUME CO.

J. I. SCHNITZER, President

To the esteem of . . .

CARL LAEMMLE

for constructive service,

and

UNIVERSAL PICTURES

for showmanship merit,

we add our

heartiest congratulations

on this,

the 20th ANNIVERSARY

of the founding of

UNIVERSAL CITY.

J. E. BRULATOUR, INC.,

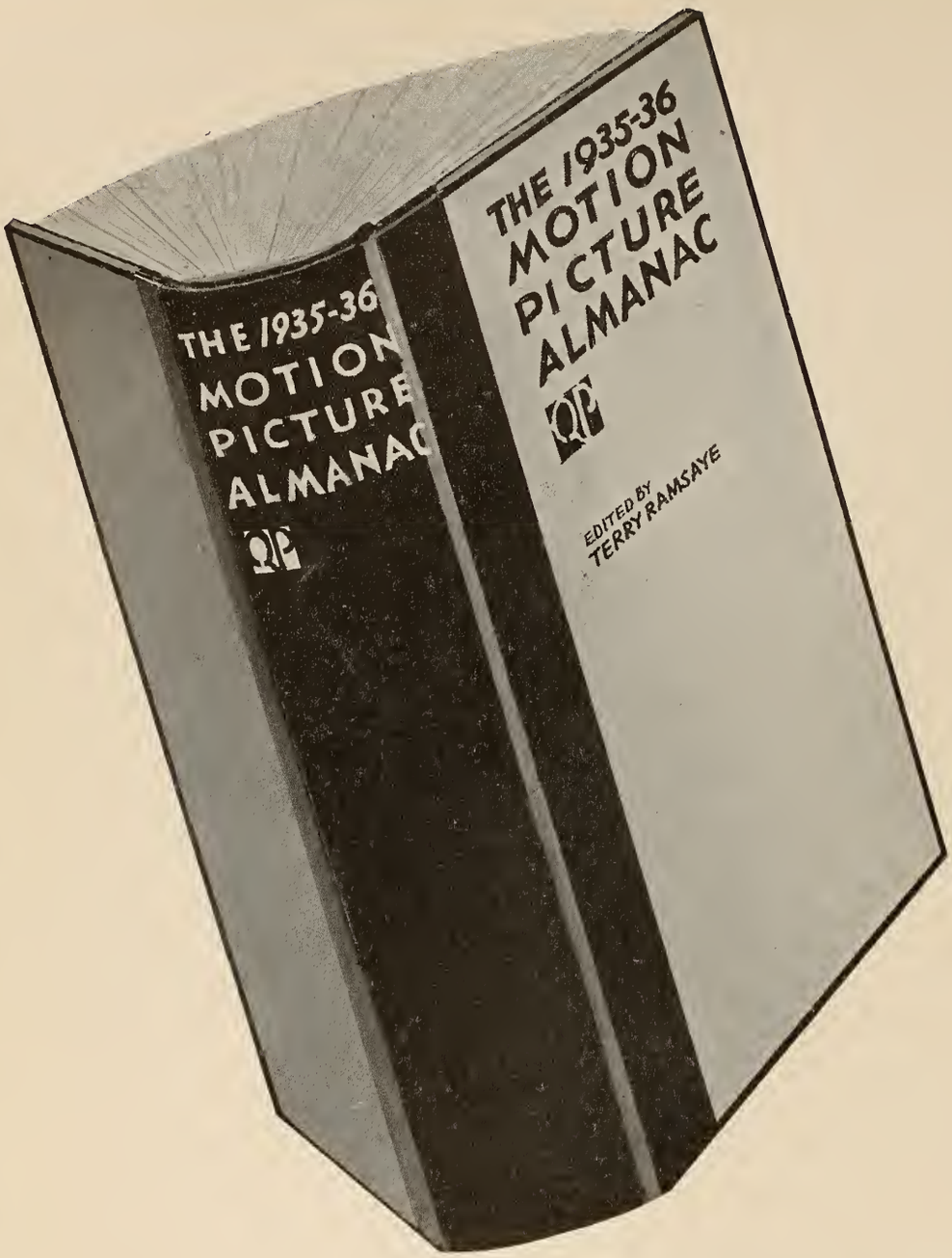
Sole Distributor

EASTMAN

Motion Picture Film

NEW YORK FORT LEE, N. J. LONG ISLAND CITY, N. Y.

CHICAGO HOLLYWOOD



MOTION PICTURE ALMANAC appearing in mid-year, presents on day of publication the complete documentary record of a full show year of industry activity. Its exhaustive aggregation of facts plus its periodic timeliness gives it the highest motion picture reference values.

MOTION PICTURE ALMANAC

1935-36 Edition Now in Preparation

Universal City, '15-'35: Its Genesis and History

(*Continued from page 4*)

returned to the lot to behold new miracles. The first event was a battle. The *Motion Picture News* correspondent reported:

"Francis Ford staged a battle on the greensward, surrounded by a natural amphitheatre of hills—the very location in which 'Damon and Pythias' had been photographed."

When the battle ended, automobiles carried the guests to the back ranch, where Henry MacRae's 101 Bison Co. staged a spectacular scene from "The Flood," starring Marie Walcamp. Thousands gasped as a huge reservoir, high in the hills, released tons of water which came rushing toward the cameras, tossing Miss Walcamp and her supporting players around in foamy white waves while excited cameramen recorded the scene and the crowd cheered. From the MacRae set, the party went to see Princess Ibrahim Hassan playing the romantic story of her own life, then visited Al Christie's Nestor Comedy company at work.

At sunset, a barbecue supper was served by soldier, cowboy and Indian actors. And after the barbecue, a grand ball was held on the "electric stage." Laemmle, Messrs. Cochrane and Powers sat in a special box and reviewed the grand march, led by Charles ("Daddy") Manley, an 86-year-old actor, and "Mother" Benson, character actress of the day. The paraders marched to a tune composed by Norman McNamer especially for the occasion. General Manager Bernstein, though tired from a day of excitement, participated in the march, carrying Junior Laemmle on his shoulder. By midnight, the guests were ready to return to Los Angeles, convinced that Universal City was officially open and was indeed one of the amazing places of the world.

Crowds Watch Stunts

On Tuesday, March 16, the celebration continued with added thrills and added thousands attending. The morning was given over to watching the various companies at work and the afternoon was started with a half mile horse race for a trophy and a thrilling exhibition of tumbling, wall scaling and daring by Eddie Polo. After this, the crowd went to the back ranch, where Frank Stiles was scheduled to demonstrate how an airplane would attack a warship.

After flying low over the hills and dropping dummy bombs on a set, Stiles misjudged his distance, crashed and was instantly killed. This catastrophy caused immediate cancellation of further entertainment and the guests of honor finished the second day with a quiet dinner at Nat Goodwin's cafe in Venice.

The following day was St. Patrick's Day, and Powers was host to exchange managers, studio stars and executives at the Alexandria Hotel. The entertainment scheduled for the studio had been cancelled because of the death of Stiles. On the next day, the Universal special train headed for New York.

In spite of the excitement which attended the opening, 31 different films were released during the opening week. The list ranged from animated weekly newsreels to animal comedies and a comedy drama called "Mary's Duke," in three reels.

Mecca of Notables

The opening festivities had brought many future celebrities to Universal City. Just starting their picture careers and little known at the time, the following were at the grand ball: Cecil B. DeMille, J. Warren Kerrigan, Robert Z. Leonard, Lon Chaney, Hobart Bosworth, Al Christie, T. L. Tally, Frank Lloyd, Jean Hersholt, and Thomas H. Ince.

The following year, Vice-President Thomas A. Marshall came to Universal City after visiting the Panama-Pacific Exposition at San Francisco and dedicated a new electrical stage. Present at the ceremonies were Henry and Edsel Ford and Thomas A. Edison.

In 1916 the great Anna Pavlowa arrived to make "The Dumb Girl of Portici," which marked the debut of Lois Wilson, a beauty contest winner from Birmingham, Ala., and Boris Karloff, a stage actor who gave up the theatre when the flu epidemic made actors wear masks. Jules Verne's "20,000 Leagues Under the Sea" was filmed partly in the Caribbean Sea and partly at Universal City.

Robert Z. Leonard, Frank Lloyd, Frank Borzage, Rex Ingram, Elmer Clifton, Allan Holubar, Edward J. LeSaint, Ida May Parks, Joseph de-Grasse, Rupert Julian, Francis and Jack Ford, W. S. Van Dyke and other notable directors were gaining prestige and some of them "doubling in brass" at Universal in those days. Lloyd was author, director and star of a series of short reel comedies as was also Robert Leonard.

In 1917, Mae Murray made her debut at Universal in "Princess Virtue" directed by Leonard, whom she married. Then Harry Carey, Herbert Rawlinson, Dorothy Phillips, Ella Hall, Fritzi Ridgeway, Fritzi Brunette, Zoe Ray, Eddie Polo, Grace Cunard and Francis Ford, Marie Walcamp and Jack Holt, Hobart Henley and Priscilla Dean were the leading Universal stars. As war approached Lois Weber was making Universal pictures with Mildred Harris Chaplin at her own studio and Miss Harris, with Priscilla Dean, Marie Walcamp, Grace Cunard, Mary MacLaren, Monroe Salisbury, Ella Hall and Dorothy Phillips were important Universal stars.

Among the hits of 1917 and 1918 were "Sirens of the Sea," "Come Through," "Hell Morgan's Girl," "Just Jim," "Shoes," "Scandal Mongers," "Price of a Good Time," "For Men Only," "Kaiser, Beast of Berlin," which starred its director, Rupert Julian, and broke records for exhibitors. As the Armistice approached Allan Holubar began "The Heart of Humanity," starring William Stowell and Dorothy Phillips with Eric von Stroheim in support.

The Era of Spectacle

Shortly afterward Miss Phillips starred in "Destiny" and von Stroheim began his directorial career with "Blind Husbands" and followed with the first million-dollar production, "Foolish Wives." "The Virgin of Stamboul" and "Under Two Flags" did much to make Miss Dean the leading Universal star. Herbert Rawlinson began a series of George Barr McCutcheon Graustarkian melodramas; James J. Corbett's success in the serial, "The Red Glove," brought Jack Dempsey before Universal cameras for two serials and Reginald Denny began his career auspiciously as the star of two series of "Leather Pushers" short reelers. Returning from the war, Hoot Gibson began his career in earnest in two-reelers.

"Foolish Wives" was followed by "The Hunchback of Notre Dame," directed by Wallace Worsley and for which a $400,000 set duplicating exactly the cathedral of Notre Dame and surrounding historical buildings was built. This picture brought Lon Chaney into the front rank of stars and represented one of the milestones of screen advancement. "Phantom of the Opera" with Chaney was a worthy successor as was also the von Stroheim-Rupert Julian production, "Merry-Go-Round." Toward the end of the silent picture days young Carl Laemmle, Jr. (at 17), became a producer, and made 40 short-reel subjects which won approval as "The Collegians." Then he advanced to the ranks of feature production and made "Broadway."

Here Comes "Showboat"

Came the memorable "Showboat," which was begun as a silent picture and converted into a talking picture. Toward the end of the silent days the comedy-drama team of Laura LaPlante and Reginald Denny was Universal's popular starring combination.

"Uncle Tom's Cabin" and "The Whole Town's Talking," with Edward Everett Horton and a new Mexican actress, Dolores del Rio, were outstanding in 1926. "The Cat and the Canary" and "The Last Laugh," "Bachelor Daddy" and "Silk Stockings" were other hit films of the late silent picture era at Universal City.

"Showboat" ushered in sound at Universal City along with Ken Maynard westerns, "The Drake Case" and "Czar of Broadway." When Laemmle, Jr., became general manager on his 21st birthday he cabled his father to buy the rights to "All Quiet on the Western Front," which Hollywood wiseacres said "could not be filmed." Lewis Milestone was engaged to film the book, which he did with a practically unknown cast at a cost far over $1,000,000. Completed, the picture won five international awards for merit.

While Milestone was making "All Quiet," young Laemmle was also supervising "King of Jazz" in Technicolor at a cost of more than $1,000,000, and "Captain of the Guard" with John Boles and Laura LaPlante.

While few important industries can hark back for 20 years and behold progress comparable to that of the motion picture industry, fewer individuals can have bestowed upon them the encomiums that have been tendered Laemmle for his record of a quarter of a century. Universal carved a niche for itself in celluloid history. The company has served as a laboratory for experiment and a training school for personalities as well as producer of clean entertainment. The industry, in showering Laemmle with roses and panegyrics, reflects its own rise on the 20th anniversary of the opening of Universal City.

The Front Lot



Universal City, born fifteen years ago on March 15 last, as it looks to the camera's eye 20 years later.

The Back Lot



Where outdoor sequences for memorable pictures like "The Hunchback of Noire Dame" were photographed.

RKO-RADIO PICTURES

in tribute to

GENE STRATTON-PORTER

world-beloved Hoosier author, whose most cherished story sprang from the soil of Indiana straight to the hearts of thirty million readers announces

THE WORLD PREMIERE OF

"LADDIE"

FRIDAY, MARCH 22nd

at the internationally famous

CIRCLE THEATRE

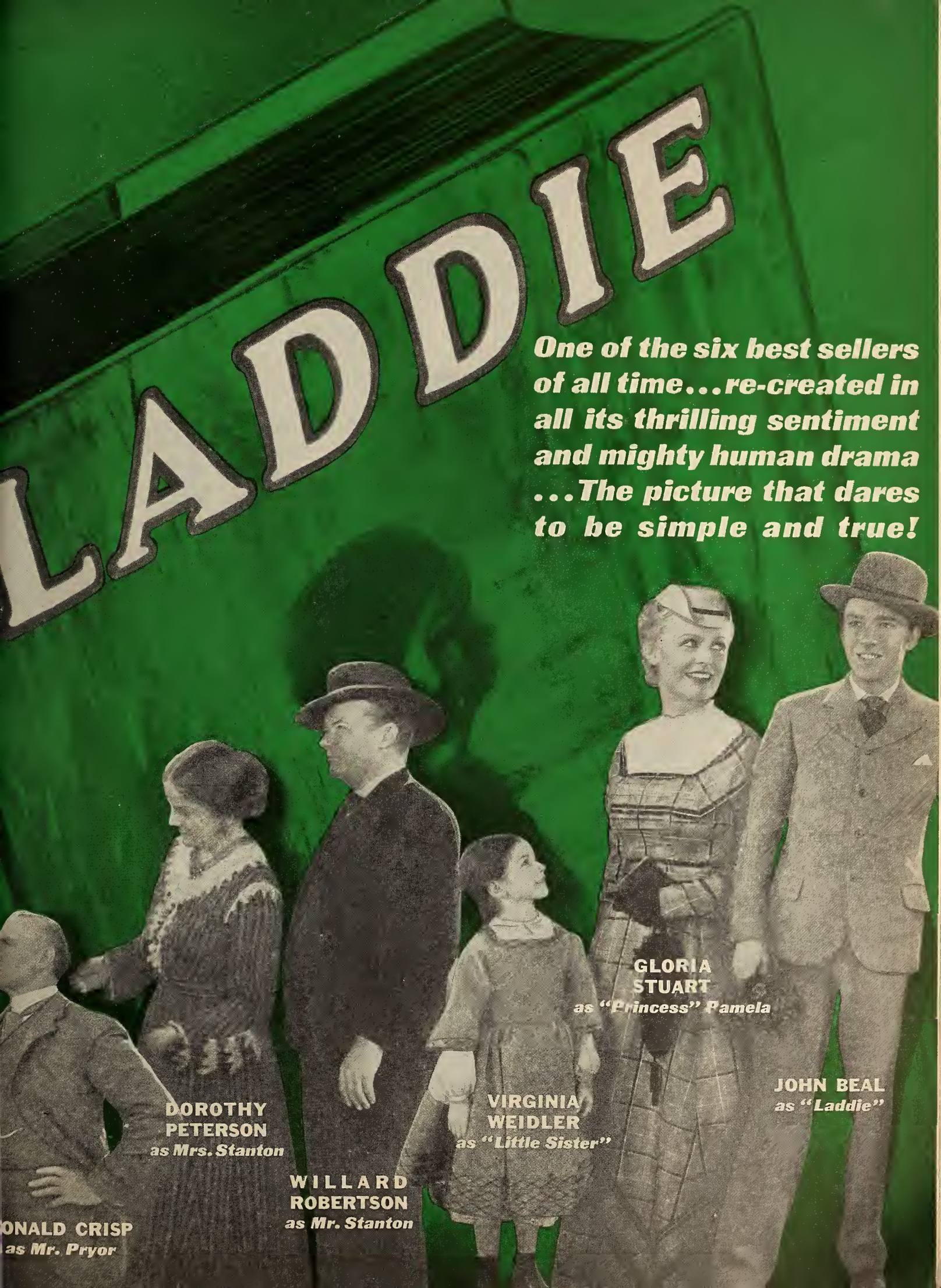
INDIANAPOLIS

A theatre of great traditions whose pioneering spirit was an inspiration toward great accomplishments in motion picture history.

★ ★ ★ ★



Directed by Geo. Stevens
Pandro S. Berman
Production


LADDIE
One of the six best sellers of all time...re-created in all its thrilling sentiment and mighty human drama ...The picture that dares to be simple and true!
GLORIA STUART
as "Princess" Pamela
JOHN BEAL
as "Laddie"
VIRGINIA WEIDLER
as "Little Sister"
DOROTHY PETERSON
as Mrs. Stanton
WILLARD ROBERTSON
as Mr. Stanton
ONALD CRISP
as Mr. Pryor

Bank Night Owners File Missouri Suit

KANSAS CITY, March 18.—Alleging infringement of the bank night copyright, Affiliated Distributors, Inc., has filed suit in Federal court for $7,200 damages against Tom Edwards, Ozark, Eldon, Mo. Suit was filed at Jefferson City, Mo., but will be heard here.

It is alleged that after cancelling his bank night contract with the distributor's consent, Edwards started cash night in violation of contract provisions which bind the user not to employ anything similar within a year after cancellation.

According to R. W. McEwan, local distributor, this action is a forerunner to others to be brought in this territory against theatres using cash night, prosperity night, ritz night, silver night, profit sharing night, or any other device operating in violation of the bank night copyright. Don Johnson has been retained as the company's attorney.

Mae Murray Reports New Producing Firm

KANSAS CITY, March 18.—Mae Murray, coastbound, said here last night she with several others was forming a production company with distribution through a major. She asserted she would be featured and serve as an executive, declining to reveal details.

Intermountain Meets

SALT LAKE CITY, March 18.—Among those who attended a two-day session of the Intermountain Theatre Owners' Ass'n. were: A. F. Johnson of St. Anthony, Idaho; Mike Neilson of Logan and Brigham City, Utah; W. C. Call, Brigham City; H. D. Jorgensen of Rigby, Idaho; Mr. and Mrs. Littlejohn of Helper and Price, Utah; Ben Winslow of Tremonton, Utah; G. W. Thatcher of Logan; John Rugar of Park City, Utah, and C. E. Huish, president, from Eureka, Utah.

Meet Over Bank Nights

SAN FRANCISCO, March 18.—A group of exhibitors including all principal local operators today met at the office of Rowena Foley, code board secretary, to defend themselves against a blanket complaint by Herman Cohen, operator of the United Artists, who charges violation of the code through use of bank nights. The complainant wants the practice done away with.

Two Appeals Are Heard

Two clearance and zoning cases were heard yesterday by a Campi appeal committee consisting of Gordon C. Youngman, chairman; E. T. Gomersall and William Yoost. The cases were: George H. Kline, State, Boyertown, Pa., against Strand and Hippodrome, Pottstown, Pa.; Albert A. Galston and Jay M. Sutton, Marcal, Los Angeles, against A. L., Mike and Charles Gore, Iris, same town.

Codes Up at Astor Meet

Secretaries of all Code Authorities will meet today at the Astor to hear various speakers discuss the NRA. The session starts at 11 A.M.

Four-Day Film Campaign Show Set for M. P. Club

(Continued from page 1)

of the arrangements. Representatives of producing firms requested to serve include P. D. Cochrane, Howard Dietz, S. Charles Einfeld, Robert Gillham, Hal Horne, Charles E. McCarthy, S. Barret McCormick, Herschel Stuart and A. P. Waxman.

Among theatre representatives asked to sit on the committee are Joseph Bernhard, Mort Blumenstock, Oscar Doob, John Dowd, Charles C. Moskowitz, Sam Rinzler, George Skouras, Major Leslie Thompson and Joe Vogel.

A luncheon at the M. P. Club will precede the opening of the exhibit. Tom Wiley and Arnold Van Leer of the club are working with A-Mike Vogel, chairman of the Managers' Round Table Club, on preliminaries.

'3 on Horse' to Warners

"Three Men on a Horse," current on Broadway, has been sold to Warners.

Para. Will Finance Wanger; Paley Out

HOLLYWOOD, March 18.—Jay Paley's deal with Walter Wanger to finance two pictures has expired and Paramount will back Wanger on all his future productions, thus permitting him to continue working at the General Service Studios here. Paramount, as usual, will release the pictures.

"Camelias" Opening

"La Dame aux Camelias" opens tonight at the 5th Ave. Playhouse and Yvonne Printemps and Pierre Fresnay, who are co-starred, will make a personal appearance at the opening.



Must they bring
SHOCK SAVERS
into your theatre?

You can't put shock absorbers on a theatre chair to take up the shock of a hard, lumpy, uncomfortable seat. RESEAT with comfortable chairs.



Ask Us,
"How can I reseat and pay for new chairs conveniently?"

AMERICAN SEATING COMPANY
Makers of Dependable Seating for Theatres and Auditoriums
General Offices: Grand Rapids, Michigan
BRANCHES IN ALL PRINCIPAL CITIES
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COMFORT—The Greatest Star Of Them All!

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

Vol. 37. No. 64 NEW YORK, MONDAY, MARCH 18, 1935 TEN CENTS

Report Loew Peace Moves From Chicago

First Compromise Talks Died in New Orleans

CHICAGO, March 17.—In the face of the persistent and insistent attitude on the part of Loew officials that the circuit will build and acquire theatres here are reports that efforts to compromise the situation have not been abandoned.

The difficulty is over Metro's inability to persuade the Essanness and Schoenstadt circuits and independent theatres which buy through various local booking combines to play Leo's product on percentage, plus designated playdates.

The first attempt, launched by Jay Emanuel of Philadelphia in conjunction with M. P. T. O. A. leaders, took

(*Continued on page 9*)

Bowes Resigns as Officer of M-G-M

Major Edward Bowes, vice-president of M-G-M for the past 10 years, has resigned that post to concentrate his efforts on his broadcasting work and the Capitol Theatre. No successor has been appointed.

When reached Saturday, Bowes told MOTION PICTURE DAILY: "I have reached a point where I want to do less and have therefore resigned the M-G-M vice-presidency."

He denied reports that the WHN auxiliary station in Brooklyn would close.

McKay Says Studio Exodus Is Serious

Willard McKay, general counsel for Universal, who returned from Hollywood yesterday, said the major studios really "mean business" about withdrawing from California and moving to Florida and that the Cali-

(*Continued on page 10*)

Comerford Gaining; Has Passed Crisis

WASHINGTON, March 17.—M. E. Comerford, who has been a patient at the Emergency Hospital since Feb. 15, "has passed the critical stage," ac-

(*Continued on page 9*)

G. B. Retaliates Swiftly In British Booking Fight

By BRUCE ALLAN

LONDON, March 17.—Swiftly is developing Gaumont British's retaliation over decision of the Kinematograph Renters' Society not to recognize the former's booking deal with the Hyams and Gale circuit as well as with Union Cinemas, Ltd., which together represent 34 houses, many of them in the de luxe classification.

It is understood G.B.'s answer is that it will not book films from Wardour, Pathe or M-G-M. Inclusion of the latter is viewed as a direct slap at Sam Eckman, Jr., managing director for M-G-M here, who is chief ally of John Maxwell, president of K.R.S., in the move against G. B.

Board of Alternates

As a result of the absence of every original appointee at the last session, Campi is now being called the Board of Alternates.

Local wisecracker is the source.

The controversy, in several representative quarters, is viewed as a significant development in the race for British theatre supremacy between Maxwell on the one hand and the Ostrers of G. B. on the other.

Block Booking Bill Hearings Will Be Asked

By BERTRAM F. LINZ

WASHINGTON, March 17.—Public hearings on the question of block booking will be sought of the House Committee on Interstate and Foreign Commerce next month, as soon as the public utilities control measure with which it is now wrestling is out of the way, it was declared Saturday by Representative Samuel B. Pettengill of Indiana, sponsor of the measure.

Explaining that the committee, of which he is a member, was not en-

(*Continued on page 9*)

Fox Roxy Bond Suit Is Postponed Again

A further postponement of two or three weeks of trial of the suit brought by the Chicago Title & Trust Co. to recover $1,000,000 from William Fox and Fox Theatres Corp. over alleged defaults in guaranteed redemption of

(*Continued on page 15*)

Philadelphia Irked By Percentage Move

PHILADELPHIA, March 17.—Exhibitors here are talking about court action over what they call a new practice by exchanges which sent out availabilities on pictures without indicating percentages until the pictures'

(*Continued on page 9*)

Fortington's Plans Bestir Para. Circles

Reported plans of H. A. Fortington, American representative of the Royal and other insurance companies of London and a nominee for the new board of Paramount Publix, to resume permanent residence in England after next December 1 are creating a stir in reorganization circles where speculation is rife as to whether Fortington, if the plans materialize, would withdraw from the board now or at the time of his departure.

Creditor groups, in any event, are hazarding guesses over the effect the

(*Continued on page 14*)

Ban 15c Scale for Paramount Product

MILWAUKEE, March 17.—Saxe Amusement Management, Inc., has been ordered to discontinue playing Paramount product at minimum admission prices of 15 cents at its Orpheum in Kenosha by the grievance

(*Continued on page 14*)

"Ruggles" $50,000 Draw at Paramount

"Ruggles of Red Gap" came through with flying colors in its first week at the Paramount. Intake for the seven days was $50,000. The picture is being held two more weeks and will be followed by "Private Worlds." The

(*Continued on page 9*)

MPTOA Gets Cancellation Moves Started

Kuykendall Has Named Committee for Task

M. P. T. O. A. will launch its campaign for "reasonably increased cancellation" under the code immediately, Ed Kuykendall, president, said Saturday.

The committee of five, which the organization's recent national convention authorized and empowered to propose a program of code changes, has been designated by Kuykendall and will be announced in the M. P. T. O. A. organizational bulletin appearing early this week. Kuykendall will be chairman of the committee and Morris Loewenstein, new M. P. T. O. A. national secretary, will be secretary. A clause authorizing 20 per cent cancellations is expected to be proposed by the committee for inclusion in the code, in accordance with sentiment expressed at the convention. The final form of the clase, however, will be

(*Continued on page 9*)

Shelve Temporarily New Exhibitor Body

Plans to develop a third nation-wide exhibitor organization have been dropped for the present by Charles L. O'Reilly, president of the T. O. C. C., and Harry Brandt, head of the I. T. O. A.

Both exhibitor leaders had planned to leave for a coast-to-coast tour of key spots to line up independent units, but have called the trip off. The idea

(*Continued on page 9*)

FWC Units Delayed For Skouras Pacts

Delay in signing the 10-year Fox West Coast operating contract by Spyros and Charles Skouras, Chase National Bank and S. R. Kent, president of Fox Films, is holding up reorganization of Fox Midwest and Fox

(*Continued on page 10*)

Federal Probe for Milwaukee Assured

MILWAUKEE, March 17.—As a result of a petition to the Department of Justice by the Independent Theatres Protective Ass'n. of Wisconsin requesting an investigation of producers

(*Continued on page 15*)

MOTION PICTURE DAILY

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Warner Schedule Is 75 Per Cent Ready

HOLLYWOOD, March 17. — Approximately 75 per cent of Warners' current schedule has been completed, according to studio figures.

The pictures finished and ready for release, including Warners, First National and Cosmopolitan productions, are: "The Case of the Curious Bride," "Traveling Saleslady," "Go Into Your Dance," "In Caliente," "The Goose and the Gander," "Mary Jane's Pa," "The Florentine Dagger," "A Night at the Ritz," "Black Fury" and "Dinky."

Kirkwood Plans 24 To Star Chaney, Jr.

HOLLYWOOD, March 17.—Lon Chaney, Jr., has been signed to a three-year contract by Ray Kirkwood Prod., which is working at the old Neilan studios on Glendale Blvd. The contract calls for 24 pictures, eight a year typed as action pictures in which Chaney will be starred.

First on the schedule is "The Riot Squad," a mystery-melodrama by Oliver Drake. Commodore Pictures will release the series with the first slated to be delivered by May 1.

May Lift "Rumba" Ban

HAVANA, March 17. — Following screening of "Rumba" for Cuban officials, the intimation was advanced that the government will withdraw its objections after the lottery sequence is edited out.

Insiders' Outlook

By RED KANN

THE industry is passing through the pains of editorial castigation with less and less injury. A look, even a quick one, at substantial segments of the nation's press, proves the point. The evidence . . .

▼

The Seattle Sunday Times: "Fair-minded picture patrons must admit the producers have kept faith. The moral tone of motion picture entertainment has never been as high as it is at present. . . . And the most significant point of all is that the industry has regulated itself; has cleaned its own house."

The Wilkes Barre Times-Leader: . . . "Moving pictures have changed their flavors and, though one may not say that the change is absolute, yet much more of the wholesome is to be enjoyed than before." . . .

▼

The Gastonia Gazette: "It is with a sense of keen personal and social delight that we have watched the gradual evolution of the motion picture theatre from its not-so-long abandoned plane of sensationalized sex-madness to a definite level of cultural achievement."

The Lawrence, Mass., News: "Moving pictures are on the reform. They are glad they started to purify their plots and clean up stories. Filth is fast disappearing and the miracle of it all is that the pictures are actually beginning to make money." . . .

▼

The Los Angeles Post-Record: "The Legion of Decency has done a good job in suppressing the salacious movie. . . . The producers, too, are to be complimented for their prompt response to the demand for more healthful fare and, if published figures may be taken as an indication, the sanitation process has been a profitable as well as a moral step."

The Hamilton, O., Journal: "Since the inauguration of a well-organized campaign against indecency and the exploitation of crime and immorality on the screen, there has been a marked improvement in the tone of motion pictures, but the standard could be raised still higher without interference with box-office receipts." . . .

▼

The Sioux City, Iowa, Journal: "The average fan might have difficulty in recalling a single film in the last two or three months to which he could find objection on the ground that it was offensive to morals."

The New Bedford, Mass., Standard Times: "That the past year has witnessed a distinct improvement to motion picture offerings when judged from the standards of taste and morals has become increasingly clear to the atregoers. . . . It is only fair, however, that efforts to safeguard the public against indecency should be accompanied by the encouragement of patronage for really good pictures." . . .

▼

The Los Angeles Times: "Hollywood is a barometer of public taste. The pendulum has swung back from artificiality toward sincerity. The flapper has flapped out. . . . Bad manners, fast habits, extravagant living, promiscuous petting and free love are ceasing to be 'smart.' Even hip flasks are becoming relics. . . . We have muddled through considerable mud; but we are scraping it off."

The Grand Rapids, Mich., Herald: "The movie industry, having thrown off its rather mottled garb and donned the robes of purity, likes the new raiment and so does the public." . . .

▼

The Ogden, Utah, Standard-Examiner: "Evidence of an earnest effort to improve the entertainment standards of motion pictures is to be found in the list of new productions. . . . The latest films have been freed from routine themes. . . . Because the films are a vital force in national entertainment and instruction, this new spirit on the part of producers should be encouraged. The public in the end will determine whether this policy will be continued."

The Hartford Courant: "Since the great awakening, the industry appears to have made a thoroughly good job of it. It has pretty effectually silenced its critics by producing many films that not only are unobjectionable but possess merit in the highest order. . . . On every side one hears little but praise of what the industry has done to meet the requirements of decent public sentiment." . . .

▼

And so it goes in greater volume than the film man, engrossed in his normal job of making, selling and exhibiting films, perhaps realizes. What you have read here represents a tiny voice in virtually a roar of editorial approbation which is descending on the industry. This is

(*Continued on page* 15)

IATSE Cuts Week to Help More Members

In an effort to reduce unemployment within the organization's ranks, the I. A. T. S. E., supervising the activities of Local 306, is lopping off a working day from each employed member's week.

Working members have been putting in five days a week. Starting this week they will report for four as a result of an order issued by the international body. There are about 1,800 members in Local 306, of which, it is said, approximately 400 are without employment.

Several operators have protested, but without results. The I. A. T. S. E. has power to take whatever emergency measures are necessary to insure work for as many members as possible and has exercised this right.

With the windup of the NRA fact-finding committee, the truce between Local 306, Allied M. P. Operators and Empire State Union has been dissolved with the outcome that picketing of independent and circuit houses is in full force again. Compliance Director Sol A. Rosenblatt's efforts to reconcile the various unions and exhibitor leaders have failed. He was in town over the week-end to discuss the situation with exhibitor heads, but did not indicate whether he would call another meeting of the body in Washington.

Some reports have it he may write a basic wage scale for the fact-finding committee and present it to Campi for approval. The local booth plan is a part of the code, and before it is approved by the NRA it must first be accepted by Code Authority.

Universal Shutdown; Resume in 2 Weeks

HOLLYWOOD, March 17.—Universal City is at a temporary shutdown with not a single production in work. The lull will only last about two weeks with three pictures slated to start at the end of that period.

Films slated for the cameras at that time are "The Raven," "Chinatown Squad" and "Alias Mary Dow," the latter to star Sally Eilers.

Barnes Opposite Arnold

HOLLYWOOD, March 17.—Binnie Barnes draws the feminine lead in "Diamond Jim," Universal film featuring Edward Arnold. Eddie Sutherland will direct with production starting on or about April 1.

1,000 Observe "U" City's 20th Year

HOLLYWOOD, March 17.—Universal City celebrated its 20th anniversary Saturday night with all available ex-employes attending as well as present workers and their families to the tune of about 1,000. Many current topline executives and players who received their initial training under Carl Laemmle's sponsorship were included.

Chevalier Sails on 23rd

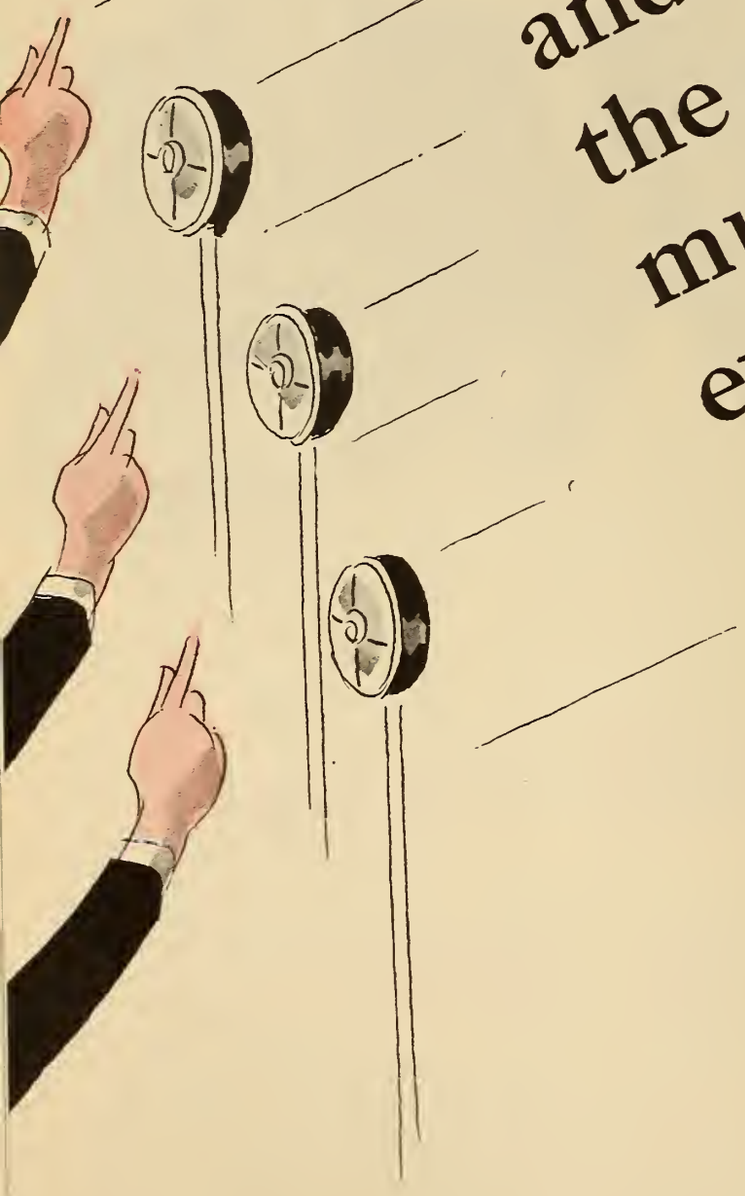
HOLLYWOOD, March 17.—Maurice Chevalier is rushing his departure for New York so that he can catch the March 23 sailing of the *Isle de France.* He will spend his usual summer vacation in France and return to Hollywood in the Fall.



THERE'S ONE THING THEY'LL AGREE ON—

next page spills it—

"Naughty Marietta and Reckless are the greatest musical pictures ever made"





NAUGHTY MARIETTA
starring JEANETTE MacDONALD and NELSON EDDY with Frank Morgan, Douglas Dumbrille. Music by Victor Herbert. A W. S. Van Dyke Production. Book and Lyrics by Rida Johnson Young. Produced by Hunt Stromberg. A Metro-Goldwyn-Mayer Picture.

RECKLESS
starring JEAN HARLOW and WILLIAM POWELL with Franchot Tone, May Robson, Ted Healy, Nat Pendleton, Robert Light. Produced by David O. Selznick. Directed by Victor Fleming. A Metro-Goldwyn-Mayer Picture.

U.S. Gaining Old Position With Hungary

By ENDRE HEVESI

BUDAPEST, March 5.—In this country of 8,000,000 inhabitants, the state of the film and show business depends entirely on the 1,000,000 population of the capital. Only a Budapest success gets box-office results and a picture which fails to please here cannot pay its way even if it is well received in the provinces.

Most picture goers in Budapest speak a second language beside Hungarian. This is, in the majority of cases, German, owing to the proximity of the German language territory. This is the reason why, when sound first came in American films were almost entirely driven out of Hungarian territory and their place taken by German talkers made in Berlin. This situation has entirely changed since the advent of the Hitler regime. German production for export purposes has practically ceased and has been unable to recover its former position. There is a lack of good German films without a political tinge. American pictures have regained their former position in Hungary.

Meeting European Tastes

Imports by the Budapest branches of American companies currently are approaching the standards of European tastes. These are much appreciated in Hungary, but pictures catering to 100 per cent American tastes are hopeless. The English language is a distinct drawback, since it is spoken by comparatively few people, particularly outside Budapest. Last season and in the course of the first part of the current season there have been no outstanding financial successes among picture imports.

In the heyday of German talkers, a run of six to 20 weeks was nothing unusual. During the past two seasons, however, such runs have been unknown. Three weeks was the longest run in any theatre, and even this was given a few hits. American pictures had better not reckon on longer runs than two or three, or even one week, in the "premiere theatre," and profits should be calculated on this modest basis.

There is no doubt, however, that American films will maintain their position in Hungary. French pictures are not popular here, English product is only beginning to build up a market, and with the one exception of "The Private Life of Henry VIII," none can boast of box-office results so far. An output of at least 12 Hungarian and German language talkers made in Budapest must be reckoned with.

German censors do not permit the importation of German-language talkers made in Budapest into Germany, on the ground that too much non-Aryan talent is employed. If there is no change in this German attitude, it will make the successful exploitation of the Budapest studios impossible, and in this case the Hungarian government will almost certainly make reprisals and restrict the importation of German pictures. Austrian production does not count for much. No more do Czech pictures made in Prague, since the Czech government, for political reasons, does not admit Hungarian pictures into Czechoslovakia, not wishing the Hungarian minorities in that country to keep in contact with Hungarian culture. As a result, the Hungarian authorities impede the importation of Czech product into this country. Russian films need also not be reckoned with. Hungarian censors have not so far permitted the showing of any Russian pictures.

Taking all these points into consideration, it seems certain that the position of American pictures in coming months will be a dominating one, but no very big business may be expected.

Germany's Theatre Total Is Now Figured at 4,922

By J. K. RUTENBERG

BERLIN, March 7.—German figures on theatres in the country currently operating are computed at 4,922. Of this total 4,044 have under 500 seats; 642 seat from 500 to 900 each and 236 have larger capacities. In the minor division, bulk seats are figured at 1,133,814. Medium-sized houses seat 558,197 and the larger houses 296,930, thereby making the grand total for the nation 1,988,941.

Theatres open daily run to 2,142. Open twice a week are 1,358, and the remainder give one show a week.

* * *

More than 40 nations to date have signed the Geneva convention abolishing taxes of every description on educationals, the signatory countries including the United States, Great Britain, Italy, France, Germany, Austria, Bengium, Poland, Switzerland, Sweden and India. Every educational for which such exemption is claimed must now be submitted to the International Institute for Education in Rome. There the film will be examined and decision made if the exemption may apply.

* * *

Two thousand 16 mm. reproducers have been delivered to German schools and institutions. Available for exhibition are 4,000 educational subjects. The funds making this possible were contributed voluntarily by pupils at the rate of 80 pfennigs a year.

* * *

An international convention of exhibitors is slated to be held here the end of April. The sessions probably will run a full week.

* * *

Pursuing further its international policy, Tobis Tonbild Syndikat, AG. will open an exchange in Prague by April 1 as the Czech Tobis Corp. Production of pictures in Czechoslovakia by the fall is also rating serious consideration. This will give Tobis its own distributlon outlets in England, France, Holland, Austria, Portugal, Switzerland and, of course, Germany.

* * *

Of the 285 features imported by Austria last year Germany claims the lead with 129. The United States is in second place with 110, while 46 came from assorted European countries. Thus, Germany is up 20 on its 1933 total and the United States the same.

* * *

The German features, "Um das Menschenrecht" (Around Men's Rights) has been withdrawn from distribution. It was directed by Hans Zoberlein and dealt with German conditions after the Treaty of Versailles.

The Ass'n of German Film Industrials, the Renters' Society, the Union of German Film Studios and the German Organization for Export Trade have united and formed an Ass'n of German Film Production and Film Exploitation (Verband deut scher Filmherstellung und Filmverwertung) under the leadership of Carl Froelich.

* * *

As exclusively forecast in MOTION PICTURE DAILY, the conditions brought about by the introduction of a price of 20,000 Reichsmarks per import license have changed. Owing to the negotiations by the remaining American branches in Germany, the fee has been considerably reduced. It is pretty certain that the above fee, which would have made the German market prohibitive for American companies, except in the case of unusual pictures, will be cut by 50 per cent for originals and will introduce a sliding scale for "dubbed" pictures.

Czechoslovak Film Prospect Brighter

WASHINGTON, March 17.—The resumption of activities by the American industry in Czechoslovakia with the lifting of restrictions against foreign films by that country is expected to lead to brighter days for the Czech theatre man. This opinion is based on reports received by the Bureau of Foreign and Domestic Commerce from Sam E. Woods, commercial attache at Prague.

"Motion picture theatre owners," says a bulletin of the bureau, "will no longer be forced to contend with a shortage of good pictures and domestic producers will be given an opportunity to improve the quality of their sound features in view of the substantial increase in the subsidy and the reduction in studio costs resulting from the competitive situation created by the opening of a second studio.

"The position of local film exchanges will likewise improve, since under the new regulations they will no longer need to depend on local producers for import permits or be forced to produce locally in order to acquire them."

The ban against foreign films was eased in November of last year after being in effect three years. Its purpose had been to reduce foreign competition, check the flood of German pictures pouring into Czechoslovakia and establish a subsidy for the infant domestic industry. The harmful effect of the system (which required a permit accompanied by a fee of $840 for each film imported) on the Czechoslovakian market impelled the government to do away with it.

Mexico Silver Boom Seen as Theatre Help

By JAMES LOCKHART

MEXICO CITY, March 7.—Renewed activity in the mining industry, an important phase of which is the increased world demand for, and price of, silver is mirroring itself in exhibition in this country.

As 1935 approaches its spring, general optimism, therefore, is prevalent. The majority opinion holds that the turn for the better which conditions reflected late last year will manifest itself more emphatically as 1935 grows older.

Exhibitors report a 25 per cent increase in business this year over last. Practically all of the public which eliminated pictures from its budgets during the depression is returning this year. If things keep on going as well as they are at present, 1935 should show an increase of at least 50 per cent in attendances here, exhibitors estimate.

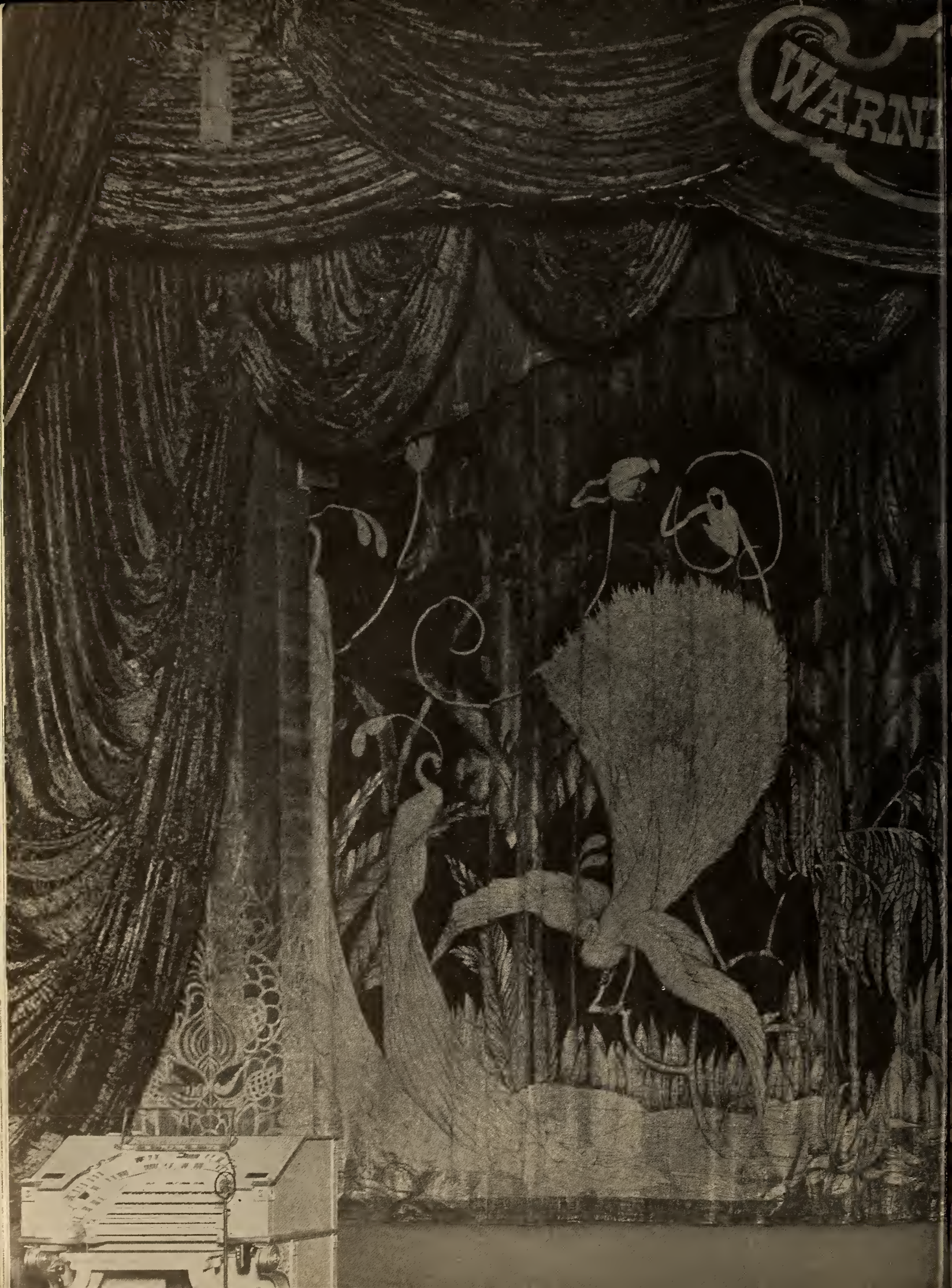
A factor in this expected increased business is that several new and large theatres will be in operation. Some exhibitors see a trend toward higher prices for this city in 1935. At present, an exhibitor is doing very well indeed if he can get 1.50 pesos (about 40 cents) per patron, orchestra, for a first calibre, first run picture. There is talk that two pesos (56 cents) will be standard tariff in local first runs later this year.

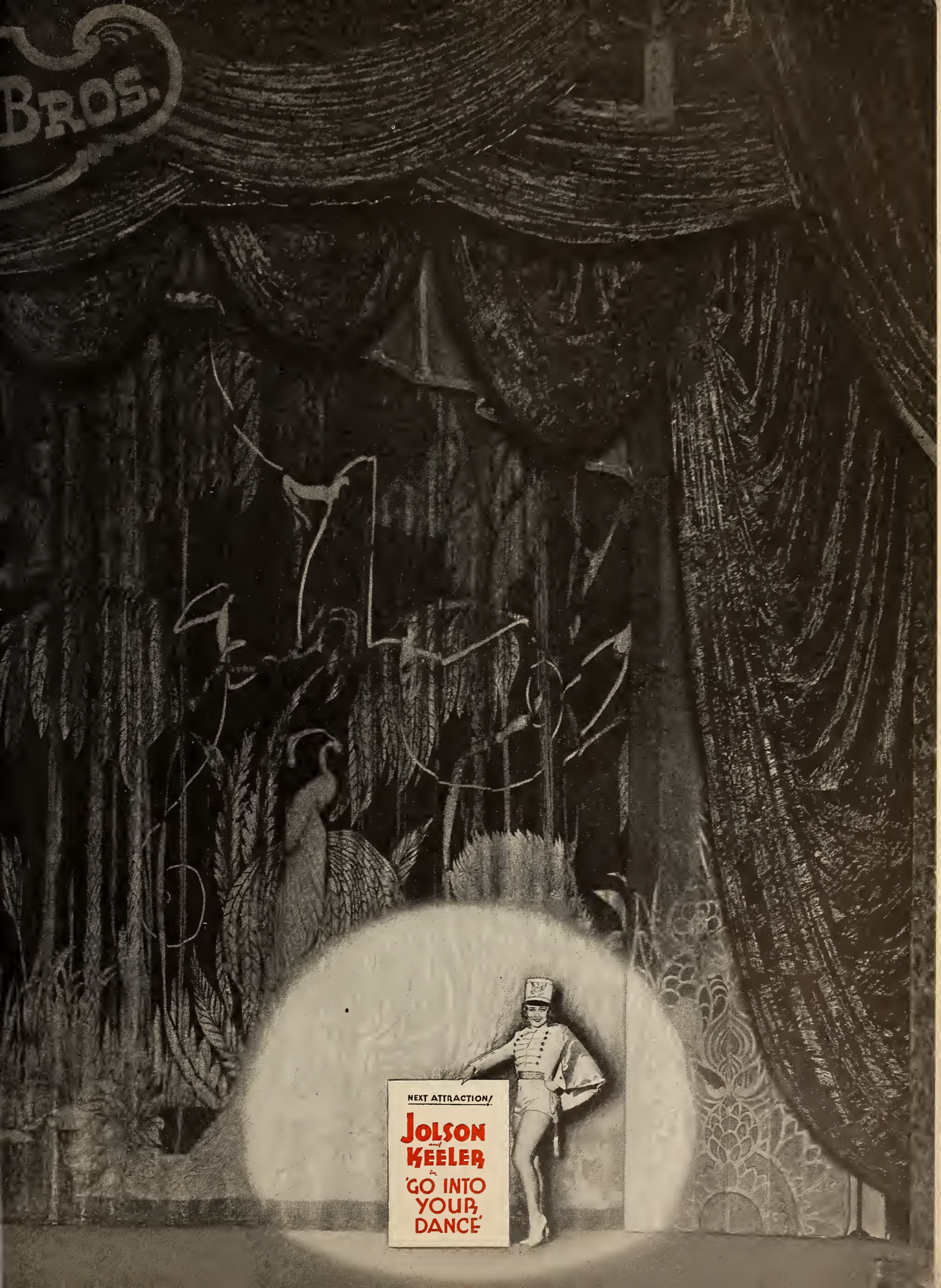
Distributors Also Optimistic

Distributors also view 1935 as a bright year. It holds promise for increased business for them, at least as far as Mexico City is concerned. This city will have five first runs as against three now. Furthermore, with houses already under construction and others that are to go up and to be put into service in the course of the year, distributors see more business ahead for them. Before 1935 passes into history, this city will have around 70 picture houses. The number now is 61. Also, it is more than likely that several more theatres will be wired soon.

All agree, however, that 1935 will not be without its clouds. Taxes and duties are very high. Nevertheless, some distributors are confident action will be taken by the Government toward lowering both taxes and duties. Some foresee that several imposts will be abolished in the course of 1935, although they see little, if anything, beneficial in that direction concerning duties on films, discs and other equipment.

Although there is much improvement in Mexican-made pictures and they have become very popular in second-run houses here and in first as well as second runs in the provinces and while domestic pictures have set up some of the biggest box-office records in this country during 1934, distributors of foreign pictures have no worry in that direction. The concensus of opinion is that, while home production is holding its own and has at last claimed a public, it is a long way from running imported pictures off the screen. It is contended that at least 95 per cent of the films shown in Mexico this year will come from abroad.


WARN


BROS.
NEXT ATTRACTION!
JOLSON and KEELER in 'GO INTO YOUR DANCE'

"Colonel" Is Twin Cities' High Grosser

MINNEAPOLIS, March 17.—"Little Colonel" packed 'em in on both sides of the river. At the State here the $6,000 take was over the line by $500 and at the St. Paul Riviera the $4,500 gross was up by $1,000.

Minneapolis first runs were cut to six, with the Time continuing a temporary second run policy.

Total first run business in Minneapolis was $23,500. Average is $21,500. Total St. Paul business was $17,500. Average is $15,500.

Estimated takings:

Minneapolis:
Week Ending March 13:

"RUMBA" (Para.)
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"BABOONA" (Fox)
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

Week Ending March 14:

"TRANSIENT LADY" (Univ.)
ORPHEUM — (2,900), 25c-40c, 7 days. Stage: "Folies de Paree." **Gross:** $6,000. (Average, $5,500)

"THE LITTLE COLONEL" (Fox)
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"WHITE LIES" (Col.)
PALACE—(900), 15c-25c, 7 days. Five acts vaudeville. **Gross:** $2,500. (Average, $2,000)

"THE IRON DUKE" (Gaumont British)
WORLD—(300), 25c-35c, 7 days, 3rd week. **Gross:** $3,000. (Average, $5,000)

St. Paul:
Week Ending March 14:

"THE RIGHT TO LIVE" (Warners)
PARAMOUNT—(2,300), 25c-40c, 3 days. Five acts vaudeville. **Gross:** $3,500. (Average for week, $5,500)

"RUMBA" (Para.)
PARAMOUNT—(2,300), 25c-40c, 4 days. **Gross:** $2,500. (Average for week, $5,500)

"THE LITTLE COLONEL" (Fox)
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

"LIVING ON VELVET" (F.N.)
ORPHEUM—(2,000), 25c-40c, 3 days. Five acts vaude. **Gross:** $2,300. (Average for week, $4,000)

"TRANSIENT LADY" (Univ.)
ORPHEUM—(2,000), 25c-40c, 4 days. Five acts vaude. **Gross:** $2,200. (Average for week, $4,000)

"ROCKY MOUNTAIN MYSTERY" (Para.)
TOWER—(1,000), 15c-25c, 4 days. **Gross:** $800. (Average for week, $1,500.)

"BEHIND THE EVIDENCE" (Col.)
TOWER—(1,000), 15c-25c, 3 days. **Gross:** $700. (Average for week, $1,500)

"MAN OF ARAN" (Gaumont British)
WORLD—(300), 25c-35c, 7 days. **Gross:** $1,500. (Average, $1,500)

Cincy Taft Garners $17,000 2nd Week

CINCINNATI, March 17.—The stage and screen policy inaugurated at the Taft by Larry Sundbrock, head of the National Radio Artists Ass'n, local booking office, did an estimated $17,000 last week with Thurston, the magician, on the stage, plus "The Night Alarm" as the screen feature.

Sundbrock, who leased the house temporarily as an experiment, and opened it March 1, concurrently with RKO's opening of the Shubert with stage and screen attractions, will continue its operation, playing personalities of the stage, screen and radio.

It is on a grind basis, with prices pegged at 25 cents from 11 A.M. to 1 P.M. for any seat; 40 cents for matinee, with an evening scale of 40 and 60 cents for balcony and lower floor. Children 25 cents any time.

Chicago House Gets 100% Apparatus for the Deaf

CHICAGO, March 17.—The first theatre of its kind—100 per cent equipped for the hard of hearing—will be opened March 22 as the initial unit in a proposed circuit of houses offering special facilities for the country's more than 20,000,000 hard of hearing.

E. S. A., Inc., of which David Ettleson is president and E. J. Stutz secretary and manager, is sponsor of the project under an arrangement with Dr. Hugo Lieber, inventor of the Sonotone apparatus for the hard of hearing.

The theatre will be known as the Sonotone. It will seat 350. More than $20,000 is being expended to make it a standard for others to follow.

Two types of hearing aids are being installed. One is Dr. Lieber's oscillator system by which deafened persons hear through bone conduction of sound from a small frame held to any part of the head. The method brings hearing to people totally deaf, it is said. Another will be provided for those whose hearing is impaired in lesser degree.

Despite the small seating capacity, two large RCA high fidelity speakers will be used. The sound volume possible is that for a 4,000-seat house, but each individual may adjust the volume to suit his particular condition.

According to the sponsors, 300,000 persons in the metropolitan area have impaired hearing. An advertising campaign will be directed to this group through organizations devoted to this work. Regular newspaper copy will carry only the line "every seat equipped for the hard of hearing."

An admission scale of 25 cents and 40 cents will prevail. A banquet is scheduled for March 21 to be followed by a preview, to which personalities in civic life and the medical profession will be invited. Dr. Lieber will head a delegation from the Federation for the Hard of Hearing.

"Roberta" Is Philadelphia Hit, $24,000

PHILADELPHIA March 17.—Grosses hit the top this week with "Roberta" leading the way at $24,000—double the average—for its first week at the Boyd. Now in second week with third likely.

"The Little Colonel," flanked by "March of Time," hit $18,500 for its third week, a top-notch figure. "Ruggles of Red Gap" got a good $12,000 at the Stanley and "Night Life of the Gods" topped $13,500 at the Earle.

Only definite slump in town was "Folies Bergere." After a corking first week, opposition of "Roberta" cut down gross and picture goes out tomorrow after two weeks.

Total first run business was $87,600. Average is $70,900.

Estimated takings for the week ending March 14:

"FOLIES BERGERE" (U. A.)
ALDINE—(1,200), 35c-40c-55c, 6 days, 2nd week. **Gross:** $6,500. (Average, $7,000)

"RUMBA" (Para.)
ARCADIA—(600), 25c-40c-50c, 6 days. (2nd run.) **Gross:** $2,200. (Average, $2,400)

"ROBERTA" (Radio)
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** $24,000. (Average, $12,000)

"NIGHT LIFE OF THE GODS" (Univ.)
EARLE—(2,000), 25c-40c-55c, 6 days. Stage: Vitaphone Girls, Roscoe Ates, Stewart Sisters, Georgie Tapps, Joe Besser. **Gross:** $13,500. (Average, $12,000)

"LITTLE COLONEL" (Fox)
FOX—(3,000), 40c-55c-65c, 6 days, 3rd week. Stage: Louise Beavers, Ward Wilson, Melody Ensemble, Hollywood Revels. Also "March of Time." **Gross:** $18,500. (Average, $12,000)

"SHADOW OF DOUBT" (M-G-M)
KARLTON—(1,000), 25c-30c-40c, 6 days. **Gross:** $2,800. (Average, $3,500)

"AFTER OFFICE HOURS" (M-G-M) (Second Run)
KEITH'S—(2,000), 30c-40c-50c, 6 days. **Gross:** $3,600. (Average, $4,000)

"RUGGLES OF RED GAP" (Para.)
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $12,000. (Average, $12,000)

"ALL THE KING'S HORSES" (Para.)
STANTON—(1,700), 30c-40c-50c, 6 days. **Gross:** $4,500. (Average, $6,000)

"Roberta" Up To $6,100 in Seattle Week

SEATTLE, March 17. — "Roberta" was the big noise here last week. It knocked par over in a hurry at the Music Box and wound up with $6,100. It was held over.

"Broadway Bill" pulled well at the Liberty, getting $4,100 in its sixth week, but other spots were weak.

Total first run business was $30,300. Average is $30,500.

Estimated takings for the week ending March 15:

"THE SCARLET PIMPERNEL" (U.A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,100. (Average, $4,000)

"AFTER OFFICE HOURS" (M-G-M)
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $6,300. (Average, $7,000)

"BROADWAY BILL" (Col.)
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, 6th week. **Gross:** $4,100. (Average, $4,000)

"ROBERTA" (Radio)
MUSIC BOX—(950), 25c-40c-50c, 7 days. **Gross:** $6,100. (Average, $4,000)

"WHILE THE PATIENT SLEPT" (F.N.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Lee & Sue. **Gross:** $5,300. (Average, $5,500)

"ONE MORE SPRING" (Fox)
"THE WINNING TICKET" (M-G-M)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Pietro Diero. **Gross:** $5,400. (Average, $6,000)

Resume "The Crusades"

HOLLYWOOD, March 17.—Cecil B. DeMille, who was forced to halt production on "The Crusades" because of illness, is back on the job.

Henry Wilcoxson, one of the featured players, is still out with the flu.

Next Sidney Is "Accent"

HOLLYWOOD, March 17.—Sylvia Sidney will probably star in "Accent on Youth" as her next vehicle for Paramount.

The actress is now on a holiday trip east and is expected back shortly.

"Ruggles" Is Boston Smash; Gets $29,000

BOSTON, March 17.—"Ruggles of Red Gap" was a sensation at the Metropolitan. It ran the take up to $29,000, with the help of a stage show. This is $7,000 over par.

"Folies Bergere" and "Death Flies East" was the only other important money-making bill. It was $4,000 up on a gross of $14,000 at Loew's State.

Total first run business was $71,500. Average is $65,000.

Estimated takings for the week ending March 8:

"UNDER PRESSURE" (Fox)
"WHILE THE PATIENT SLEPT" (Warners)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $3,500. (Average, $4,500)

"THE LITTLE COLONEL" (Fox)
KEITH'S MEMORIAL—(2,907), 25c-65c, 2nd week. 7 days. **Gross:** $12,000. (Average, $12,000)

"FOLIES BERGERE" (U.A.)
"DEATH FLIES EAST" (Col.)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $14,000. (Average, $10,000)

"RUGGLES OF RED GAP" (Para.)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Margo. **Gross:** $29,000. (Average, $22,000)

"UNDER PRESSURE" (Fox)
"WHILE THE PATIENT SLEPT" (Warners)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $4,500. (Average, $5,500)

"GREAT HOTEL MURDER" (Fox)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: "Platinum Blondes." **Gross:** $9,000. (Average, $11,000)

"Roberta" Strong As Omaha Holdover

OMAHA, March 17. — "Roberta" kept up its swift pace in the second week at the Brandeis, although the run was shortened to six days. The take was $5,100, over the line by $1,600.

"The President Vanishes," helped by a strong vaudeville bill, hit $7,100, above the average mark by $2,100, at the Paramount. "One More Spring" was strong at the Omaha at $6,000.

Total first run business was $26,300. Average is $24,000.

Estimated takings:

Week Ending March 10:

"THE PRESIDENT VANISHES" (Para.)
PARAMOUNT—(2,800), 35c-55c, 3 days. Stage: Bill Hogan band; Medley & Duprey; Grubers Oddities; Three Little Kittens; Joan & Jerry Jackson; Barberina; Harris & Shore. **Gross:** $7,100. (Average, $5,000)

Week Ending March 14:

"THE WHITE COCKATOO" (Warners)
"SORRELL AND SON" (U. A.)
PARAMOUNT—(2,800), 25c-35c, 4 days. **Gross:** $2,100. (Average, $3,000)

Week Ending March 14:

"ROBERTA" (Radio)
BRANDEIS—(1,200), 25c-35c-40c, 6 days, 2nd week. **Gross:** $5,100. (Average, $3,500)

Week Ending March 13:

"ONE MORE SPRING" (Fox)
OMAHA—(2,200), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

Week Ending March 14:

"SWEET MUSIC" (Warners)
"THE WINNING TICKET" (M-G-M)
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $7,500)

MPTOA Gets Cancellation Moves Started

(*Continued from page 1*)

subject to negotiations which the committee will have with distribution representatives.

M. P. T. O. A. will throw its weight against anti-block booking legislation, Kuykendall disclosed. In particular, it will oppose the Pettengill measure which has been introduced at Washington, and will recommend increased cancellation privileges as a more orderly solution of block booking problem.

M. P. T. O. A.'s new executive committee membership is currently being elected by its six regional divisions, each of which name a representative to the committee. In addition to the six, Kuykendall and Loewenstein also serve as members of the executive committee. Results of the balloting now in progress are expected to be made known within the next week or two.

Kuykendall leaves for Washington today and is expected back here toward the end of the week.

Flinn Due Back from Coast Trip Tuesday

Los Angeles, March 17.—After conferring three days and nights with the local clearance and zoning board on final changes of the Los Angeles schedule, John C. Flinn plans to leave tomorrow for New York, where he is expected to arrive Tuesday, with the revised plan.

He would not discuss changes agreed upon by the board inasmuch as Campi has not approved them. The revisions will be put up to Code Authority at its next session.

No Campi session is scheduled for Thursday, the meeting having been postponed until March 28 by unanimous consent of all Code Authority members last Friday.

Flinn, according to word reaching Campi headquarters late last week, was not due until March 25 or March 26, but he is believed to have changed his plans again when the Los Angeles board finally agreed upon changes in the coast schedule late last week.

Philadelphia Irked By Percentage Move

(*Continued from page 1*)

drawing power has been tested, according to *The Philadelphia Exhibitor*.

Exhibitors claim this is a practice unfair to all except the exchanges "which take no chances at all," to quote the *Exhibitor*.

To Raze Rialto May 15

Demolition of the Rialto will begin on May 15. The present building will be replaced by a more modern theatre. Wreckers will begin work immediately after the last performance is over.

Plans are being made to have an array of celebrities who at one time or another played at the theatre on hand to see the wreckers start.

Ampa to Nominate

Ampa members on Thursday will appoint a nominating committee, which will make selections of candidates for the new year. The meeting will be closed. Following this session, one more open meeting with gala entertainment will be held prior to the annual Naked Truth Dinner at the Astor, April 27.

Century-RKO Near End of Long Hearing

By agreement between Louis Nizer and Mitchell Klupt and the local clearance and zoning board, testimony in the Century-RKO clearance dispute in Long Island will wind up today with summations to follow on Thursday.

Today's session will be the eighth. At the last meeting, Abrams' patience was worn to a frazzle trying to keep both counselors in line. He had to strike from the record at the rate of once every 15 minutes rejoinders by Klupt. However, during the last hour of the seventh hearing, the Century attorney, answering a remark made by Nizer, stated: "I am doing this to amuse myself."

Abrams, who had to consult Ex-Judge Alfred E. Steers several times for information on points of law, didn't wait for any consultation when the remark was passed. He immediately dismissed the witness, George Green, who had been testifying on the mailing list of the Alden, Jamaica, and also Joseph Nocera, who had been brought from Rockville Center for examination and cross-examination.

Considerable interest has been manifested in local circles as to the decision and the way various members of the board will vote. Hearing the case are Abrams of Univeral, Robert Wolff of RKO Radio, Eugene Picker of Loew's, Harry Shiffman, president of Isle Theatres, an independent circuit; Laurence Bolognino, head of Consolidated Amusements; and Edward Rugoff of Rugoff and Becker, an independently operated circuit. Steers is the impartial man and votes only in the event of a tie.

Both sides have already indicated that the decision will be appealed. With this statement on the record, the board may elect not to hand down a verdict and certify it to Campi. The local grievance board did this the other day in the Rosenblatt-Skouras case involving the former's Westwood, Westwood, and Skouras' Pascack, Westwood, N. J. The board held that in a precious case Campi had reversed a unanimous opinion and, as either side would appeal in the new case, the matter was certified to Code Authority for disposition.

Comerford Gaining; Has Passed Crisis

(*Continued from page 1*)

cording to Dr. W. A. Bloedeorn, attending physician.

"Mr. Comerford continues to show improvement," the physician's latest bulletin reads, "and his condition is decidedly more hopeful than at any time since he entered the hospital."

It will probably be two weeks, however, before he will be able to leave the hospital.

Report Loew Peace Moves From Chicago

(*Continued from page 1*)

place recently in New Orleans, but failed to get anywhere. The indication at the time, however, was that the matter would be taken up in Chicago by the groups directly interested.

"No Limit to Number"

"There is no limit to the number of theatres we will build or acquire in Chicago," David Bernstein, vice-president and treasurer of Loew's, stated over the week-end.

"We have taken option on a number of sites while we are investigating titles, mortgages and other matters relevant to deals we have in the process of negotiations," he said.

Bernstein denied reports that the circuit may expand its activities to include Detroit and further in Indianapolis.

IEPA Men Forecast Big "Disclosures"

Philadelphia, March 17.—"Sensational disclosures" are predicted by the Independent Exhibitors' Protective Ass'n. at a meeting scheduled to be held here at the Broadwood Hotel Monday.

Just what the "sensational disclosures" are has not been revealed, but the group feels that they are important enough to attract exhibitors outside of their own organization.

It is also expected a discussion will be held on a compromise with the state on the new proposed admissions tax, and it is thought an exemption will be asked for houses charging 25 cents or less.

Detroit Men on Sick List

Detroit, March 17.—Local filmites on the sick list include Willard Patterson, general manager of United Detroit (Publix) theatres, who is seriously ill in a hospital; Fred Schader, publicity director of the Fox, who has rheumatic fever, and M. Harlan starr, local G. B. manager, who is home with the flu.

Charles C. Perry, manager of the Adams, who recently underwent an operation for appendicitis, has returned to work.

Richmond, March 17.—Al Nowitsky, manager of the Colonial, has recovered from a severe illness and has resumed his duties.

Sells Trans-Lux Stock

A New York company identified as "Affiliates Equities" has disposed of a block of 168,033 shares of Trans-Lux Daylight Picture Screen Corp. stock to an undisclosed purchaser, according to Curb Exchange records. A. M. Andrews, former director of Trans-Lux, is understood to be associated with the seller. He was once the largest holder of Trans-Lux stock. The stock involved in the transaction represents almost 25 per cent of the total number of shares outstanding.

Block Booking Bill Hearings Will Be Asked

(*Continued from page 1*)

grossed in the utilities problem, Pettengill said he would wait until Chairman Sam Rayburn of Texas had disposed of that question before he approached him on block booking. There is sufficient support behind the bill to assure the granting of hearings, he asserted.

Support of the measure by the Federal Council of the Churches of Christ in America was seen by the congressman in a request just received for several thousand copies of the bill, which will be distributed among all the church papers of the Protestant faiths. While the Catholic organizations have not yet committed themselves, he said, he has received a number of communications indicating that their approval will be given.

Shelve Temporarily New Exhibitor Body

(*Continued from page 1*)

behind the new association is to have the country broken down into Congressional districts with exhibitor leaders in each district. National Independent Theatre Owners was the name tentatively set.

Reason for abandoning the move at this time are the unsettlement of the code and the flaring up of the local operator war again in this territory. There's a possibility the plan may be revived later in the year.

"Ruggles" $50,000 Draw at Paramount

(*Continued from page 1*)

Capitol fared nicely with "After Office Hours" and Ben Bernie and his band on the stage. Business at this house was around $40,000.

The Roxy with "Enchanted April" did not hit the expected gross, getting only $28,000 of the contemplated $35,000. "Shadow of Doubt" was weak at the Mayfair with $7,500. The Astor, with "Transient Lady," tallied $4,000, while the Rivoli on the third and last week of "Folies Bergere" garnered $12,000. "Living on Velvet" at the Strand grossed around $11,000.

Francis Made Head Of Coast Photophone

G. K. Throckmorton, executive vice-president of RCA Manufacturing Co., has appointed James E. Francis, formerly manager of the RCA Victor Photophone department, manager of the company's Hollywood operations. Edward M. Hartley, who has been service manager for some time, has been appointed to fill the vacancy made by Francis' promotion and F. B. Ostman, assistant to Hartley, is now service manager.

Francis, who will leave for the coast in about a month, will supervise all activities in recording, selling, servicing and the maintenance of reproducing equipment.

McKay Says Studio Exodus Is Serious

(Continued from page 1)

fornia legislature now realizes this fact.

He also expressed the belief that as a consequence, California will not enact any extreme tax measures which would make the move necessary.

McKay also said the transfer of "The Great Ziegfeld" from Universal to M-G-M is just about completed on the basis of an outright sale and that this was one of the reasons for his trip to Hollywood.

Roth Gets Assignment

HOLLYWOOD, March 17.—Murray Roth draws the directorial assignment on "Chinatown Squad" from Universal. The picture will get under way in a couple of weeks.

Valerie Hobson, only cast assignment to date, has been handed the feminine lead. Maurice Pivar will produce.

Ready with "Healer"

HOLLYWOOD, March 17.—Monogram has signed Ralph Bellamy, Karen Morley and Mickey Rooney for leads in "The Healer," which is similar in theme to "The Miracle Man," and is from a novel by Robert Herrick. George Waggner is doing the adaptation, and Reginald Barker will direct.

Fire at Lincoln Center

KANSAS CITY, March 17.—A film fire in the Princess, Lincoln Center, Kan., destroyed the booth and the interior and caused $8,000 damage. The audience, mostly children, escaped unhurt. The house is owned by Ray Musselman.

Renew with Bulgakov

HOLLYWOOD, March 17.—Columbia has exercised a six-month option on Leo Bulgakov. The director recently completely "White Lies" and "I'll Love You Always." The latter will be released soon.

Re-Sign Grace Bradley

HOLLYWOOD, March 17.—Grace Bradley has had her option lifted for an additional year by Paramount. The actress' last picture was "Stolen Harmony," top spotting George Raft and Ben Bernie.

Cooper-Lombard Teamed

HOLLYWOOD, March 17.—Paramount has purchased "The New Divorce," a French play by Milneaux, for Gary Cooper and Carole Lombard.

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

Purely Personal

GRADWELL SEARS, pen in hand:

Your "Purely Personal Column" sets forth the erroneous fact that I have gone in for skiing in a big way. Evidently your correspondent has skiing confused with skeet shooting. Skiing requires snow and hills so I am told. The fact is I have never had a pair of skiis on in my life.

I must admit, however, that skeet shooting, which requires a shot gun, ammunition and clay pigeons, is the favorite sport of some of the highly important figures in the industry. I refer to Charlie Pettijohn, Neil Agnew and George Skouras. It gives the boys an opportunity to display that Indian blood. Last week at the Westchester Gun Club, Charlie Pettijohn was high over all, and the writer modestly admits he was second.

Just couldn't help straightening out your erroneous information. Also wanted to prove that I read MOTION PICTURE DAILY.

Quip of the Day

Joe Lee of Fox, just back from a Mediterranean cruise, was asked what countries he had visited.

"Italy, Palestine, Greece, ——," he enumerated and was interrupted by a listener.

"How did you get into Greece while the revolution was on?" the listener wanted to know.

"I had a letter from George Skouras," Lee snapped.

OTTO HARBACH, lyricist of "Roberta," is wearing a path in his office carpet. He was recently signed for a radio program and is finding it impossible to study his script while standing still.

•

MARGOT GRAHAME is a busy girl these days. She arrived here expecting a rest and all her afternoons are being taken up posing for style pictures for exploitation work on "The Informer."

•

NAT COHN is trying to convince brothers HARRY and JACK to hold the Columbia convention in Pinehurst, N. C. His idea would be to play golf during the day and talk business at night.

•

EDWARD ALPERSON and WILLIAM T. POWERS, who flew to the coast about 10 days ago and were expected to return today, are due back the end of the week.

•

NED E. DEPINET, WILLIAM MALLARD and BRUCE BROMLEY are back from St. Louis. There, Depinet pleaded not guilty in the St. Louis indictment proceedings.

•

MILT KUSELL sails on the *Rotterdam* March 30 for a 12-day cruise. MYRON SATTLER takes the same trip on the *Volendam* starting April 13.

•

LOUIS CALHERN left for the coast Saturday on the *Santa Rosa* after spending quite a time here vacationing.

•

MERLE OBERON canceled plans at the last minute and did not sail for Europe Friday evening. Official reason: illness.

BETTY HAMILTON, appearing with CLIVE BROOK in "The Dictator," has been placed under contract by the Leo Morrison office.

•

BOB GILLHAM attributes that springy step to handball. He's one of the topnotch players in the industry, so step up with your challenges.

•

JOE MCCONVILLE and BILL BRENNAN creating waves of envy with the Florida postcards their friends are receiving.

•

DAVE LEVY, M-G-M branch manager in New Jersey, is over that throat trouble which bothered him for a couple of days.

•

MITCHELL KLUPT and TOM MURRAY can be found at the Tavern during the lunch hour every day. Well, almost every day.

•

ROY H. HAINES, who, by the way, will not disclose what the H. stands for, doesn't want to be a Kentucky colonel.

•

HARRY C. ARTHUR will take the lock off his Peekskill farm any day now and move from his winter quarters at Bronxville.

•

ALBERT DEANE of Paramount International is en route to Hollywood on what will be a two weeks' visit.

•

WILLIAM FERGUSON hasn't found a successor to Leo, the Lion, as yet, but he's a-hunting for one.

•

PHIL REISMAN sailed Saturday on the *Conte di Savoia* for Paris and Rome. Will be gone six weeks.

•

WILLIAM SCULLY reports back to work today after a nice vacation in Miami.

•

GEORGE SKOURAS has given up hopes of taking a vacation at this time.

•

SIDNEY JUSTIN is yearning for the California sunshine.

•

B. P. SCHULBERG is expected in town within the next few weeks.

•

JOHN D. CLARK has returned from a short trip to Boston.

•

. . . And in Boston

LESTER ALLEN has returned to his regular reportorial duties on the *Boston Post* now that PRUNELLA HALL has come north from South America. . . . E. M. LOEW, the circuit owner, is basking on Florida sands. . . . MITZI GREEN, BERT LYTELL and WALTER HUSTON are here. Expected are BEN LYON and BEBE DANIELS. . . . TIMOTHY O'TOOLE, manager for Columbia, is voyaging on the Spanish main. . . . MAURICE WOLF, M-G-M manager and president of the Boston Friars' Club, is mingling with Texas longhorns.

Retitle "Pampas Moon"

HOLLYWOOD, March 17.—Fox has changed the title of "Under the Pampas Moon" to "Gaucho Lover." Armida, the dancer, and J. Carroll Naish have been added to the cast.

FWC Units Delayed For Skouras Pacts

(Continued from page 1)

Rocky Mountain circuits. Both Skourases have predicted the circuits would be taken out of bankruptcy around April 1, but indications now point to June 1 as the earliest possible date.

Terms of the operating contract have been agreed upon for some time with only the signatures needed to make them binding. Kent, who sat in at most of the conferences on contract provisions before he left for Florida, will return today to look over the pact and approve it for his company. A meeting of all principals is slated in Kent's office today. Signatures are expected.

Charles Skouras, Edward Zabel, his secretary; Charles Buckley, F. W. A. attorney, and Mike Rosenberg will probably leave tomorrow or Wednesday for the coast. They have been waiting for Kent to return.

Kent is also president of National Theatres, holding company for Fox West Coast. When the circuits are reorganized, Fox Rocky Mountain will be known as Associated Theatres and Fox Midwest will be changed to Fox Midcontinent.

Set Wilmington Hearing

WILMINGTON, March 17.—A hearing on matters contained in the petition of the receivers of Jenkins Television Corp. asking an order authorizing a compromise with the receivers of De Forest Radio Co. and Wiley R. Reynolds and W. R. Reynolds & Co., is scheduled in the U. S. District Court here March 30. John Biggs, Jr., of Wilmington, and Cliffton V. Edwards of New York, are the receivers of Jenkins Television and Leslie E. Gordon of Passaic, N. J., and Ralph E. Lum of Newark, De Forest Radio receivers.

Shift N. E. Managers

BOSTON, March 17.—Managers in the New England district have been shifted in a number of instances.

In Providence, Lewis Talbot is now manager of the Modern, operated by Anthony Romano and Abraham Spitz. Fred Lovett in nearby Olneyville is extending his activities for E. M. Loew to manage the Royal which has been reopened on a curtailed basis. Jack Heese has shifted from the Capitol in Springfield to take over the Roger Sherman in New Haven. John Sanson, who formerly had the latter house, has been transferred again, this time from the Colonial in Hartford, and is now at the State in South Manchester, Conn.

May Do 5th Feature

HOLLYWOOD, March 17.—First Division has completed "Rainbow's End," second Hoot Gibson western in a series of four. The company has until June 1 to deliver the next two westerns and is considering sandwiching in another feature before starting the Gibsons.

Nears Half-Way Mark

HOLLYWOOD, March 17.—Mascot, with six features finished, has eight more to go on its 1934-35 program. In the serial division, there remain two. These are "The Fighting Marine" and "Adventures of Rex and Rinty."

MOTION PICTURE DAILY GETS THE TRUTH ABOUT UNIVERSAL!

●

Read Next Page....

THE TRUTH AB

1...Universal's "It Happened in N
Roxy Theatre for April 5th!

2...Universal's "Princess O'Hara,"
sought after by several big Broa

3...Universal's "The Mystery of Ec
ences everywhere in the Unite

4...Universal's "Mr. Dynamite,
Dashiell Hammett's successor

5...Universal's "The Bride of Fra
sensation your audiences have

6...Universal's "The Unholy Hou
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7...The truth about Universal is
line-up of box office babies to

OUT UNIVERSAL!

y York" is booked into the N. Y.

mon Runyon's best story, is being
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starring Edmund Lowe, will be
"The Thin Man"!

enstein" will be the gol-darndest
er gasped at!

will be one of the big surprises

omething to shout about—a strong
gladden every exhibitor's heart!

Fortington's Plans Bestir Para. Circles

(*Continued from page* 1)

possible vacancy may have on the initial board. Fortington is reported to hold that he or his interests will be at liberty to designate a successor-representative in the event of his resignation. Others point out that if the vacancy does not occur until next fall, a successor would be elected by stockholders and might, or might not, be a representative of the British insurance companies.

Fortington could not be reached for comment on Saturday, but a spokesman for him was of the opinion that his proposed return to England late in the year would be for temporary business purposes and, while they might be of lengthy duration, would not involve resumption of permanent residence there and, hence, would not affect board membership.

Fortington's interests are regarded as guiding factors in the Paramount creditor group comprising, in addition to the British insurance companies, Allied Owners Corp., Atlas Corp., Lehman Bros., Lazard Freres, Erpi and others. This group has presented five nominees for the board, among them John D. Hertz of Lehman Bros. Opposition to Hertz, manifest for some weeks in scattered creditor and stockholders quarters, is now reported to have invaded the inner circle of the Fortington group itself.

Report Altschul to Fight

The version of this report most frequently heard in creditor ranks is that Frank B. Altschul of Lazard Freres, who was prominently mentioned for a place on the board just prior to the naming of Hertz, still feels that he should have been given the place which went to Hertz and is preparing to contest for it. Lazard Freres are reliably reported to hold more than $1,000,000 of Paramount bonds and debentures and the withdrawal of this support from the Fortington group could be of considerable significance in the reorganization.

Another report credited in responsible reorganization quarters is that individual bondholders, representing approximately $1,500,000 of Paramount securities, and not identified with any of the large creditor groups, are dissatisfied with the proposed board setup and may come into court at the next scheduled hearing on the reorganization plan, April 4, to voice their objections. The group, it is said, is considering the retention for this purpose of some nationally known counsel, such as Newton D. Baker of Cleveland.

Asserts Para. Staff Should Oppose Plan

Louis M. Levy, attorney, said to represent some holders of Paramount Publix stock, notified trade papers on Saturday that he had written George J. Schaefer, Paramount general manager, in reply to the latter's recent recommendation that Paramount employes holding the company's stock give their assent to the reorganization plan now before the Federal court here.

Levy's letter to Schaefer, read over the telephone by his secretary, set forth the attorney's opinion that the plan should be opposed by stockholders as "unfair and inequitable" and advised that Levy would submit a new board of directors for Paramount which would include Schaefer, Charles E. Richardson and Percy H. Johnston as the only members from the proposed board now before the court. The letter praised Schaefer for his work for Paramount.

Levy is counsel for professional talent and advocates a place on the board for their representatives.

Lucas Gets Eighth Term

NEW LONDON, March 17.—W. W. Lucas has been elected president of Local No. 439, I. A. T. S. E., for the eighth consecutive season.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Princess O'Hara"

(*Universal*)

HOLLYWOOD, March 17.—This picture will delightfully surprise Damon Runyon, who may recognize but little of his original story but who will find exciting, well-made entertainment that is certain to please. Producer Leonard Spigelgass, throwing away Runyon's script, has made a fast moving race track story as his first production effort that clicks speedily.

Chester Morris, a nightclub, taxi and race horse owner, tries defending Jean Parker after her father, Ralph Remly, has been killed while driving a horse hack during a taxi war. The girl refuses aid, blaming Morris for her father's death and, in the ensuing complications, starts to operate her dead father's hack. She is stopped when her horse gets pneumonia. The mob then steals a race horse, which is the main rival of Morris' horse in the big race, and places the stolen animal on the hack. When this is discovered, the girl is on the spot as the horse owner promises not to prosecute only if the horse wins the big race, the promise being made on the theory that Morris stole the horse to keep it from competition. Morris has bet heavily on his own nag and will therefore lose either way. The situation is finally cleared up cleverly.

The players carry their parts in keeping with the nature of the story and the direction of David Burton never lets things lapse. Leon Errol, Vince Barnett and Clara Blandick score in support. The adaptation by Doris Malloy and Harry Clark is excellent.

The film is swell entertainment for all houses with the possible exception of deluxe mansions.

Production Code Seal, No. 672. Running time, 75 minutes. "G."

Looking 'Em Over

"Gigolette"

(*Select-Radio*)

"Gigolette" is aimed for dual bills, may need proper selling to get it over.

The story tells of Ralph Bellamy, gyp night club operator, who meets Adrienne Ames, society girl, while she is waiting table at a charity bazaar. Thinking the girl is only a waitress, he invites her to look him up if she ever needs a job. Soon after, her father loses all his money, kills himself, and the girl is faced with earning her own living. She looks up Bellamy, who places her as a hostess in his night club. Hostess duties not pleasing Miss Ames, she gets Bellamy to open a respectable place.

Meanwhile, she has met Donald Cook, wealthy society spender, and rivalry develops between Bellamy and Cook, which climaxes when Miss Ames gives money obtained from Cook to Bellamy to save his new club. Things straighten out, Cook getting the girl; Bellamy giving his blessing.

Action is somewhat slow in spots, but scenes giving inside information on method of operating gyp places are interesting. Production values are good in the bigger night club scenes. Robert Armstrong, playing Bellamy's assistant, does best work of supporting cast. Phil Rosen directed for Select Pictures.

Production Code Seal No. 0265. Running time, 67 minutes. "G."

Ban 15c Scale for Paramount Product

(*Continued from page* 1)

board. The case was Standard Theatres, Inc., vs. Saxe.

It was testified that contracts between Fox, RKO, and Columbia and the Orpheum permitted 15-cent minimum admissions, but that the Paramount contracts called for 20 cents minimum. It was declared that an oral agreement between Saxe and Paramount permitted the lower admissions, but the board ruled that the written contract was binding.

The board also ordered the Grand at Oshkosh to discontinue bank nights and the Rex at Oshkosh to discontinue surprise nights. Both the Grand and Rex are operated by Wisconsin Amusement Enterprises, Inc.

Missouri Bill For Censoring Is Laid Aside

ST. LOUIS, March 17.—State Senator John P. Shea has had his censorship bill placed on the informal calendar. Under this arrangement a bill does not come up for vote under the ordinary routine, but may be called out at any time the author desires. Usually bills so handled are not called for a vote.

Distributors and exhibitors have been in a state of agitation ever since Shea, a former exhibitor, introduced it. Last Wednesday night he was the only witness at a hearing on the measure before the Criminal Jurisprudence Committee. After a speech in which he said exhibitors throughout the state favored it; were opposed to block booking and were so restricted they couldn't buy posters, the committee reported the bill favorably with an amendment cutting the proposed censors' salaries from $4,000 to $2,500.

Appear Against Bill

While this was happening, Fred Wehrenberg, president of the M.P.-T.O. unit; R. R. Biechele, secretary of the I.T.O. of Kansas City, and Arthur Cole, representing exchanges, were before the House Ways and Means Committee opposing the proposed 10 per cent admission tax. Their astonishment was profound when they heard what had happened before the Senate committee and they let their sentiments become known with considerable emphasis.

They told the committeemen that even the Legion of Decency and Better Films Committees were opposed to censorship.

Shea figured in the St. Louis Amusement Co. litigation with his sister. He and his sister were plantiffs in a receivership suit filed against the St. Louis Amusement Co., in which he charged mismanagement on the part of Warners. He is understood to have lost heavily in the reorganization. Later he managed Harry Koplar's Montgomery.

Paramount Meet to Start Here May 23

Paramount is the first company to definitely announce its convention dates and place. The annual sales meeting is set for four days starting May 23 at the Waldorf Astoria.

Attending the session will be district and branch managers in addition to home office personnel and members of the "100 Per cent Club." Following the four-day meet, district heads will call special confabs for salesmen, bookers and ad sales managers.

G. B. J. Frawley is in charge of convention details.

Drops Detroit Lease

DETROIT, March 17.—Fred B. Miller, who has operated the Loyal for the last four years, has not renewed his lease and the house is now being operated by Samuel Ackerman.

The Forest and Majestic, closed for some weeks for remodelling due to the widening of Woodward Ave., will reopen April 1, according to Jacob Schreiber, operator.

"Little Colonel" Providence Smash

PROVIDENCE, March 17.—The charm of little Shirley Temple not only pulled capacity business to the Majestic for the week but likewise threw the overflow to other theatres, resulting in excellent trade for all. The film, "Little Colonel," was moved by the Fay interests to the Carlton for another week, making way for "Gold Diggers." The Majestic cleaned up $10,500 on the petite star, which is $3,500 over the normal gross.

The RKO Albee came next in line with Cab Calloway on the stage and "Without Children" as the screen attraction. The take was $10,000.

Fay's, with "A Notorious Gentleman," and a stage revue, caught $8,200 and the Strand came through with $7,100 on "The Whole Town's Talking." "Folies Bergere" garnered $8,700 at Loew's.

Total first run business was $45,700. Average is $40,500.

Estimated takings for the week ending March 14:

"THE WHOLE TOWN'S TALKING" (Col.)
"EVENSONG" (G.-B.)
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,100. (Average, $6,500)
"THE LITTLE COLONEL" (Fox)
"SYMPHONY OF LIVING" (Invincible)
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $10,500. (Average, $7,000)
"FOLIES BERGERE" (U.A.)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $8,700. (Average, $12,000)
"WITHOUT CHILDREN" (Liberty)
RKO ALBEE—(2,300), 15c-40c, 7 days. Cab Calloway on stage. **Gross:** $10,000. (Average, $7,000)
"A NOTORIOUS GENTLEMAN" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Broadway Scandals of 1935." **Gross:** $8,200. (Average, $7,000)
"RENDEZVOUS AT MIDNIGHT" (Univ.)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

Wisconsin I. T. P. A. Seeks Playdate Ban

MILWAUKEE, March 17.—The legislative committee of the Independent Theatres Protective Ass'n, headed by F. J. McWilliams, has introduced a bill in the state legislature similar to that championed by the Ohio Independent Exhibitors' Ass'n, to bar preferred playing dates.

The association is also sponsoring a measure to prohibit walkathons and similar marathon contests. The bill has already has a committee hearing and indications point to its passage.

Fox Roxy Bond Suit Is Postponed Again

(Continued from page 1)

Roxy Theatre stock was agreed upon Saturday by counsel.

The trial was scheduled to open in state supreme court here today. While the present delay has been consented to, a new trial date has not been set yet.

Federal Probe for Milwaukee Assured

(Continued from page 1)

and producer controlled theatres, Harold M. Stephen, assistant attorney general at Washington, has advised Ray Tesch, business manager, that a representative will be sent to this city shortly.

Insiders' Outlook

(Continued from page 2)

not to say that the conduct of the business has passed beyond criticism. It has not. Probably it never will. For this is the kind of a commercial-artistic institution which the world and his wife delight in talking about and interfering with. Significant, however, is the drift of sizable outside comment on what has taken and will continue to take place.

▼

The weather, spring-like in content, short cuts to columning go one up via the scissors and paste method applied to the current issue of *The New Dynamo*, house organ of the Fox sales department. It relates in part:

> "Two weeks ago we published a 12-week survey of what the four major newsreels had accomplished. That survey showed that in 12 weeks Fox Movietone News had scored 115 scoops against its nearest rival's 75. That survey further showed that in 12 weeks Fox Movietone News carried in 24 issues a total of 231 subjects against its next strongest opposition's 200. That justified the industry's general acknowledgment of the superiority and supremacy of Fox Movietone News. . . . Now we present a survey for four months—16 weeks. In that period, Fox Movietone News' 32 issues have presented 317 against its nearest rival's 283. . . . In 16 weeks in 24 issues . . . 138 exclusives against its nearest rival's 97." . . .

▼

This column, always competent to handle its sums in the lower brackets, thought there were five major newsreels. The higher mathematics, as per above, carry us completely out of our depth. . . .

▼

"The March of Time" disciples went publicity conscious over the week-end and the results were these:

> "Unplanned, unorganized, unknown to movie audiences, what amounts to a national ban on pictures of Adolf Hitler has been in existence in the United States for many a month. The motion picture trade is well aware of it, yet no one will admit or deny it."

This is a buildup and a prelude to a subsequent paragraph which points out "The March of Time," second release, devotes ten minutes to a review of Hitler-type diplomacy and what other Continental powers are doing about it.

Now here's one in return: Perhaps unorganized, but planned and executed nevertheless, is voluntary action on many a theatre operator's part to cut the very Hitler sequence talked about. Where German population or German sympathy runs high, the practice is widespread. . . .

▼

Available information in this sector insists that it was Stan Laurel who kicked over the traces, maintaining Hal Roach was delinquent in furnishing suitable material for comedy antics with Hardy. Stan without Babe and Babe without Stan is like ham without eggs. Some friendly disposed soul ought to take Laurel for a ride through those Hollywood hills and tell him a couple of things. . . .

▼

Unimportant note: Hearst editors apparently don't know their boss's general manager, film division, is Edgar B., and not Edward B., Hatrick. Proof supplied by the columns of the *New York Evening Journal*. For that matter, neither does the Warner publicity department. . . .

▼

Among Charlie Pettijohn's pleasantest memories: His recent reception by exhibitors at the New Orleans convention. There were many he had not seen for several years. Yet they remembered him and so they greeted him with cordiality undisguised and unmistakable. . . .

▼

Law-making which meets this department's approval: The bill of U. S. Senator Duffy of Wisconsin which would prohibit the stage appearance of Hauptmann case jurors and, presumably, all others sitting in judgment on past and future notorious murder cases. . . .

RKO-M. & S. on March 25

March 25 has been set as the tentative date for resumption of arbitration hearings on the Meyer & Schneider breach of lease charges against RKO involving film playing policies at the latter's Hollywood and Apollo. The hearings were postponed some time ago by agreement of counsel for both sides.

Oestreicher Advanced

COLUMBUS, March 17.—William A. Finney, divisional director for Loew's, has appointed Fred P. Oestreicher as press agent for the local Ohio and Broad. Oestreicher, a former newspaperman on a Columbus daily, has been handling publicity for another house here.

Wall Street

RKO Gains ⅛ on Big Board

	High	Low	Close	Net Change
Columbia Pictures vtc	41¼	41	41	— ¼
Consolidated Film Industries	4⅝	4⅝	4⅝	— ⅛
Eastman Kodak	117⅞	117⅜	117½	—1
Fox Film "A"	9	9	9	+ ⅛
Loew's Inc.	34⅝	34	34	+ ⅛
Paramount Publix.	2½	2½	2½	— ⅛
Pathe Exchange	⅝	⅝	⅝	.....
Pathe Exchange "A"	12⅝	12½	12½	.....
RKO	1⅜	1⅜	1⅜	+ ⅛
Warner Bros.	2⅝	2½	2½	+ ⅛

Trans Lux Up ⅝ on Curb

	High	Low	Close	Net Change
Technicolor	15¼	15⅛	15¼	+ ¼
Trans Lux (.10k)	2¾	2¼	2¾	+ ⅝

Warner Bonds Rise ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	6⅝	6⅝	6⅝	— ⅛
Keith B. F. 6s '46	68⅛	68⅛	68⅛	.....
Loew's 6s '41 ww deb rights	104⅝	104⅝	104⅝	— ⅛
Paramount F. L. 6s '47	70¼	69¾	70	— ¼
Paramount Publix 5½s, '50	71	70¾	71	— ½
Pathe 7s '37 ww	103⅝	103⅝	103	+ ⅛
Warner Bros. 6s '39 wd	50¼	49¾	50	+ ½

(k) Paid this year.

(Quotations at close of March 16)

Fox Exchanges Get Rich Drive Awards

Christmas this year is nine months ahead of time for a number of Fox exchange employes as a result of five different sales drives.

Branch personnel in the Atlanta office will get four weeks' extra salary, this exchange having been first in the 13-week S. R. Kent Drive. Second place was taken by New Orleans and all employes will receive three weeks' additional salary. Charlotte was third and two weeks' extra pay will be given each worker. Fourth rating goes to San Francisco with one week's salary as the award.

In the short subject delivery drive, New Orleans won $1,000, which will be distributed among exchange employes. Albany was second with a $500 prize; Atlanta, third, getting $350; Charlotte, fourth, for an award of $250.

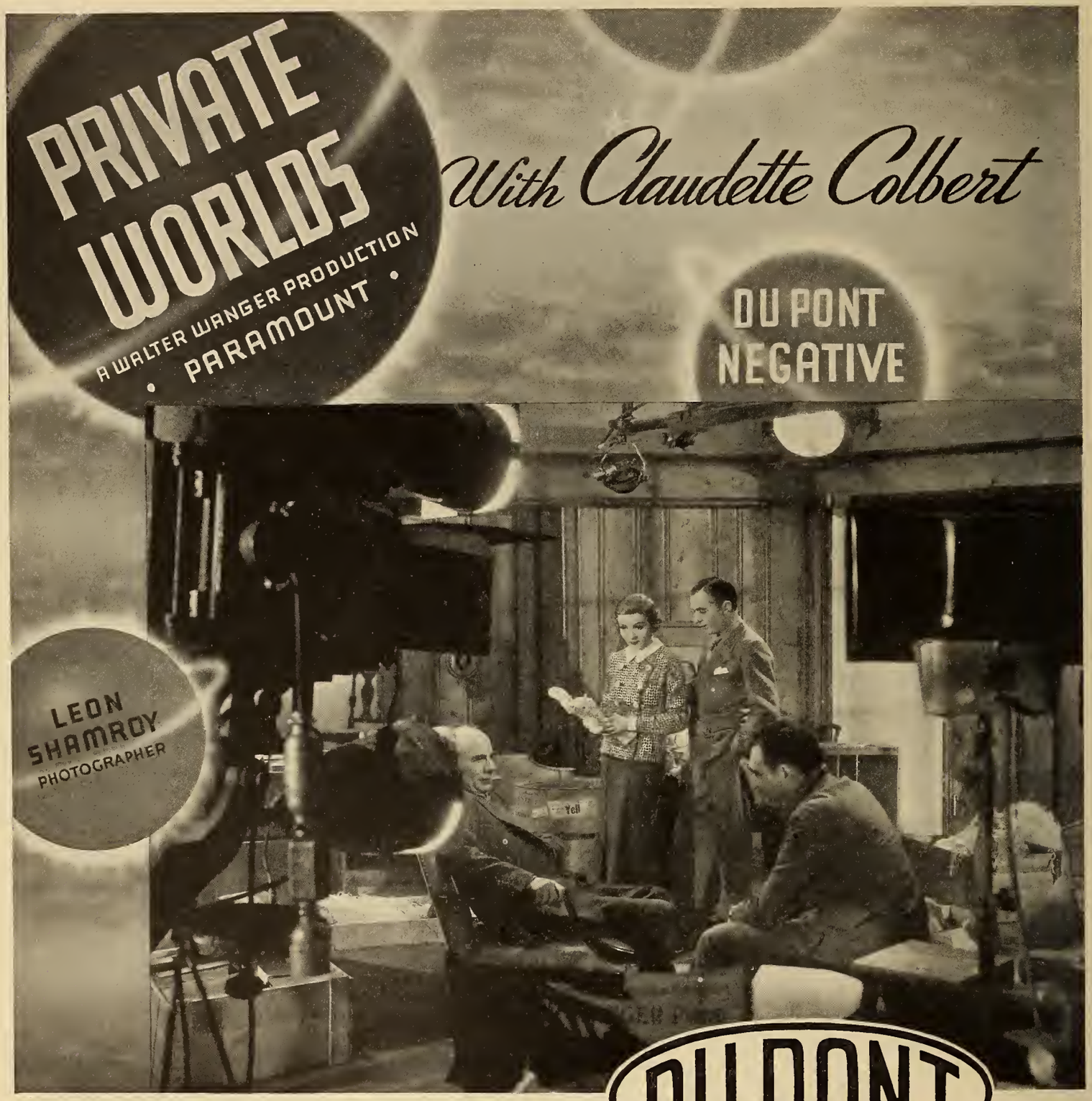
New York takes top money in the 15-week "Peck's Bad Boy" delivery contest with $1,750 to be handed out. Los Angeles was second, taking the $1,500 award; Philadelphia, third, for $1,000; Omaha, fourth, $500; Des Moines, fifth, $250.

First award, totaling $1,750, in "The Cat's Paw" drive, goes to Toronto; second to Los Angeles, for $1,500; third to San Francisco, $1,000; fourth to New York, $500; fifth to Philadelphia, $250.

In the ad sales delivery, Don Reed of Atlanta won first place; G. Calvert, Memphis, second; G. Pabst, New Orleans, third; C. Hilsop, Vancouver, fourth; S. Kohlberg, Milwaukee, fifth; S. Glasier, Toronto, sixth.

"Time" Opens in Cincy

CINCINNATI, March 17.—Differences between the parties concerned having been ironed out, "March of Time" is making its initial Cincinnati appearance at the RKO Albee.



GREGORY LA CAVA · CLAUDETTE COLBERT

CHARLES BOYER · LEON SHAMROY

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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 66 NEW YORK, WEDNESDAY, MARCH 20, 1935 TEN CENTS

Loew Launching Theatre Program to Cover Globe

Code Reopening Indefinite; MPTOA Moves for Revision

By SHERWIN A. KANE

An M.P.T.O.A. code committee of seven has been named by Ed Kuykendall, president, to present to Compliance Director Sol A. Rosenblatt "at the earliest date that can be arranged" recommendations for code changes which were proposed by the organization's recent national convention.

The code committee is comprised of Kuykendall, chairman; Morris

(Continued on page 4)

By BERTRAM F. LINZ

WASHINGTON, March 19.—No reopening of the code will be considered until after Congress has enacted legislation dealing with the Industrial Recovery Act, it was indicated today by the National Industrial Recovery Board.

Adoption by the board of a policy of postponing the revision of all codes was seen in an announcement that reopening of one of the codes, asked

(Continued on page 4)

Para. Assents Rolling In; Nearing Mark

Only $1,500,000 Shy of Two-Thirds Need

Assents to the Paramount Publix plan of reorganization by bondholders are increasing in number daily after several weeks of inactivity, and a total of $15,000,000 of the $25,177,000 of Paramount-Famous-Lasky and Paramount Publix issues outstanding, are now on deposit in favor of the plan, it was stated yesterday.

A total of about $16,500,000 of bonds, or two-thirds of those outstanding, is necessary to final confirmation of the plan by these holders. Deposits of Paramount Broadway bonds, however, are not being made in any volume as yet. This issue represents indebtedness on the Paramount Building and Theatre in Times

(Continued on page 4)

Vanderlip, Johnston To Visit Para. Plant

Frank A. Vanderlip and Percy H. Johnston, nominees for the new Paramount board of directors, will visit the company's studios during their current west coast trips.

Vanderlip is chairman of the principal Paramount debenture holders' protective committee and is now vacationing in California. Johnston, chairman of the board of Chemical Bank & Trust Co., is now en route for a survey of business conditions. He is accompanied by John B. Perry, a vice-president of the Chemical bank.

Racing Bill Licked In Jersey Assembly

TRENTON, N. J., March 19.—The Assembly today defeated by a vote of 24 to 29 a bill to legalize pari-mutuel betting on horse and dog racing, marking a victory for exhibitors, who had put up strong opposition to the measure.

Assemblyman Altman of Atlantic City, sponsor of the bill, was active

(Continued on page 7)

"U" Convention Set For Chicago May 25

HOLLYWOOD, March 19.—The Universal sales convention this year will be held in Chicago on May 25-27. The announcement was made today following conferences between Carl Laemmle, Sr., and J. R. Grainger,

(Continued on page 7)

NRB's Ruling Snarls Campi Budget Plan

By CLARENCE LINZ

WASHINGTON, March 19.—Complete revamping of Campi's budget for the first half of the current year, not yet approved, today was seen necessary under an order issued yesterday by the National Recovery Board refusing approval to any budget assessment plans providing for fixed minima or maxima, flat assessments which are uniform for all members of an industry, or sliding scales providing for payments in accordance with specified brackets.

The film budget, it is believed, vio-

(Continued on page 4)

Fort Worth Theatre Alleges a Boycott

DALLAS, March 19.—The New Liberty, second-run house in Fort Worth, has filed application for an injunction in Federal Court here alleging distributors are attempting a boycott and naming Bonnie Long, secretary of the Dallas grievance board, as one of the defendants. Hearing was set for Thursday, March 21, before Judge James C. Wilson.

Recently Interstate filed a complaint on bank night against the New

(Continued on page 4)

Bitter Fight Rages Around Censor Bill

KANSAS CITY, March 19.—Aroused to fighting pitch by a drastic censorship measure which would increase rentals by an estimated $300,000 a year, Missouri exhibitors are deluging their state representatives at Jefferson City with hundreds of protests. The bill, introduced by Senator John P. Shea of St. Louis, has obtained the approval of the Senate committee on criinal jurisprudence and may be called up for a vote at any time.

Not in years have all elements of the industry in the state worked so concertedly as they are now to prevent the passage of the bill. Leaders

(Continued on page 5)

Flinn Delays Return; Will Make Two Stops

Delaying his trip to New York again, John C. Flinn plans to leave the coast by plane Thursday and arrive in Kansas City the following day for conferences with the local clearance and zoning board on the schedule, which has aroused a considerable fuss among independents in that territory. On Saturday, Flinn will be in Chicago going over the code situation generally and after a day in the Windy City leave for New York where he is due Sunday.

Will Build in World Centers to Fight Booking Combine

Loew's is set to launch a world-wide theatre building campaign. Sites for the first four additions abroad already have been acquired with construction plans now being drawn. It was Arthur Loew, first vice-president and foreign head of M-G-M, who divulged the international undertaking yesterday.

"There is no limit to the number of theatres we will build," he said, "but we are going into every city in the world where there is a booking combination."

Loew's board of directors, it is learned, officially has given the M-G-M international chief carte blanche on whatever program he follows. Unlimited funds are at his disposal.

The foreign move, coming on the heels of the circuit's decision to invade Chicago with its own properties as a result of failure of M-G-M to get together with the Essaness and

(Continued on page 7)

Franklin Back with 1st Love: Theatres

HOLLYWOOD, March 19.—Harold B. Franklin, in association with Alexander Kempner, New York real estate man, is now set with plans to return to exhibition with the formation of Standard Theatres, Inc., it is learned here. Articles of incorporation have been filed in Sacramento, calling for a capitalization of 9,000 shares of no par value. Offices have already been established in Beverly Hills.

The following are listed as officers: Jules Goldstone, David Sondel, John Tracy, Stanley Pearson, M. C. Duvall, M. E. Hopkins.

With no houses yet tied up, the company will lease and operate theatres throughout California.

Industry Wins Point In Cal. Tax Battle

SACRAMENTO, March 19.—The industry had its first taste of victory in its fight against the California tax program today when the Assembly amended the three per cent sales tax on rentals and leases to exclude short term rentals, such as films.

The amendment also saved New York studios, which would have been taxed under a bill passed by the As-

(Continued on page 6)

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N. D. Sales Tax Ready

BISMARCK, N. D., March 19.—Governor Walter H. Welford has before him for signature the new sales tax measure providing for a two per cent levy on admissions. A number of adverse measures were killed during the recent state legislature, however, including a seat and admission tax.

Goldwyn Signs Writers

Samuel Goldwyn has signed Ben Hecht and Charles MacArthur to write the script of "Barbary Coast" from Herbert Asbury's book of the same name. Howard Hawks, who will direct, arrived yesterday for palavers with them.

Discuss Print Lack

Print shortages in the local area were the highlight of discussions yesterday at the regular Allied of New Jersey session. Sidney Samuelson, president, was in Trenton on the dog racing situation.

Delay Allied Meeting

BOSTON, March 19.—The next meeting of the Independent Exhibitors of Massachusetts, local Allied unit, is tentatively set for April 9. Lack of attendance prevented a scheduled meeting last week.

Benedict Joins RKO

Howard S. Benedict, formerly press representative for Max Gordon, has joined the publicity and advertising forces of RKO under the direction of S. Barret McCormick.

Insiders' Outlook

By RED KANN

PICTURES and what they gross.

Window dressing, of course. Attendant problems, naturally. But here in a phrase is the picture business.

Taking a bow, deep and from the waist, MOTION PICTURE DAILY, for many months now, has been catching pictures up and down the Pacific Coast, in big towns and in small towns, for telegraphic transmission to New York and publication immediately beyond that. The practice has earned for itself recognition in all industry quarters as invaluable and indispensable.

How it works is demonstrated by the following foray into the realm of statistics:

In January, 19 attractions were previewed.

In February, the total hit 35.

In March (to date), 12.

▼

Many of these pictures will not be released for months, thereby conveying to theatre operators their first inside track on what is heading their and their screens' way.

In many instances, New York executives learn first from the columns of MOTION PICTURE DAILY what the entertainment content, plus or minus, is in the product they are selling and merchandising.

This activity is aside from, yet it parallels, reviews caught regularly along Broadway, in neighborhood theatres in Greater New York and elsewhere throughout the nation.

Merely a service that serves. . . .

▼

Joseph P. Bickerton, Jr., is a well-known New York lawyer. He is also the arbiter through whom clear sales of New York plays to film producers. It appears his records show an intake of $24,123.38 for 1934, this representing three and one half per cent of the total expenditures by producers for talker rights. Mathematical calculation, to carry this along to its logical conclusion, finally proves it was approximately $700,000 which this industry's producers spent last year to acquire the handiwork of various playwrights and sundry stage maestros. A tidy sum and about it we wonder . . . .

▼

We wonder how much of that sum was wisely expended. That's a current wonder. A long-standing one has been what this fault finder views as the generally magnified point of view which many producers insist upon retaining where Broadway stage plays enter the deliberations. For years, recognized producers and others have kept the sounding boards of New York theatres busy with plays of indifferent merit, confident and, rarely wrong moreover, that the film business will pay handsomely for works which many writers in Hollywood can duplicate and beat if given the time and the chance. There seems to be something alluring and attractive about a New York stage play which few film producers can resist. . . .

▼

Today's aside has nothing at all to do with the worthwhile which hit Times Square. There is plenty of reason to annex them for pictures and sufficient reason to meet the toll which is always exacted. This has to do, however, with the many vehicles of average or less merit which, for some inexplicable reason unless it be habit, are kept breathing long enough for a sucker producer to salvage. Everybody knows the system and why it flourishes. Nobody does anything about it. . . .

▼

Philadelphia type excitement concerns the revival of "It Happened One Night" at the downtown, first run Stanton beginning today. There, good and staunch memories hold this is a precedent because the first run follows in the wake of return dates at various local Warner neighborhood houses. All of this persuades us to rise, to pound and to ask on the typewriter: Why not? What reason is there against re-dating old pictures except a usual lack of courage on the part of the exhibitor? Releases come along so fast, their possibilities hardly are even wrung dry. And another question: What's the smarter thing to do? Play an indifferent release because it's new or a clicker even if it's old? . . .

▼

Funnier and funnier gets the code. The budget for the first six months of the year having been determined, set and given an approving nod by NRA officials down Washington way, yesterday brought word of a complex ruling from the National Recovery Board which may make necessary the same job all over again. The ruling has to do with minima and maxima which reminds of our Latin and proceeds to tie neatly, but effectively, in red tape the financial sustenance which even a code must have. As if matters weren't complicated enough! . . .

▼

The M.P.T.O.A. Indians who went off the reservation at New Orleans with wild war cries about dumping the code and ended their whoops with demands for changes were warned at the time that their bass would turn to soprano by the time it reached Washington. It has. Yesterday the wires told what anyone with some sense would have known anyway: That there will be no changes, that code reopening will not even be discussed until the Blue Eagle gets its new plumage. This is the way it's to be. . . .

▼

Harold B. Franklin has cast the die. He returns to exhibition in his old stamping ground, California, with Alex Kempner, reputed agent for Bill Fox in many matters, and a new company known as Standard Theatres, Inc. To say that Franklin is gunning for some of Fox West Coast's prestige may sound like saying a mouthful. However, we're saying exactly that. . . .

Free FERA Showings Given Ban in Mass.

BOSTON, March 19.—A move of national interest was brought to light today with the revelation that free FERA film shows have been banned in Massachusetts.

Interference with privately conducted theatres is given as one of the reasons why John Fitzgerald, FERA engineer, has turned down a proposal, tentatively approved by a subordinate, calling for free picture shows for some 12,000 persons in Lynn, including FERA workers and their dependents.

Those in favor of the free shows plan to carry their fight further, it is understood.

"Billy" Green Dead

PORTLAND, Ore., March 19.—William ("Billy") Green is dead of pneumonia contracted after an auto crash. Fifty-four years old, he was widely known throughout the Northwest and for the past two years represented National Screen in Utah, Idaho and Oregon. He was an original member of the White Rats. His widow, Fannie Green, survives him.

Joyce Laid to Rest

HOLLYWOOD, March 19.—Funeral services for Frank Joyce, partner in the Joyce-Selznick Agency since 1928, were held this morning at Wee-Kirk-of-the-Heather Cemetery with only relatives and friends attending. Joyce, who was 43, died at the Good Samaritan Hospital after a year's illness.

The agency's offices were closed for the day.

Film Board to Meet

Henry Randel, Brooklyn Paramount exchange manager and chairman of the New York Film Board of Trade, yesterday called a meeting at 6 P.M. today of the executive committee. Meeting place will be the M. P. Club.

"Ruggles" Held Again

"Ruggles of Red Gap" is being held over for a third week at the Paramount.

"Previewed **'NAUGHTY MARIETTA'** last night and it is terrific. With Jeanette MacDonald and Nelson Eddy as the new team-sensation of the industry. Their duet of 'Sweet Mystery of Life' is the grandest thing ever recorded."

—ED SULLIVAN, *in the* NEW YORK DAILY NEWS



IN A NUTSHELL!

NRB's Ruling Snarls Campi Budget Plan

(Continued from page 1)

lates the first two and the last of these four restrictions in that both a minima and a maxima are set and intermediate payments are based on arbitrarily arranged brackets.

Study of the situation has been begun by officials of the amusement division in an effort to develop some plan for bringing the budget into line with the new order. It is expected, however, that the document will have to go back to Campi for revision, possibly accompanied by such suggestions as may be developed by the study.

The producer-distributor schedule in the pending budget is based on sales brackets, and it has been suggested that some plan might be worked out for imposing an assessment of one-fourth of one per cent and permitting members of that branch of the industry to pay on the percentage basis or, if they do not wish to disclose their gross, on the bracket plan. There is some question, however, as to whether the alternative bracket would be approved by the board.

So far as exhibitors are concerned, it appeared today that a percentage of receipts would have to be substituted for the present brackets, which are based upon population, capacity and type of house.

Had the schedule been approved, there would have been no difficulty as the new order is not retroactive.

Fort Worth Theatre Alleges a Boycott

(Continued from page 1)

Liberty, getting a favorable decision from the board. The New Liberty appealed to Code Authority in New York, but the decision was upheld.

The New Liberty's court application attacked the code as an unconstitutional attempt of the Federal government to regulate intrastate business and an unlawful attempt to delegate authority to representatives of private industry.

Charges Film Monopoly

KANSAS CITY, March 19.—Charging monopoly of product, the Dickinson, Creston, Ia., has filed a grievance complaint here against the Strand, a Commonwealth circuit house in the same city. Though Creston is out of this territory, the local board has jurisdiction because the theatres are served from Kansas City.

Dickinson alleges the Commonwealth house has effected product buys with Paramount, M-G-M, Radio, Warner-First National, Fox and Monogram, and refuses to allow the complainant sufficient product to operate his theatre. The Strand makes four changes weekly of five features and has 334 features under contract while the Dickinson has 120, according to the complaint.

This case and a bank night complaint of the Delphos, Carthage, Mo., against the Fox Crane, same city, will be heard by the grievance board March 27.

Code Reopening Indefinite; MPTOA Moves for Revision

(Continued from page 1)

Lowenstein of Oklahoma City, secretary; Morgan A. Walsh, San Francisco; Jack Miller, Chicago; Lewen Pizor, Philadelphia; George A. Giles, Boston, and O. C. Lam, Rome, Ga.

This committee will propose to Rosenblatt the reorganization of Code Authority to provide a membership more representative of industry departments and of national territories; the increase of authority of local grievance boards with their rulings made immediately operative and remaining so unless reversed by Campi and provisions calling for review of local clearance and zoning board rulings only when necessary to establish or support the legality of such rulings.

This committee may also conduct negotiations with distributors and Rosenblatt to obtain a 20 per cent cancellation privilege under the code, as recommended by the M.P.T.O.A. convention. Similarly, the organization's resolutions calling for a code amendment prohibiting score charge levies and asking for revision of the code clause relating to designated play dates so as to effect their unquailified prohibition, probably will be undertaken by this committee also.

Answering criticism of the recent M.P.T.O.A. convention for an implied failure to take definite action on exhibition problems in favor of resolutions, Kuykendall, in an organizational bulletin issued yesterday, had the following to say:

Brings Up Cancellation

"Only the naive or the fault-finding can criticize the convention for not definitely and finally getting a 20 per cent cancellation from the distributors, abolishing the score charge, removing the music tax extortion, eliminating the spreading evil of double features and premium rackets, doing away with designated play dates, providing fair zoning plans for every city, rewriting the code according to our own ideas, reducing unfair taxes and passing the new NRA law through Congress. If anyone expected these things to be done in three days by the convention, he was certainly an optimist.

"But none of them is impossible. Whether or not they are eventually accomplished depends to a large extent on the amount of active support given by the individual exhibitors and local organizations back of these policies."

The bulletin states that "well over 700 exhibitors" attended the convention, 440 of whom registered as delegates and represented 4,400 theatres in 48 states. Seventeen regional exhibitor associations were represented at the annual meeting of the M.P.T.O.A. board, according to the bulletin.

Cut Danville Clearance

WASHINGTON, March 19. — The grievance board today voted to trim clearance of Danville first runs over Schoolfield, Va., from 90 to 42 days. L. W. Lee of the latter town had filed the complaint against Wilby-Kincey Theatre Enterprises of Danville.

(Continued from page 1)

by the Code Authority for that industry, would be suspended until after Congress had acted.

The board's action was apparently based on the possibility that the new legislation, if it continues the Recovery Act, will make important revisions in the law. There is growing agitation for simplified legislation providing only for the control of hours and wages, elimination of child labor and the inclusion of a few of the most important trade practice provisions of each industry.

A number of industries, it was learned, are voting on the question of amending code structures. A majority of the responses favor the simplification of the law and the codes and the elimination of heavy trimmings in trade practice clauses, with which most of the codes are dressed up. It is held many trade practice clauses in many codes are proving unsatisfactory in actual operation.

See Move for More Intensive NRA Quiz

WASHINGTON, March 19.—The Senate Finance Committee will employ a Federal Trade Commission investigator to assist in the conduct of the hearings on the Recovery Act, it was learned today.

While it was said the main duty of the new assistant would be to aid in charting the investigation, it is believed the move is a prelude to a more intensive study of the subject than has been made with the witnesses who have so far appeared.

Clarence Darrow, head of the Review Board, which investigated the film and other codes a year ago, will appear before the committee tomorrow. While it has always been impossible to predict Darrow's next move, it is not believed he will go deeply into individual codes unless asked to do so by members of the committee, but will devote himself largely to painting a picture of the NRA setup as he saw it.

'Bank Envelopes' Are Ordered Discontinued

Harry Brandt yesterday was ordered by the local grievance board to stop distributing "bank envelopes," containing coins of various denominations, to children at the Audubon during Saturday matinees.

The unanimous decision was handed down on complaint by Loew's Rio. Eugene Picker insisted the practice was a code violation and, when the board wanted to adjourn the case until next week for further data, insisted on bringing down one of his witnesses and getting an immediate verdict. Melvin Albert represented Brandt. An appeal will be filed today by Albert for Brandt.

Up to Directors

ALBANY, March 19.—The M. P. Foundation of the United States of America, Inc., a membership corporation which was chartered here Oct. 24, 1933, has filed a certificate increasing its directors from five to not less than five and not more than nine.

Para. Assents Rolling In; Nearing Mark

(Continued from page 1)

Square, the reorganization of which has been embodied in the Paramount plan. There are now on deposit approximately 40 per cent of the $8,875,000 Paramount Broadway issue outstanding, or about $3,500,000. Deposits of approximately $5,900,000 are necessary for affirmation of the plan by this group.

Assents by Paramount-Famous-Lasky and Paramount Publix holders were aided by the approval late last week of the Munger debenture committee, whose letter notifying holders of its approval of the plan is being sent out today.

The committee's recommendation that bondholders assent to the plan is accompanied by a mild criticism of the proposed Paramount board.

"We wanted a board," the letter states, "that would be effective in bringing about complete loyalty and devotion to the interests of Paramount and one that would serve to put an end to all schisms, factions, personal interests and cliques—a board distinguished by the ability of business men, rather than of prominence in Wall Street. Although some men proposed for the board eminently qualify, still, in the main, the requisite board has not yet been obtained. However, this matter of directors has not yet been finally determined by the court. We hope, therefore, that the necessary improvements may be made before the plan is finally confirmed."

Is Opposed to Hertz

The Munger committee is known to be opposed to John D. Hertz of Lehman Bros. as a board member.

The committee's letter also recites that the two major law suits brought by the Paramount trustees against former officers and directors involve attempts to recover more than $15,000,000 for Paramount, $12,000,000 of which would be based on operations of the so-called Paramount employes' stock purchase plan of 1928 to 1931.

The committee represents approximately $800,000 of Paramount debentures under powers of attorney.

Reports that Sol A. Rosenblatt, NRA compliance director and administrator of the film code, had been approached by representatives of the Paramount stockholders' committee in connection with a proffered post as general counsel of the reorganized company and a possible vice-presidency, were denied yesterday. The reports stated that the proposal had been discussed with Rosenblatt by Maurice Newton, member of the stockholders' committee and nominee for the new Paramount board.

"There is absolutely no truth to the report," Newton told MOTION PICTURE DAILY when queried yesterday.

Alfred A. Cook, counsel for the stockholders' committee, is now vacationing in Bermuda and is not expected to return until April 1, but other spokesmen for the committee termed the report "ridiculous."

Purely Personal

HYMAN and Mrs. ROSENBERG celebrated their 55th wedding anniversary last night at their home in Mt. Vernon. All seven of their children were among those present. MOE, SAM and AL ROSENBERG, all three of whom have been associated with Warners and other amusement enterprises, were there with their wives. The other children on hand were ISAAC, WILL, Mrs. BEN LIBMAN and Mrs. J. ZINOBOY. The daughters had their husbands along and ISAAC had the missus with him, too.

•

TOM GERETY yesterday received the following wire among a batch at M-G-M:

"Pace Press and all its vice-presidents join in congratulating you and Mrs. Gerety on your return trip back to Nassau County.

"14 VICE-PRESIDENTS."

Quip of the Day

In Hollywood for his first look-see of American studios, Michael Balcon, head of Gaumont British, was asked about press reports he was to take back to England a bevy of American chorus girls.

"Jove!" he exclaimed. "I can't, you know. What would my wife say?"

EDWARD SCHNITZER, IRVING, WORMSER, HARRY SHIFFMAN, ARTHUR FISCHER, MITCHELL KLUPT, CHARLES MOSES, TOM MURRAY and NAT COHN found the food at the Paramount Chop House yesterday much to their liking.

•

MARY ELLIS, work in "Paris in Spring" completed, hits town tomorrow on her way to England to appear in a play. She sails Friday on the *Majestic*. Later she'll be back to resume film work under her Paramount contract.

•

TOM HOWARD and GEORGE SHELTON begin work at the Eastern Service studio in Astoria today on their fifth Educational comedy of the season. AL CHRISTIE is personally directing. "Love in Gloom" is the working title.

•

CLAUDETTE COLBERT plans to return to the coast by way of the Canal on Saturday. She has been ordered back to co-star with GARY COOPER in Paramount's "The New Divorce."

•

NAT HOLT leaves for Cleveland today after conferences with RKO home office executives on bookings. CHARLES KOERNER of Boston stays over a day or so.

•

JAMES CHRISTIE, supervisor of RKO theatres in Chicago, Omaha, Kansas City, St. Paul and other western spots, is scheduled to arrive from Chicago today.

•

NATE BLUMBERG is slated to fly to Denver today, weather permitting, to be on hand for the opening tomorrow of the Orpheum, recently reacquired by RKO.

•

JERRY SACKHEIM, story editor for Universal, arrived in town yesterday to look over the current legitimate offerings. He is at the Warwick.

•

JOHN A. CURTIS and WILLIAM M. L. FISKE, III, both vice-presidents of First Division Prod. are due in New York from the woolly west today.

•

TRAVIS BANTON, Paramount fashion designer, gets in today from the coast. On Saturday he sails on the *Ile de France* on a European vacation.

•

JACK COHN is back from another Miami vacation. Brother HARRY is due from the coast within the next few days.

•

MEYER ROSEN, of the Boston Film Poster Service, is passing out cigars now that he's the father of a son.

•

ADOLPH ZUKOR is busy conferring with Paramount officials, now that he has returned from Hollywood.

•

CAPTAIN RICHARD NORTON, British and Dominion producer, plans to sail for London late this week.

•

DAVE CHASEN, of stooge fame, has left for Hollywood via the U. S. highway route.

•

TOM MOORE, former Washington exhibitor, is mourning the loss of his wife.

•

MRS. SAM ECKMAN was among the passengers on the *Ile de France*, which docked last night.

•

MILT KUSELL left for Buffalo yesterday on his weekly trip to that city.

•

RICHARD A. ROWLAND is now on the coast, having departed quietly over the week-end.

•

HAL HORNE plans to leave Hollywood Friday for New York.

•

M. A. LIGHTMAN is due in from Memphis early next week.

•

HARRY M. WARNER is back from the coast.

•

BOBBY CRAWFORD in New York again. This time, from Hollywood.

•

BOB GILLHAM plans to entrain for the west on Friday.

•

The OLYMPIC ACES, aerial act, opens at the Roxy, Friday.

•

. . . And in New England

MAX MELINCOFF, JACK WALTON, MILDRED SHORE and HARRY SPINGLER handled detail of the Warner Club party in Boston's Cocoanut Grove the other night. . . . CHRIS JOYCE, assistant manager of the Paramount, New Haven, has been transferred to the Allyn, Hartford, where he will assist WALTER LLOYD. TED SMALLEY, formerly at the Capitol, Worcester, replaces him. AL KANE, LOUIS SCHAEFER, HENRY GERMAINE and GEORGE REISING were among Paramount theatre and exchange employes who banded together for a farewell party, all for JOYCE'S sake. . . . A. J. MOREAU, M. and P.-Publix district manager for Northern New England, is again on the Portland scene what with a Bermuda holiday behind him. JACK HASSETT, Paramount manager in Barre, Vt., was his companion.

Revenge Motive

Kansas City, March 19. — Senator John P. Shea of St. Louis, author of what is the most drastic censorship bill ever introduced in Missouri, admits he introduced the bill as a spite measure to "get even" with a certain major film company which, he asserts, caused him a business loss. He made this assertion to a group of industry representatives gathered in Jefferson City last week to protest the bill at a special hearing called by the committee to which it had been referred.

Conn. MPTO to Ask For Code Revisions

NEW HAVEN, March 19.—The secretary of the M.P.T.O. of Connecticut has been instructed to send letters demanding relief on the shortage of prints to local exchanges, home offices, Campi and the Senate investigating committee.

A committee including J. B. Fishman and Edward G. Levy will be sent to Washington to demand 20 per cent cancelation privilege on blocks of 10 or more, no restrictions eliminating preferred playing time and changes in the grievance board and Campi.

M-G-M Retains Owen

HOLLYWOOD, March 19. — M-G-M has re-signed Reginald Owen to a new long term contract.

Bitter Fight Rages Around Censor Bill

(*Continued from page* 1)

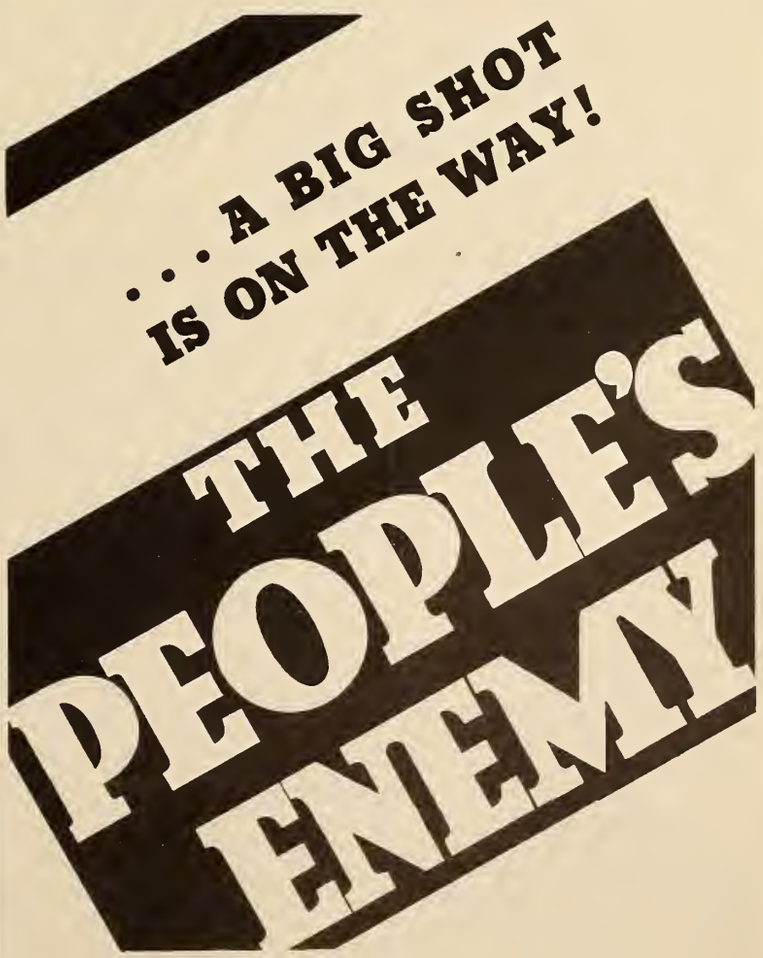
in St. Louis and Kansas City are busy as beavers to bring the dangerous import of the legislation to the attention of theatre men.

Considerable assistance has been forthcoming from civic organizations, churches and, in St. Louis, from the press. Dailies in that city are editorially denouncing the bill as harmful to the best interests of the state.

Arthur H. Cole of Paramount in Kansas City and George S. Baker, manager of the Publix Newman, have enlisted the support of the Chamber of Commerce here. After their appearance before the legislative committee of the Chamber, that body went on record as throwing its weight behind the industry in fighting the proposal.

Dr. Burris Jenkins, pastor of the Community Church here, and other churchmen in the state have made their opposition heard at the state capital.

Fred Wehrenberg, president of the M.P.T.O. of St. Louis, Eastern Missouri and Southern Illinois, has called exhibitors to arms in that sector, while in western Missouri John C. Stapel, president of the Kansas-Missouri Theatre Ass'n, and R. R. Biechele, secretary, are asking showmen to keep up a barrage of protests until death of the legislation is assured.



"Roberta" Is Double Smash On the Coast

Los Angeles, March 19.—"Roberta" was the big noise both downtown and in Hollywood. At the Hillstreet it was 100 per cent over normal on a take of $16,000 and at Warners' Hollywood it was strong at $14,300, although not sensational.

In its second week at the 4-Star "Sequoia" took $5,000, which was $1,750 over a first-week average. "Unfinished Symphony" held up to $3,000 in its third week at the Filmarte. The only other spot to display any activity was Pantages, which had a dual, "Transient Lady" and "The Nut Farm."

Total first run business was $76,834. Average is $91,200.

Estimated takings for the week ending March 13:

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $6,000. (Average, $12,500)

"UNFINISHED SYMPHONY" (G. B.)
FILMARTE—(800), 40c-55c, 3rd week, 7 days. **Gross:** $2,000. (Average, $2,750)

"SEQUOIA" (M-G-M)
4-STAR—(900), 30c-55c, 2nd week, 6 days. **Gross:** $5,000. (Average, $3,250)

"BIOGRAPHY OF A BACHELOR GIRL" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $7,400. (Average, $14,000)

"ALL THE KING'S HORSES" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. Revue, Patricia Bowman, Rube Wolf and his orchestra. **Gross:** $13,500. (Average, $18,000)

"ROBERTA" (Radio)
HILLSTREET—(2,700), 25c-65c, 6 days. **Gross:** $16,000. (Average, $8,000)

"SHADOW OF DOUBT" (M-G-M)
"CIMMARRON" (Radio)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. **Gross:** $2,634. (Average, $3,500)

"ROBERTA" (Radio)
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 6 days. **Gross:** $14,300. (Average, $14,000)

"WHILE THE PATIENT SLEPT" (F. N.)
"CAPTAIN HURRICANE" (Radio)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 6 days. **Gross:** $6,700. (Average, $12,000)

"TRANSIENT LADY" (Univ.)
"THE NUT FARM" (Monogram)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,300. (Average, $3,200)

Industry Wins Point In Cal. Tax Battle

(*Continued from page* 1)

sembly ways and means committee enabling California to collect a sales tax from firms doing business outside the state.

Assemblyman Jones of Los Angeles, who sponsored the amendment, said: "I don't think film rentals should be assessed a sales tax. If we are going to tax the motion picture industry let us do it in an open manner, not through hidden means."

A new plan to balance the budget, with a one per cent gross receipts tax as its principal feature, was proposed by Assemblyman Donihue as a means of raising $300,000,000 biennially.

Flash Review

The Cyclone Ranger—. . . run-of-the-mill western that should prove adequate fare for neighborhoods and small towns. . . .

This film will be reviewed in full in a later issue of Motion Picture Daily.

"Roberta" Is Sensation in San Francisco

San Francisco, March 19.—It must have been spring, or something. This town had three hits in one week. "Roberta" was sensational at the Golden Gate, getting $23,000, over par by $10,000.

"Folies Bergere" at the United Artists was $5,500 on the profit side of the line with a take of $13,500, and "Sequoia" took a strong $8,500 at the St. Francis. Even with this competition "Great Hotel Murder" and "Love in Bloom" made a par $11,000 at the Paramount, but the others couldn't stand the pace.

Total first run business was $92,000. Average is $82,000.

Estimated takings:

Week Ending March 12:

"ROBERTA" (Radio)
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $23,000. (Average, $13,000)

Week Ending March 13:

"SHADOW OF DOUBT" (M-G-M)
"TWO HEADS ON A PILLOW" (Liberty)
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $8,500. (Average, $10,000)

Week Ending March 14:

"WHOLE TOWN IS TALKING" (Col.)
"THE LAST WILDERNESS" (Ind.)
ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 2nd week. **Gross:** $6,500. (Average, $9,000)

"SEQUOIA" (M-G-M)
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $8,500. (Average, $8,000)

"FOLIES BERGERE" (U. A.)
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $13,500. (Average, $8,000)

Week Ending March 15:

"GREAT HOTEL MURDER" (Fox)
"LOVE IN BLOOM" (Para.)
PARAMOUNT—(2,670), 25c-35c-40c, 7 days. **Gross:** $11,000. (Average, $11,000)

"AFTER OFFICE HOURS" (M-G-M)
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $21,000. (Average, $23,000)

"Colonel" in Van Of Buffalo Pickup

Buffalo, March 19.—Every house in town was well over normal, an unusual condition for Lent here. Best was "The Little Colonel," which was held for a second week in the Great Lakes after doing $10,700, or $2,700 above average.

"David Copperfield," back for a week in the Century after once playing the Hippodrome in the downtown field, was $1,500 over average at $7,500.

Total take was $48,300. Normal is $42,800.

Estimated takings for the week ending March 15:

"RUGGLES OF RED GAP" (Para.)
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Ching Ling Foo, Jr., & Co.; Saxon Sisters; Jean Devereaux & Co.; Carter & Holmes. **Gross:** $14,800. (Average, $14,300)

"DAVID COPPERFIELD" (M-G-M)
CENTURY—(3,000), 25c, 7 days. **Gross:** $7,500. (Average, $6,000)

"THE LITTLE COLONEL" (Fox)
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $10,700. (Average, $8,000)

"FOLIES BERGERE" (U. A.)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $8,300. (Average, $8,000)

"THE MYSTERY OF EDWIN DROOD" (Univ.)
"FUGITIVE LADY" (Col.)
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $7,000. (Average, $6,500)

Why They Go

Providence, March 19.—The theatre is to blame for its losses, said Prof. Thomas Crosby, Jr., head of the dramatic department of Brown University, in a lecture to the Sock and Buskin Society, university theatrical group. He pointed out that while the legitimate theatre has reduced its melodrama and sentimentality films have made a success of things by exploiting these qualities.

"People," said the professor who once played with the Bonstelle troupe here, "go to the theatre to be entertained and not reformed. The movies have taken up melodrama and that is why people go to see them."

Detroit Goes For "Roberta" In a Big Way

Detroit, March 19.—Three musicals just about skimmed the cream of the downtown business last week, with "Roberta" away out front in the race. The Radio musical ran up to $33,700 at the Fox, passing par by $18,700.

"Sweet Music" went $3,600 over the average mark for a total of $23,600 at the Michigan, and "Folies Bergere" was up by $3,400 for a total of $13,400 at the United Artists. In spite of this heavy competition one other house, the State, with a dual, "The Nut Farm" and "Woman in Red," succeeded in bettering par.

Total first run business was $85,000. Average is $60,000.

Estimated takings for the week ending March 15:

"SILVER STREAK" (Radio)
"MURDER ON A HONEYMOON" (Radio)
ADAMS—(1,700), 10c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

"ROBERTA" (Radio)
FOX—(5,100), 15c-55c, 7 days. Stage: Weaver Bros. & Home Folks. **Gross:** $33,700. (Average, $15,000)

"WHITE COCKATOO" (Warners)
"GILDED LILY" (Para.)
FISHER—(2,975), 10c-40c, 2nd run, 7 days. **Gross:** $4,100. (Average, $5,000)

"SWEET MUSIC" (Warners)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: "Harlem Express." **Gross:** $23,600. (Average, $20,000)

"THE NUT FARM" (Monogram)
"WOMAN IN RED" (F. N.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $6,100. (Average, $5,000)

"FOLIES BERGERE" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $13,400. (Average, $10,000)

LeBaron Move Undecided

Hollywood, March 19.—With the future status of William LeBaron, Paramount producer, as yet undetermined, executives are wondering what his next move will be. LeBaron, once chief executive of Radio, credited with the production of the famous "Cimarron" and lately with all of the Mae West vehicles at Paramount, is reported to have received offers from major studios.

LeBaron has indicated that he might become an independent producer, releasing through a major company.

"Roberta" Up To New Mark In Cleveland

Cleveland, March 19.—"Roberta" broke the house record at Warners' Hippodrome with a $23,000 gross. The picture played to over $10,000 on the opening Saturday and Sunday, which is also a week-end record, the house average for the week being $6,000.

George Jessel in person with "Dangerous Corner" on the screen was a smash at the Circle with a $6,000 gross against a $3,000 average. "Sequoia" went $800 over average at Loew's Stillman. The weather was good during the week, but was bad over the week-end.

Total first run gross was $52,900. Average is $41,000.

Estimated takings for the week ending March 15:

"NIGHT LIFE OF THE GODS" (Univ.)
ALLEN—(3,300), 25c-35c, 5 days. **Gross:** $1,600. (Average, 7 days, $3,000)

"ROBERTA" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days. **Gross:** $23,000. (Average, $6,000)

"LIVING ON VELVET" (F. N.)
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: George Olsen and Ethel Shutta. **Gross:** $17,500. (Average, $15,000)

"FOLIES BERGERE" (U. A.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $6,000. (Average, $10,000)

"SEQUOIA" (M-G-M)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $4,800. (Average, $4,000)

"DANGEROUS CORNER" (Radio)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage: George Jessel and vaudeville. **Gross:** $6,000. (Average, $3,000)

"Rumba" Lincoln's Best Draw, $2,400

Lincoln, March 19. — "Rumba" was the only attraction in town last week to overcome the Lenten slump and get into the profit class. It was $200 up on a $2,400 take at the Lincoln.

"After Office Hours" was weak at the Stuart on a $2,700 gross, and a dual at the Orpheum, "Right to Live" and "Romance in Manhattan," was just so-so.

Total first run business was $8,650. Average is $9,100.

Estimated takings:

Week Ending March 14:

"RIGHT TO LIVE" (Warners)
"ROMANCE IN MANHATTAN" (Radio)
ORPHEUM—(1,200), 10c-15c-25c, 7 days, 3 with stage show headlining George McClennan. **Gross:** $2,250. (Average, $2,300)

"LOVER DIVINE" (Gaumont British)
VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,000. (Average, $1,500)

"RUMBA" (Para.)
LINCOLN—(1,600), 10c-25c, 7 days. **Gross:** $2,400. (Average, $2,200)

Week Ending March 15:

"AFTER OFFICE HOURS" (M-G-M)
STUART—(1,900), 10c-25c-40c, 7 days. **Gross:** $2,700. (Average, $3,100)

Lloyd Planning Second

Hollywood, March 19.—Harold Lloyd wll make a second feature this season after he completes "The Milky Way" for Paramount. He plans to return to Metropolitan studios as soon as he finishes for Paramount and start on an original which Richard Connell is writing for him. "The Milky Way" is scheduled for Fall release, and the second feature, as yet untitled, will be released in the spring.

World Drive For Theatres Set by Loew

(Continued from page 1)

Schoedstadt circuits, is predicated principally on the success Loew's has experienced in Australia and other cities abroad. Recently the circuit took over two theatres and built a third, which gave it representation in Sydney, Melbourne and Brisbane. Some time ago a theatre was built in Johannesburg, South Africa, in opposition to the Schlesinger interests.

Harry Moskowitz, in charge of Loew's construction department, is working on blue prints for houses in the following cities: Santiago, Chile; Lima, Peru; Osaka and Tokyo, Japan. The first two will seat approximately 1,500 and cost $250,000 each. The Japanese units will be a trifle larger and more expensive. No starting date for construction has yet been set.

Loew and Moskowitz plan to go abroad some time in the fall when building is expected to get under way. It was not indicated which house would go up first.

No talks with Chicago exhibitors who have held out so far on M-G-M product deals have been held in the last few weeks, it was learned yesterday with the arrival from the Windy City of Edwin Silverman, president of the Essaness circuit, operating 23 units.

May Confer With Feist

While his presence yesterday was required at Campi where he appeared on behalf of the Embassy, Chicago, respondent in a clearance and zoning complaint filed by the Liberty, Silverman told a reporter from MOTION PICTURE DAILY that he may confer with Felix Feist, M-G-M sales manager, before he leaves for home on Saturday. Louis Nizer, by the way, acted as his counsel in the appeal hearing.

"M-G-M's deal is impossible," Silverman stated. "It's like building theatres next to ours and we just cannot agree on their terms.

"We have dealt with M-G-M every year we have been in business and have gotten along, but this year it's impossible," he added. Silverman said the distributor was asking for "something like" 14 pictures on percentage and preferred playing time.

He declared Essaness was not affiliated with Schoedstadt or Aaron Saperstein and maintained his stand against M-G-M was independent of any others.

Following his return from Chicago last week with Louis K. Sidney and Thomas Lamb, David Bernstein, vice-president and treasurer of Loew's, stated there was no limit to the number of theatres the company would acquire and build in the Windy City.

New Theatre Company

ALBANY, March 19.—E. J. Kennery and Associates, Inc., Cornwall-on-Hudson, has been chartered here with a capital of 200 shares of no par value stock to exhibit and operate theatres. John J. Kennery, E. J. Kennery and Phyllis L. Commay are the incorporators.

Precedent

Philadelphia, March 19.—Warner has revived "It Happened One Night" for a downtown run at the Stanton beginning Wednesday.

Not only does this upset a precedent by bringing an old film back to a first run, but it represents probably the first time in local Warner history that a first run has followed neighborhood showings. Soon after the Academy Award was announced, the circuit revived the film in several key neighborhoods. Business was so good that the Stanton booking was arranged.

Mass. Licenses for Stage Hands Poised

BOSTON, March 19.—A bill to put the licensing of stage hands under jurisdiction of the Commission of Public Safety will be heard in executive session Wednesday. This petition, brought forward by George Curran and others, is at present being held under advisement by the Legislative Committee of Public Safety. It is considered significant.

"No person shall be employed or allowed to work as a master mechanic or a stage hand on any stage in the commonwealth during the period when a performance is being given until he has received a special or a first class license to do so from an inspector," the bill, House No. 1648, reads.

Adds Sipes House

CHARLOTTE, March 19.—The North Carolina Theatres, Inc., local company, has purchased the Alamance at Burlington from the Sipes chain and has assumed operation of the house with J. B. Austin as manager.

Racing Bill Licked In Jersey Assembly

(Continued from page 1)

lobbying today for the necessary ballots to enable him to obtain another vote on the measure after the legislature reconvenes on April 1, tomorrow's being the last session before the scheduled recess.

The pressure of church lobbies was instrumental in defeating the bill. A week ago enough votes were pledged to pass the measure, but they were reduced under the pressure of church organizations.

The Rev. Dr. Lester H. Clee, Presbyterian minister, who is House speaker, appeared against the measure. Others opposed to it emphasized that pari-mutuel dog racing in New Jersey last year took so much money out of the territories where the tracks operated that theatres, in common with stores and other establishments, lost business.

Sidney Samuelson, Allied president, was one of those who witnessed the bill's defeat.

"U" Convention Set For Chicago May 25

(Continued from page 1)

general manager of distribution, who has been on the coast since Saturday. Details are now being lined up.

Complete plans for next season will be announced at the convention, which Laemmle has promised to attend.

Grainger will be here two weeks passing on material in hand and to be purchased.

"Legion," Final Title

HOLLYWOOD, March 19.—Edward Small, production head of Reliance, has changed the title of "Let 'Em Have It" to "Legion of Valor."

Marion Burns Signed

HOLLYWOOD, March 19.—Monogram has signed Marion Burns for two westerns opposite John Wayne.

Looking 'Em Over

"Liliom"

(Fox)

American audiences should enjoy this French production, made at the Fox plant in France by Fritz Lang and starring Charles Boyer. The dialogue is all French, but English sub-titles are supplied. In most instances, however, it is possible to follow the story despite any lack of knowledge of the language spoken on the screen.

Boyer is, by far, the outstanding character in the film. His portrayal of the unmoral, cruel, but lovable rogue, Liliom, is done with vitality and understanding. Lang's direction never lets the acting lag.

The story is Ferenc Molnar's familiar modern semi-classic, but the setting and treatment are different from previous versions. Boyer, as Liliom, is the swaggering carnival barker who falls in love with a chambermaid and sets up house-keeping with her. He fails to provide for her, however, and continues his easy way of living. When told he is to become a father, Boyer attempts to rob a paymaster and kills himself when trapped. Before he dies, however, he dreams he is in heaven, where he is shown the evil of his ways.

Others in the cast who perform admirably are Madeleine Ozeray, Alcover Forelle, Robert Arnoux, Henri Richard, Maximilienne and Mimi Funes. A special musical accompaniment by Jean Lenoir and F. Waxman is appropriate.

This film is recommended particularly where foreign pictures are appreciated. This is not a regular Fox release, but is available through Fox exchanges.

Production Code Seal No. 0611. Running time, 90 minutes. "G."

Wall Street

Columbia Rises 1 on Big Board

	High	Low	Close	Net Change
Columbia vtc	41	40⅞	41	+1
Consolidated	4⅜	4¼	4¼	+ ⅛
Cons. pfd. (1v)	18¼	17¾	17¾	— ¼
Eastman	118	117½	117¾	+ ⅜
Fox "A"	8⅞	8⅝	8⅞	+ ¼
Loew's	34⅜	34	34⅜	+ ¾
Loew's, pfd.	104½	104¼	104½	+ ¾
Paramount	2⅝	2½	2⅝	+ ½
Pathe	⅝	⅝	⅝	.....
Pathe "A"	12¾	12	12¾	+ ¾
RKO	1⅜	1¼	1⅜	+ ⅛
Warner	2½	2⅜	2⅜	— ⅛

Technicolor Up ¾ on Curb

	High	Low	Close	Net Change
Technicolor	15⅝	14¾	15⅝	+ ¾

Paramount B'way Bonds Gain ¾

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	6⅝	6½	6⅝	+ ⅛
General Theatre Equip. 6s '40 ctf	6⅞	6⅞	6⅞	+ ¼
Keith B. F. 6s '46	68	68	68	.....
Loew's 6s '41 ww deb rights	104¾	104½	104¾	+ ⅛
Paramount B'way 5½s '51	49¼	49¼	49¼	+ ¾
Paramount F. L. 6s '47	69	68¾	68¾	— ⅝
Paramount Publix 5½s '50	70¾	69¾	70¾	+ ⅜
Warner Bros. 6s '39 wd	49	49	49	.....

(v) Defaulted in principal but not in interest.

(Quotations at close of March 19)

Frisco Bank Night Hearing Is Started

SAN FRANCISCO, March 19.—Hearing of the complaint brought against 32 theatres by Herman Cohen, operator of the United Artists, who charges violation of the code through the use of bank nights, opened before the local grievance board today. Some 100 theatre men, representative of the entire industry in northern California, were present.

Cohen was represented by A. S. Newburgh, Fox West Coast by L. S. Hamm and Nasser Bros. by J. W. Ehrlich.

Testimony today was heard against F.W.C. and Nasser. Those who testified were Cohen, James Nasser, Charles Thall of F.W.C. and Ethel Taylor, a Cohen employe. The board ruled each case must be proved. The session was presided over by Aaron Goldberg. The hearing will be continued on March 27.

Haines Does a Solo

Roy H. Haines of Warners acted as a Campi appeal committee of one yesterday, hearing three Chicago and one Buffalo clearance and zoning cases.

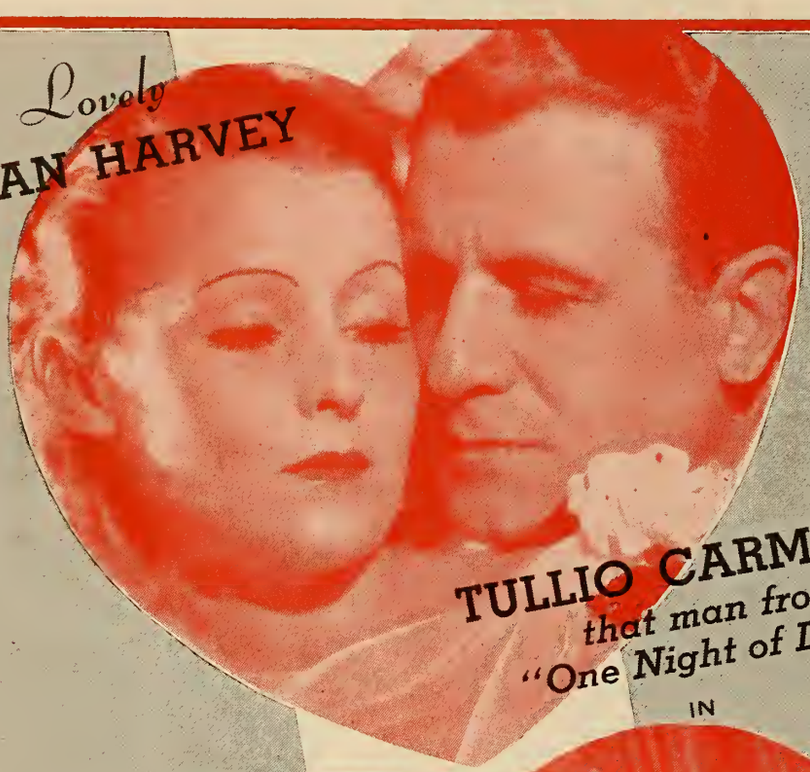
The cases were Lyric, Earlville, Ill., against State, Sandwich, Ill.; Liberty, Chicago, against the Embassy, same city; Regent, Buffalo, against Victoria, Jefferson and Elmwood, Buffalo; Fairy, Nappanee, Ind., against Colfax, Granada and Palace, South Bend.

Sidney Justin appeared on behalf of Publix for the Colfax and Palace, South Bend, while Louis Nizer and Edwin Silverman appeared for the Embassy, Chicago.

Phil Ryan Coming East

HOLLYWOOD, March 19.—Phil Ryan left for the east tonight on a combination feature production and distribution deal. He would not reveal details.

'WO HEARTS IN BOX-OFFICE TIME!



Lovely
LILIAN HARVEY

TULLIO CARMINATI
that man from
"One Night of Love"

IN



Let's Live Tonight"

"Has what it takes to swoon the lady trade!"
—Hollywood Reporter

"Directed with delicate charm!"
—N. Y. Daily Mirror

"Carminati sings excellently!"
—N. Y. Daily News

Directed by
VICTOR SCHERTZINGER

with
Janet Beecher
Hugh Williams
Tala Birell

featuring the new song hit
"LOVE PASSES BY"

Now packing the Roxy Theatre, New York

A
Columbia
PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 67 NEW YORK, THURSDAY, MARCH 21, 1935 TEN CENTS

English Firm Will Produce With 1st Div.

Dean to Complete Deal Here for Associated

By BRUCE ALLAN

LONDON, March 6.—Basil Dean will visit Hollywood in September to complete arrangements for joint production with First Division, it has been announced by Associated Talking Pictures.

Associated British Film Distributors, distributing link of A. T. P., which is handling First Division product here on a reciprocal basis giving A. T. P. product the F. D. release in the states, is also distributing 20 features from Mascot and announces a big increase in its own production.

Directors during the new season will include Alfred Hitchcock and

(*Continued on page* 8)

Darrow Criticizes President on NRA

WASHINGTON, March 20.—Criticizing the President for shelving the first report of the National Recovery Review board for three weeks in order that NRA officials might have the opportunity to prepare a reply, Clarence Darrow, chairman of the board, today told the Senate Finance Committee that later reports were issued "surreptitiously" in order to get them into the newspapers.

Avoiding all reference to specific codes, Darrow told the committee that

(*Continued on page* 8)

Campi Upholds Four Bank Night Orders

KANSAS CITY, March 20.—Campi has struck again at bank nights and cash nights in affirming four cease and desist orders issued by the local grievance board.

The decisions upheld on appeal were: E. Van Hyning vs. Dickinson and Kelley theatres, Iola, Kan., bank night; Greenleaf, Greenleaf, Kan., vs. Majestic, Washington, Kan., bank

(*Continued on page* 8)

New Haven May Take Clearance to Court

NEW HAVEN, March 20.—Dissatisfied with the failure of Code Authority to act on clearance and zoning complaints involving what they believe is excessive clearance for Loew's

(*Continued on page* 8)

Fox Met Plan Going Before Court Friday

Hearing Will Be Held After 20-Day Lapse

The reorganization plan for Fox Metropolitan Playhouses sponsored by Joseph M. Schenck and Fox Theatres will be filed with Federal Judge Julian W. Mack tomorrow and a date will then be asked for a creditors' hearing on the plan.

The hearing date will probably be about the middle of April as a minimum of 20 days' notice must be given to creditors.

The plan provides for the formation of a new Fox Met company, the stock of which will be owned jointly by Schenck and Fox Theatres, although the latter has offered to sell to Skouras Theatres a large part of its Fox Met holdings subsequent to reorganization. Schenck will become president of the new company and operation of its 86 theatres will continue with Skouras and Randforce under new 10-year contracts. Financial details of the plan have been disclosed in previous issues of MOTION PICTURE DAILY.

Estimate RKO Loss Will Be $500,000

RKO's consolidated net loss for 1934 is estimated at $500,000 by representatives of Irving Trust Co. as trustee.

The final balance sheet still lacks the audited reports of several theatre subsidiaries which are now being prepared and may be completed within the next few weeks. Indications are,

(*Continued on page* 8)

Allied Heads Going To Northwest Meet

Sidney Samuelson, Nathan Yamins and Abram Myers leave next week for Minneapolis to be on hand for the annual meeting of Allied Theatres of the Northwest, which will be held

(*Continued on page* 3)

Sum Up Today in Century-RKO Case

Summations in the Century-RKO clearance dispute in Long Island will be given this morning and afternoon by Mitchell Klupt, representing the

(*Continued on page* 8)

Too Martial!

Middletown, Conn., March 20.—These Wesleyan University boys and girls don't want anything militaristic in their lives—not even in their newsreels. Soldiers can march, if they want to, but not across the screens hereabouts. The martial music might get 'em.

The Wesleyan League for Industrial Democracy and the Peace Action League of Wesleyan have protested to the Middlesex Theatre management against "militaristic propaganda" in Hearst Metrotone clips.

Pennsylvania House Passes 10% Tax Bill

HARRISBURG, March 20. — Despite organized opposition from the industry, the Pennsylvania House late last night passed the administration's 10 per cent admission tax bill. The vote was 117-82.

Governor Earle estimates it will produce $6,000,000 in two years.

Stronger opposition is expected in the Senate, which is controlled by Republicans, but its passage is held probable.

SEATTLE, March 20.—Both houses of the legislature last night passed a revised revenue bill intended to raise $16,000,000 annually.

It includes a one-cent tax on admissions of 20 cents or fractions there-

(*Continued on page* 3)

Tax Exemption Move Reported in South

RICHMOND, March 20. — Southern states are taking seriously this talk about moving studios from California.

Governor George C. Peery of Virginia says he is ready to sponsor a move to furnish tax exemptions.

It is understood that tax exemption moves will be made in other southern legislatures to match any offer which Florida may make to the industry.

More License Bills Appear in Bay State

BOSTON, March 20.—Two more bills in the legislature are disturbing theatre men. One provides that no license for billboards or other out-

(*Continued on page* 3)

Brandt Moves To End Duals, Raise Prices

Wants General Meeting For This Territory

Harry Brandt, president of the I.T.O.A. of New York, last night told MOTION PICTURE DAILY he was about to issue a general industry invitation to discuss a method of eliminating duals in Greater New York and, at the same time, couple with the movement a general hike in admissions.

"The I.T.O. has learned by direct comment of patrons which attend its members' theatres that many of them are much disgusted with considerable of the product offered them on double bills," he stated.

"I am, therefore, about to issue invitations for a conference of major circuit executives, independent theatres, as well as producers and distributors, at which the problem can be discussed. I am not hopeful that one meeting will solve the problem, but I feel the practice can be eliminated by a thorough and sincere airing of the various points involved. However, I am opposed to any plan

(*Continued on page* 3)

Monogram-1st Div. Split Details Set

W. Ray Johnston, president of Monogram, yesterday said that negotiations whereby his company would acquire First Division Exchange's stock interest in Monogram and its franchise in New York and Philadelphia have been concluded and contracts signed.

The contract for New York terminates immediately, with the exception of two westerns not yet delivered,

(*Continued on page* 3)

Para. Unit Enters Plea to Reorganize

LOS ANGELES, March 20.—Seeking to protect bondholders against losses in either capital or income, Paramount Properties, Inc., owners of the

(*Continued on page* 6)

Cinematographic Day Is Staged in Mexico

By JAMES LOCKHART

MEXICO CITY, March 20.—As a means of stimulating the Mexican industry the National Revolutionary

(*Continued on page* 8)

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(Registered U. S. Patent Office)

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Wall Street

Fox Rises ¼ on Big Board

	High	Low	Close	Net Change
Columbia vtc	41¾	41	41	.....
Consolidated	4⅜	4⅛	4⅛	+ ⅛
Cons. pf. (1v)....	18⅞	18	18	+ ¼
Eastman 117¼	116¾	116¾	—1	
Fox "A"	9⅛	9⅛	9⅛	+ ¼
Loew's	34⅝	34⅛	34¼	— ⅛
Loew's, pfd (6½).104¾	104¾	104¾	+ ¼	
Paramount	2⅝	2½	2⅝	.....
Pathe	⅝	½	⅝	.....
Pathe "A"	12¾	12¼	12½	— ¼
RKO	1⅜	1⅜	1⅜	.....
Warner	2¾	2½	2¾	+ ⅜

Technicolor Gains 1⅞ on Curb

	High	Low	Close	Net Change
Technicolor	17½	15¾	17½	+1⅞

Warner Bonds Up ½

	High	Low	Close	et Change
General Theatre Equip. 6s '40....	6½	6⅛	6½	— ⅛
General Theatre Equip. 6s '40 ctf	7	6⅝	7	+ ⅞
Loew's 6s '41 ww deb rights....105		104¾	104⅞	+ ⅛
Paramount F. L. 6s '47	70	70	70	—2¼
Paramount Publix 5½s '50	71¾	71	71	—1¼
Warner Bros. 6s '39 wd	50	49¼	49½	+ ½

(z) Defaulted in principal but not in interest.

(Quotations at close of March 20)

M-G-M Re-Signs Three

HOLLYWOOD, March 20.—Elizabeth Allan, Stuart Erwin and William Henry have just been signed to new contracts by M-G-M.

Purely Personal

GEORGIE COYLE, flyweight champion of the Golden Gloves contest, who is also an usher at the Music Hall, was host to 45 members of the boxing squad and their trainer, AL COPELAND, last night. Trophies were presented.

•

NICHOLAS LUDINGTON, WILLIAM M. L. FISKE, 3rd, and JOHN CURTIS, who were scheduled to arrive from the coast yesterday, didn't. They're still in Hollywood unaware of any need to be here for the present.

•

S. BARRET MCCORMICK left last night for Indianapolis to become manager of the Circle there for one night. He has lined up 25 of his old employes to help him out.

Quip of the Day

Leonard Gaynor of Fox read that ad of Eddie Cantor's offering himself as a "radio consultant."

"He'd better hire himself," was all he had to say.

JIM CUNNINGHAM, editor of "Asides & Interludes," disrupted diners at the Willow Cafeteria yesterday by objecting to a five-cent overcharge for cream on his baked apple.

•

EARLE W. HAMMONS, WILLIAM F. RODGERS and BILL SCULLY were among those who did their daily lunching stint at the Astor yesterday.

•

HUNT STROMBERG, W. S. VAN DYKE, CHARLES HACKETT and FRANCES GOODRICH, all Emgeemers, trek to the coast today.

•

ROBERT KATSHER, Austrian composer, arrived on the *Ile de France* the other night en route to the M-G-M studios.

•

GEORGE J. SCHAEFER, Paramount general manager, left for the Bahamas last night on a 10-day deep sea fishing trip.

•

FRANK PHELPS, Warner theatre executive, left last night for Cleveland on business. It's a flying trip.

•

J. J. MCCARTHY is due in from Hollywood Saturday after two weeks on the coast.

•

ED KUYKENDALL is en route to his Columbus, Miss., home following a two-day Washington stopover.

•

GEORGE WEEKS celebrates a birthday today, but, like the daisies, won't tell.

•

ROBERT B. WILBY of Valatenga Theatres, Inc., Atlanta, is in New York.

•

HERMAN RIFKIN came to town from Boston yesterday for a two-day visit.

•

GEORGE SKOURAS was spreading smiles around the Hays office yesterday.

•

PAT CASEY expects to head westward this week-end.

•

CHARLES ROSENZWEIG has returned from a long Miami vacation.

BARBARA BLANE, who has been dancing in Broadway clubs for some time, has been signed to a long-term contract by Fox. She'll leave for the coast shortly. ROBERT WILDHACK, who has been appearing in "Life Begins at 8:40," left for Hollywood yesterday to report to M-G-M. The William Morris Agency handled the deals.

•

HARRY SHAW, in charge of the Poli circuit for Loew's in New England, is vacationing at the Laurel-in-the-Pines at Lakewood. He originally planned to take a southern cruise, but decided on Lakewood the last minute.

•

AL JOLSON leaves Hollywood Saturday for here. He is on a vacation and will complete arrangements for his Shell broadcasts which are to start next month. RUBY KEELER, MRS. JOLSON in private life, will accompany him.

•

PHIL SHERMAN of the Winnipeg U. A. branch returns to the U. S. on April 1 when he becomes attached to the New Haven office of the same company.

•

NOAH BEERY, who was recently signed for a Gaumont British picture to be made in England, will sail early next month to start work.

•

ED FAY of Providence and GEORGE WEEKS of Gaumont British were spotted at the Tavern during the lunch period yesterday.

•

GEORGE RAFT intends to take a European trip upon completion of "The Glass Key." That is, if nothing interferes.

•

DAVE LOEW is due back from the coast around April 1. He's been playing a lot of golf on western links.

•

TYREE DILLARD, JR., would like to get away to Bermuda on a short cruise, but just can't find the time.

•

E. J. VALLEN of Vallen Curtain Control, Akron, O., is in town visiting theatre equipment dealers.

•

BILL SCULLY and JACK ELLIS are back from Miami with tans that will take weeks to wear off.

•

LYNN FARNOL has been through a slight case of morality trouble on some advertising art.

•

. . . and at Detroit

RAY E. MOON, general manager of Co-Operative Theatres of Michigan Inc., has returned from Florida. He was away a month . . . FRED STRUBANK, Monogram salesman; MAC MCCOY, Columbia salesman, and ALEX SCHREIBER of the Loop and Capitol theatres, are others returning from the South.

Flinn Ends Coast Job

LOS ANGELES, March 20.—Campi Secretary John C. Flinn today ended conferences on final changes in the local clearance schedule and will fly east Thursday night. The changes, according to Flinn, have been predicated on the belief that the clearance board is equitable to all. He expressed the opinion Campi would give its approval in time to have the revised schedule become effective March 31.

Feist Will Help on Exploitation Show

Felix F. Feist will act with Martin Quigley as honorary chairman of the general committee for the first annual "Show of Showmanship" to be held for four days starting April 1 at the Motion Picture Club.

Other acceptances for the committee are from Joseph Bernhard and Mort Blumenstock of Warners, P. D. Cochrane of Universal, Oscar A. Doob of Loew's. Robert M. Gillham of Paramount, Charles E. McCarthy of Fox and Herschel Stuart of Columbia.

A-Mike Vogel, chairman of the Managers' Round Table Club of *Motion Picture Herald,* is sending invitations to exhibitors, managers and others in the metropolitan area. Sam Rinzler of Randforce and George Skouras of Fox Metropolitan are the first circuit heads to arrange to have their managers, assistants and others attend.

Exhibits will consist of Quigley Awards and other exploitation campaigns received by the Round Table Club from the field. Tom Wiley and Arnold Van Leer of Motion Picture Club are working with company heads who will show advertising and other publicity on coming attractions.

British Producing Gain Seen by Asher

Indicating a new production boom is under way in England, Irving Asher, head of Warner production activities in England, states the purpose of his trip is to confer with home office executives on an increase in the number of films to be made next season.

"A great boom is on in the film business in England and there is money to be made in supplying the needs of theatres in the British Empire." He added that he hoped Warners would adopt the policy of developing production abroad in earnest.

Charter "Time" Unit

DOVER, Del., March 20.—March of Time Distributing Corp. has been formed here to deal in pictures of all kinds, listing a capital of $100,000. Incorporators are Russell A. Smith, Jackson Heights, L. I.; Keith T. Middleton, New York, and Henry G. Walters, Jr., Elmhurst, L. I.

This is the new company which will handle exploitation of the "March of Time" reel.

Mexican Strike Off

MEXICO CITY, March 20.—The countrywide strike called by National Cinema Employes' Union as a protest against alleged unfair treatment of its members by exhibitors in Monterey on the American border has been called off while the union investigates the statement that it was misinformed regarding the case.

William Miller Dead

CLEVELAND, March 20.—Col. William Miller, manager of the Olympia, and active in local theatre management for the past 25 years, died following an illness of several months. He is survived by his widow and brother. Burial takes place Wednesday at Northeast, Pa.

Brandt Moves To End Duals, Raise Prices

(Continued from page 1)

looking toward the end of twin bills unless admission prices can be raised on some general plan and by the same juncture."

He explained he felt a hike in scales is a necessary adjunct to the plan because the increase in grosses will fortify the exhibitor against "sloughing" of mediocre product. Adding preliminary conversations already have taken place with some circuits, independent and producer, Brandt expressed it as his opinion that, while no producer deliberately sets forth to make a bad picture, many emerge that way, nevertheless.

He believes this is the time to launch the endeavor, well in advance of the new buying season and to actually put into effect by Labor Day, getting across the increase under the guise, perhaps, of a "Greater Movie Season." His idea is not to increase admissions on a set plan as applied to all houses in the metropolitan area, but to advance prices five or ten cents, depending upon zones and conditions in them. It is his thought, further, that independent producers might be persuaded not to fight the idea and cited the instance of "The Girl of the Limberlost" which, he said, rated five times its rental draw in many local situations, but failed to get its worth because of the prevalence of twin features.

Move to Hike Prices Failed

Several months ago local circuits, through Charles McDonald, a division head at RKO, planned to increase admissions at all theatres with the cooperation of the I.T.O.A. and T.O.C.C. A meeting was set to be called by McDonald at which all exhibitors in this territory were to discuss the move. The session sizzled.

Some exhibitors contacted by Motion Picture Daily at the time gave little hope to any move to advance prices, particularly in the evening. It was held that the low matinee tariff was reflected in the early box-office receipts, but that in the evening when admissions are higher, attendance was not so good anyway unless the attraction was unusual.

About two years ago major and independent circuit leaders held several conferences in a move to eliminate duals, but RKO took a stroll.

Monogram-1st Div. Split Details Set

(Continued from page 1)

and in the Philadelphia territory the contract terminates at the end of the 1934-35 releasing season.

Johnston said yesterday, "The two organizations, Monogram and First Division Exchanges, are distinctly competitive and it would have been inadvisable to have continued any operation together for a longer period."

Monogram's plans for the operation of the local exchange will be announced shortly, when expansion plans for the new season are ready.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Strangers All"

(Radio)

Hollywood, March 20.—Dealing with a quaint family whose respective tendencies make them strangers to each other, this film is well spiked with laughs and is thoroughly entertaiining. The direction and performances are No. 1 calibre and the picture will keep audiences laughing most of the time.

May Robson, as the mother, has a tough job keeping peace in a family consisting of James Bush, a youth with radical tendencies; William Bakewell, a histrionic flop who wants to be a Hollywood actor; Preston Foster, who runs a clothing store on a shoestring, and Florine McKinney, a harum-scarum daughter. Comedy situations leading to the climax are the usual incidents but are put over in fine manner. The hectic windup features Foster unable to meet a bank debt, Bush arrested for starting a riot, Miss McKinney marrying the wrong guy, who proves to be the right one, and Bakewell trying to run out on a muddle to protect his histrionic name before he has one.

Miss Robson's savings of $1,000 transfer hands several times, finally saving the day. The comical fadeout has the family thrilling to Bakewell's performance as atmosphere in a Hollywood film, the flash being so quick Miss McKinney missed him.

Charles Vidor's direction keeps the film moving fast at all times. All performances are first rate with Bakewell's comedy role the standout. John Boyle's photography is above the average. Milton Krums penned the screen play from the play by Marie M. Bercovici.

Previewed without production code seal. Running time, 70 minutes. "G."

"Motive for Revenge"

(Darmour-Majestic)

Hollywood, March 20.—Where entertainment bristling with melodramatic action and suspense is appreciated, this fast-paced modern yarn should give satisfaction. What romance and comedy there are, and there's plenty of both, nicely embellish the primary elements.

The title gives definite hint to the picture's character. Mother-in-law Doris Lloyd continually harping upon bank clerk Donald Cook for his refusing to provide extravagant luxuries for his wife, Irene Hervey. succeeds in making him a thief. His only hope during prison years is his wife's promise to await his release. The interfering mother-in-law, however, contrives to have Miss Hervey marry the fanatically jealous tycoon, Edwin Arnold. Upon Cook's release, with revenge now his ambition, he is in Arnold's house when that worthy is killed.

Suspicion is centered upon his wife. Intent upon taking the blame himself, Cook and Miss Hervey are aboard a deserted gambling boat in sequences that are made funny by the antics of a pair of dumb detectives. In the meantime, maid Kenilworthy confesses the killing of Arnold. The way made clear for the lovers to pick up their broken romance, the mother-in-law is hilariously eliminated in the finale. Although the cast boasts no outstanding names, Cook, Miss Hervey, Doris Lloyd and Arnold contribute convincing performances in the feature roles. Support is adequate with Edwin Argus, John Kelly, Billy West and Fern Emmett being outstanding. Burt Lynwood's direction took advantage of the Stuart Anthony story so that there is lots of opportunity for tricky showmanship exploitation based upon the yarn's dialogue, situations and action.

No code seal. Running time 65 minutes. "G."

Looking 'Em Over

"I'll Love You Always"

(Columbia)

San Diego, March 20.—Featuring Nancy Carroll and George Murphy, this is an entertaining story of love triumphant. They make the most of the opportunities.

The story concerns Miss Carroll as Nora Clegg, a promising Shakespearian actress, who sacrifices her career to marry Carl Brent, played by Murphy. He is a brilliant, unemployed young engineer. Facing actual want because of Brent's refusal to accept menial jobs, the two quarrel. Nora decides to return to the stage. Brent steals money to show her

(Continued on page 6)

Pennsylvania House Passes 10% Tax Bill

(Continued from page 1)

of, with no tax on tickets of 10 cents or under.

The principal sections of the bill provide for a two per cent sales tax to be passed on to the consumer.

Calif. Income Tax Looms

Sacramento, March 20.—It is believed the Assembly is set to pass an income tax calling for a third of the Federal rate, to raise $20,000,000. It is claimed this would give California the highest state income tax rate in the country.

The Senate has passed the resolution calling upon Congress to pass the Townsend old age pension plan, and this is taken as an indication that the administration can force through its income tax measure.

Nebraska Tax Killed

Lincoln, March 20.—The measure seeking to levy a 10 per cent tax on the gross of film and film equipment rentals was killed in the House today. Speakers against the measure were President C. E. Williams, of the Omaha M.P.T.O.A.; Regina Molseed, code secretary in this territory; D. V. McLucas, exchange manager for United Artists; Bob Livingston, Capitol manager here and head of the lobbying committee, and Representative Haycock, Democratic floor leader, chairman of the committee on the bill and a showman from Callaway, Neb.

This was the sole measure in the legislature that had any effect on exhibitors.

Allied Heads Going To Northwest Meet

(Continued from page 1)

April 1-2. H. M. Richey of Detroit will also attend.

Elections and code topics will highlight the two-day session. Samuelson within the next day or so will announce six regional vice-presidents. There were four previously whose terms expired Feb. 1. The new list will see changes in the old setup as well as two additions.

More License Bills Appear in Bay State

(Continued from page 1)

door advertising can be granted without the written consent of a Mayor or alderman.

The other bill provides a complicated licensing system for heating and cooling systems under the control of the Department of Public Safety.

"Copperfield" Leads Herald's Champions

"David Copperfield" led *Motion Picture Herald's* "box-office champions" for the month of February.

Other winners were "Lives of a Bengal Lancer," "The Woman in Red," "The Scarlet Pimpernel," "Sweet Music," "The Gilded Lily" and "The Good Fairy."

How'd You Like to Sell A

GOLD



8:13 – First Customer Arrives

8:45 – Crowds Block Front

9:04 – Lines

Circl

Hear the Records Crash in

BOSTON - PHILADELPHIA - DES M

ICKET EVERY TWO SECONDS?

You can do it with "Gold Diggers"— and Warner Bros. show you how by putting 30 a minute through the turnstiles at the Broadway Strand's morning premiere!

DIGGERS OF 1935



DICK POWELL • ADOLPHE MENJOU • GLORIA STUART • ALICE BRADY • FRANK McHUGH • GLENDA FARRELL • HUGH HERBERT • WINI SHAW • JOE CAWTHORN, 4 OTHERS • The story and the most superb spectacles yet screened directed exclusively by **BUSBY BERKELEY**

DINES - WASHINGTON - MEMPHIS

Para. Unit Enters Plea to Reorganize

(Continued from page 1)

Paramount theatre building in New York and studios, asked Federal Court today for permission to reorganize. Revamping of its capital structure provides there will be no reduction in par value or lowering of interest rates on the company's $2,750,000 first mortgage six per cent bonds now outstanding and no change in ownership or control of the properties.

While a hearing on the proposed plan is set for April 8, the court authorized the company to remain in possession of the properties and to continue operation as heretofore. The company is a subsidiary of Paramount Publix, and this move is part of the reorganization plan of the parent company.

One of the major changes in the plan provides for elimination of serial maturities in the company's bond issue and establishment of a sinking fund so that all bonds would have a single maturity on Sept. 1, 1942.

Harry L. Dunn, counsel for the company, stated that through the proposed changes in the trust indenture the existing provisions permitting release of certain properties from the mortgage would be eliminated. At present, he said, it would be possible to obtain release of the studio properties from mortgage if the theatre properties were earning two and one-half times bond interest requirements.

Under the proposed plan the company may only obtain the release of studio properties upon payment of 60 per cent of the principal amount of the bonds then outstanding, providing the remainder of the outstanding bonds were fully guaranteed by the parent company. This plan supersedes all other plans and is believed to satisfy all interested parties, according to counsel.

N.H. House Votes to Ban Daylight Saving

CONCORD, N. H., March 20.—Upsetting a majority committee report, the House today voted, 188 to 100, to prohibit daylight saving in the state. Substantial fines are provided for violations of Standard Time schedules, even by private business. The measure is expected to receive strong support in the Senate.

For some years there has been a bitter fight over the adoption of Daylight Saving Time by some municipalities and commercial enterprises. A local option amendment was snowed under.

A bill to give selectmen the authority to censor films met with strong opposition yesterday at a hearing before the judiciary committee of the House. Senator Ancil Sanborn holds that town officials should be given more authority. No decision on the measure has been reached yet.

Wins Richmond Permit

RICHMOND, March 20.—Objections to the location of a new theatre in Highland Park have been overcome, it is understood, and a permit will be approved by the Board of Zoning Appeals in a few days. The application has been made by Charles A. Somma, partner of Walter J. Coulter.

Looking 'Em Over

"I'll Love You Always"

(Continued from page 3)

a last good time. He tells her he has accepted an engineering job in Russia, although he goes to prison. Their letters are diverted by friends and, the girl, still believing her husband is in Russia, returns to New York to await the birth of their child. Brent at last realizes that love means more than pride. A reunion is effected when Nora learns that he stole to make her happy.

Other principals include Jean Dixon, Harry Beresford, Robert Allen and Arthur Hohl.

Production Code Seal No. 636. Running time, 75 minutes. "G."

"The World Accuses"

(*Chesterfield*)

If this production was designed to capitalize on the recent Vanderbilt-Whitney court battle for the custody of the former's child, it falls far short of the mark. It is also shy on entertainment value except when Dickie Moore and Cora Sue Collins are on the screen. These two youngsters walk away with the picture from a cast that includes Vivian Tobin, Russell Hopton, Harold Huber and Robert Elliot.

The yarn has Miss Tobin, who gives up a theatrical career to marry into society, unable to get along with her mother-in-law. When her husband is killed in a brawl in a Broadway club her child is taken away from her and given to its grandmother. The youngster grows up to be Dickie Moore after two reels. In the meantime, Miss Tobin gets a job in a nursery and meets Hopton, father of Cora Sue Collins. The murderer of her husband escapes from prison and hides in the nursery where Miss Tobin is now in charge. This enables the authorities to recapture him and return the child to his mother. The romance that had sprung up between Miss Tobin and Hopton winds up at the altar, providing a happy ending for those liking the hero and heroine in each others arms at the fadeout.

Charles Lamont's direction is satisfactory in spots, but he didn't have much material. The photography of M. A. Anderson is fair.

The film might prove suitable for small towns and neighborhoods. Reviewed without production code seal. Running time, 63 minutes. "G."

"The Fighting Pilot"

(*Ajax*)

The chief trouble with this picture is that it has no regard whatever for plausibility or restraint—not a wee bit.

The sole concern of its producers, Reliable, seems to have been to supply action, action and then more action. In this they have succeeded well, although the result is not always to the film's advantage. There's so much smacking around that after a time it all becomes a bit monotonous, if not downright comical. One tussle between the hero and the villains alone consumes almost half of the footage.

All this should suggest that "The Fighting Pilot" is meat for the kids but hardly for maturer minds.

It must be said for Richard Talmadge, the star, that he takes a lot of risks to give his fans what they presumably expect of him. The wonder is that at the end he is still on his feet and has enough strength left to squeeze the heroine (Gertrude Messinger) to his manly bosom.

The story has to do with the efforts of Robert Frazer, a foreign agent, to learn the secret of a new airplane motor invented by William Humphrey, Miss Messinger's dad. The film is nothing more than a series of encounters between Talmadge, a pilot in love with Miss Messinger, and Frazer and his gang. Talmadge comes out the winner, of course.

Eddie Davis is the comic of the piece. Noel Mason directed.

No code seal. Running time, 60 minutes. "G."

"The Little Colonel," this morning's opener at the Radio City Music Hall, was reviewed from Hollywood by wire Feb. 7.

"Naughty Marietta," opening at the Capitol tomorrow morning, was reviewed by wire from Hollywood Feb. 19.

"The Mystery of Edwin Drood," which was previewed at the Rialto Tuesday night, was reviewed by wire from Hollywood Jan. 19.

"Woman in Red," which is to be previewed tonight at the Roxy, was reviewed by wire from Hollywood Feb. 15.

"The Mystery Man," which opened at the Criterion yesterday morning, was reviewed from Hollywood Feb. 4.

W. C. Fields Is Better

HOLLYWOOD, March 20.—W. C. Fields, who was stricken with a severe attack of influenza several days ago, is now reported very much better.

Duals Spread in Ohio

CLEVELAND, March 20.—Warners' Strand, Akron, and Alhambra, Canton, have gone to a double feature policy the last half of each week.

"U" and M-G-M Close Deal for "Ziegfeld"

HOLLYWOOD, March 20.—After four weeks of negotiation signatures for the final transfer of "The Great Ziegfeld" from Universal to M-G-M have been affixed by Frank Mastroly for Universal and Louis B. Mayer for M-G-M.

The deal totals more than $250,000 and takes care of all of Universal's pre-production costs. William Anthony McGuire and his entire staff go over to M-G-M, but Universal gets the privilege of calling on William Powell and May Robson for one picture each.

Change in Utah Sale Tax Law to Be Asked

SALT LAKE CITY, March 20.—Amendment of the sales tax law to eliminate the first $500 gross each month in establishments where sales average 25 cents is to be sought.

It is said that approximately 1,200 retail establishments are facing prosecution because of delinquent returns.

Ohio Walkathon Bill

COLUMBUS, March 20.—A bill has been introduced by Senator Philip Wolfe, Mansfield, to prohibit walkathons and similar endurance contests which continue longer than 24 hours. The bill specifies penalties of not less than $50 or more than $300, with imprisonment of 30 days, each day's exhibition to be considered a separate offense.

Files Suit Over Song

Mrs. Basil Burke, of Stamford, Conn., has filed suit against Warners claiming the melody of the song, "Happiness Ahead," which Dick Powell sang in the picture of that name is the same as her song, "F. D. Is the Man." In reply to Mrs. Burke's charge of plagiarism. Warners allege that the melody was old before she used it.

Plan Advertising Films

Promotion Films, Inc., chartered last week in Albany, will produce and distribute on a national and regional basis a series of commercial advertising films.

R. M. Savini is president, J. Michelson, vice-president and treasurer, and Ceil Bernert, secretary.

Open in Philadelphia

Typhoon Air Conditioning Co., Inc., has opened a Philadelphia office to handle eastern Pennsylvania, New Jersey south of Trenton, Delaware, Maryland and the District of Columbia. Charles S. Dingleman, former chief engineer of the Stanley Co., is in charge.

Louisiana House Burns

NEW ORLEANS, March 20.—Fire, which originated in the Alamo, New Roads, La., operated by L. J. Langlois, destroyed the building, a two-story structure, and threatened to spread over the entire commercial section.

Ampa Meeting Closed

Appointment of a nominating committee will be the principal business at a closed meeting of Ampa tomorrow. Reports of committees on the Naked Truth Dinner also will be heard.

NEW YORK DAILY NEWS

"Brilliant drama. Takes its place as one of the finest pictures of the season. Cooper gives a magnificient performance. Don't miss it."
— N. Y. JOURNAL

"One of the finest films Samuel Goldwyn has ever produced. Magically acted, magically directed... a work of distinction...Gary Cooper excellent." — N. Y. WORLD-TELEGRAM

"Infinitely stirring story . . . Mr. Cooper and Miss Sten each endows the piece with a brand of histrionic pyrotechnics superior to any of the former achievements of either."
— N. Y. AMERICAN

"Gary Cooper...giving one of the year's most capable performances. Well directed, intelligently acted, handsomely produced . . . it will hold your interest right from the first scene..." — N. Y SUN

(Highest Rating; EXCELLENT) "In considering the stunning qualities of 'The Wedding Night' it is easiest to bracket Anna Sten and Gary Cooper at the top...together they are the perfect team."
— N Y POST

"Believable . . . touching . . . convincing and curiously powerful."
— N. Y. HERALD-TRIBUNE

"Dramatically striking! A credit to Mr. Goldwyn and Mr. Vidor."
— N. Y. TIMES

A unanimously enthusiastic tribute to one of the finest pictures of the year!

SAMUEL GOLDWYN

presents

GARY COOPER
ANNA STEN

in



THE Wedding Night

with

RALPH BELLAMY • HELEN VINSON

and SIEGFRIED RUMANN

Directed by KING VIDOR

Released thru

UNITED ARTISTS

English Firm Will Produce With 1st Div.

(Continued from page 1)

Monty Banks. The former will direct "London Symphony," first of two features to star Clive Brook; the second of these will be the Anglo-Australian film already announced.

Stars lined up include, in addition to Brook: Gracie Fields, Leslie Henson, Victoria Hopper and Edmund Gwenn, and among the authors are J. B. Priestley, Margaret Kennedy, Ian Hay, R. C. Sheriff, H. M. Harwood and Eleanor Smith

A.B.F.D. will move in June from Wardour St. to big new premises in Oxford St.

Plans Are Not Definite

While Associated Talking Pictures is planning to produce one or two pictures in this country in line with the cooperative distribution and production arrangement with First Division, no definite plans have been set, Reginald Baker, financial head and joint managing director of this company and Associated British Film Distributors in England, stated yesterday.

The company will not make any definite moves until it is convinced there is a possibility of commercializing its stars for future development in this country. Grace Fields is the first star the company has in mind for the test, providing a decision to produce here is made.

First Division in turn, would make one or two films in England. The cooperative deal runs indefinitely, Baker stated. The A.T.P. executive stated he likes the United States and will probably return in about six months for another visit. He sails tomorrow on the *Majestic*.

While in Hollywood for two weeks, Baker met a number of friends and conferred with First Division production heads on new product.

Sum Up Today in Century-RKO Case

(Continued from page 1)

complainant, and Louis Nizer, for the respondent.

Upon request of both parties, the declarations by both attorneys will go into the record, which to date is about 1,350 pages. It costs 85 cents a page for recording the testimony. Indications are that today's session will go about four hours with from 100 to 150 pages of copy in the record. The public stenographer's bill on this case will tally around $1,275, which Century will pay, having ordered the minutes taken.

Urge Moe Silver for Albany Board Place

ALBANY, March 20.—Moe Silver has been unanimously recommended to Code Authority by the grievance board to succeed Louis Lazar, former Warner manager here. Silver is Lazar's successor with Warners.

The board has issued a stop order against the Regent on its opportunity contests. The complaint had been brought by A. Stone, Eagle Theatre.

Not Right Now

Washington, March 20.—Compliance Director Sol A. Rosenblatt has no intention of resigning "at this time," it was declared today. He refused to say whether he had received any recent offers, as rumored.

New York reports have it Rosenblatt had been approached by Paramount interests to become general counsel or, perhaps, a vice-president.

Sundays Ruled Out In Filing Appeals

Sundays do not count as one of the five days allowed exhibitors and distributors in which to file appeals, Tyree Dillard, Jr., legal head of Campi, yesterday told an appeal committee. He said this was his understanding with Compliance Director Sol A. Rosenblatt and he had ruled that way in other cases.

The committee consisted of Sidney Justin, chairman, Paul Burger, and Charles Moses. The case was an appeal by M-G-M from unanimous decisions by the New Jersey advisory board and local clearance and zoning board in the case of Irving Dollinger of the Plaza, Linden, against Warners Rahway at Rahway, and Ritz and Regent, at Linden, N. J.

Dollinger claimed that the decision was handed down Jan. 24, sent out the next day and Metro appealed on Jan. 31. The two unanimous verdicts were in favor of Dollinger. The Plaza was given the right to play seven days after Rahway and the two Warner houses in Linden instead of the 14 days demanded by his competitor.

M-G-M was not concerned in the case and no one could understand why Dave Levy, branch manager, appealed. Levy has been ill for the last week and could not attend the session. William Scully promised to attend in place of Levy, but never showed up.

New Haven May Take Clearance to Court

(Continued from page 1)

College, local exhibitors have consulted a prominent law firm with reference to instituting action in the Federal court.

Not only has Campi failed to act on the revised schedule for New Haven, but the case of Dixwell vs. College, decided favorably to the complainant and 19 other subsequent run theatres in the city, appears to have died on reaching Code Authority on appeal.

Campi Upholds Four Bank Night Orders

(Continued from page 1)

night; Glen Klock vs. A. B. McNabb, Gem, Neodesha, Kan., bank night; Casino vs. Fox Beyer, Excelsior Springs, Mo., cash night and junior cash matinee.

In the last two cases Campi ruled the complainants must file compliances on reduced admission violations before the orders against the respondents can become effective. The Casino, Excelsior Springs, is running bank night.

Darrow Criticizes President on NRA

(Continued from page 1)

the NRA is taking business away from the small concerns and giving it to the big ones and foresaw in continuance of the organization the enslavement of all workers and small business men.

Discussing the activities of his board, he declared that within a few weeks of its creation he was given the impression that speed rather than intensive investigation was desired by the Administration.

An effort to have the committee investigate individual codes will be made by Senator Gerlad F. Nye of North Dakota, who has secured a report on the clothing code which, he charges, contains evidence of oppression.

Issue Toledo Stop Order

CLEVELAND, March 20.—Film service for the Ohio at Toledo has been ordered stopped by the grievance board as a result of the failure of Jack O'Connell to maintain scales alleged to have been stipulated in his contracts. The order becomes effective March 25. A compliance order was issued on March 11.

Urge Sliman for Board

NEW ORLEANS, March 20.—Philip Sliman has been recommended to Campi as the successor of Joe Barcelona, resigned, on the clearance and zoning board. Sliman, who runs the Laurel here, qualifies as an independent subsequent run exhibitor.

Estimate RKO Loss Will Be $500,000

(Continued from page 1)

however, that the final result will show a loss well under the $875,000 estimate recently made in connection with the annual financial report of RCA.

RKO's loss the preceding year was $4,384,064. The company showed a profit of $231,348 for the first six months of 1934.

Cinematographic Day Is Staged in Mexico

(Continued from page 1)

Party, which controls the government, staged a Cinematographic Day throughout Mexico yesterday in the form of lectures on the necessity for encouraging production here and exempting from taxes for the day all exhibitors who showed at least one Mexican production. Exhibitors who showed complete Mexican programs were officially praised as well as exempt from taxation.

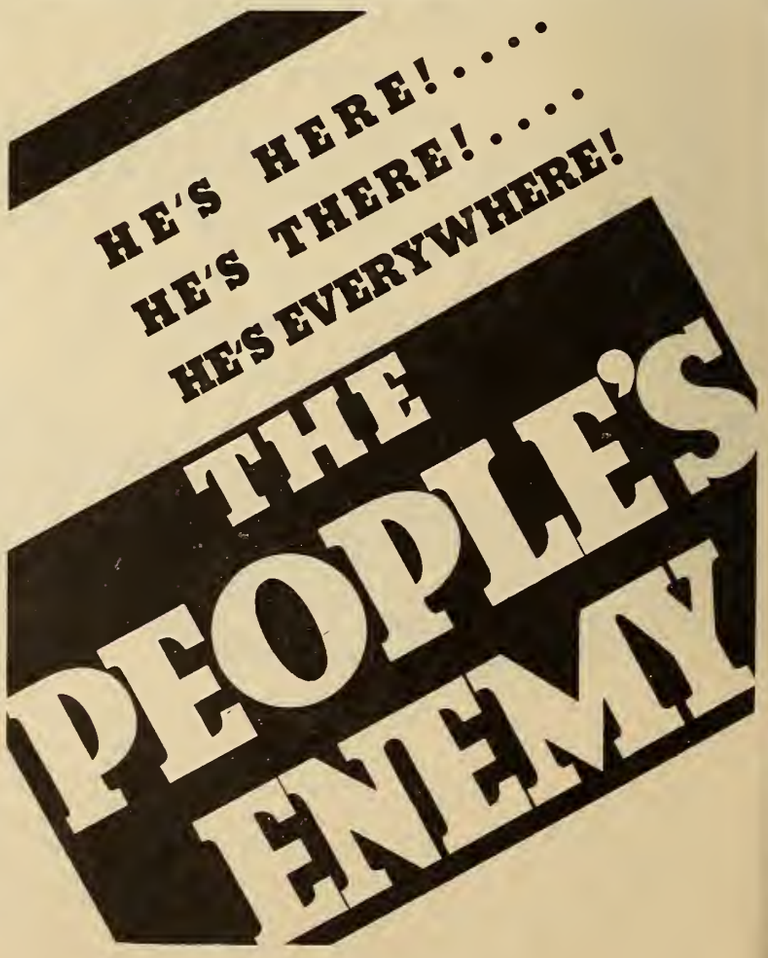
Third Poster Out Soon

Third of a series of good-will posters being distributed by the Hays office will be shipped April 1. They will be printed in a rose tint.

Letters praising the two first posters have been received from all over this country, Canada and Australia, the Hays office states.

"Dictator" Retitled

Gaumont British has changed the name of "The Dictator" to "Farewell to Love," the transition applying only to American distribution.



The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 68 NEW YORK, FRIDAY, MARCH 22, 1935 TEN CENTS

Fox Reports 1934 Net As $1,273,069

Equals 52c Per Share; Slightly Under '33

Fox Film Corp. reports a profit of $1,273,069 for the year ending Dec. 29, 1934, after all charges, including Federal income taxes. This compares with a loss of $557,122 for the 13 weeks to April 1, 1933, the period prior to reorganization, and a profit of $1,410,793 (without tax deduction) for the 39 weeks ending Dec. 30, 1934.

On the basis of 2,436,409 shares of Class A and Class B stock outstanding, the $1,273,069 net amounts to 52 cents per share.

For the 13 weeks prior to the end of the fiscal year Dec. 29 the company sustained a loss of $233,143. During January and February earnings

(*Continued on page* 10)

Century-RKO Both Predict Victory

Both Century and RKO are confident of victory in the Long Island clearance dispute, following summations yesterday by Mitchell Klupt, representing the complainant, and Louis Nizer, for the respondent.

The entire day was devoted to the highlights of the case with Klupt taking the floor in the morning for two and a half hours, starting at 10:40 and winding up at 1:10 P.M. Nizer took the floor at 2:30 P.M.

(*Continued on page* 11)

Campi Budget Being Studied in Detail

Following a breakdown of the 1935 budget, as requested by the NRA Division of Research and Planning, Campi has submitted the financial outlay to its finance committee, which is going over the plan. It is expected to be approved by the committee for presentation to Campi on March 28.

Expenses for local branches and Campi are broken down individually

(*Continued on page* 11)

Richberg Is Made New NRA Chairman

WASHINGTON, March 21.—Donald R. Richberg, who came to Washington to be chief counsel of the NRA under General Johnson and more recently has served as first assistant to

(*Continued on page* 11)

Legislative Battles Gain In Intensity

Ohio Passes Playdates Bill; Taxes Impend

Legislative battles are seething in a number of spots. Both branches of the Ohio Legislature have passed the Waldvogel bill banning designated playdates. Missourians are organizing a statewide campaign against the proposed two per cent sales tax now that the censorship bill seems to have been shelved. Omaha exchanges are threatening to move across the river to Council Bluffs, Ia., if a footage tax is passed.

Racing bills are stirring agitation in a number of spots.

Pass Waldvogel Bill

COLUMBUS, March 21.—Senator Edward N. Waldvogel's bill prohibiting designated playdates passed the House

(*Continued on page* 11)

California Income Tax Hit by Bryson

SACRAMENTO, March 21.—John G. Bryson, industry representative, told the Senate Revenue Taxation Committee that, with the proposed California rate, the state and Federal income taxes would total 76 per cent on incomes of a million dollars.

The committee chairman said that it appears that the state rate, based on a third of the Federal rate would

(*Continued on page* 11)

Court Rules for Dog Track in Bay State

BOSTON, March 21.—Opponents of dog racing suffered their first defeat yesterday when Judge Henry Lummus of the Massachusetts Supreme Court

(*Continued on page* 11)

LOUIS WILEY

IN the passing of Mr. Louis Wiley, business manager of the New York Times, *the motion picture industry has lost an old and valued friend.*

Mr. Wiley's richly significant and constructive career in the service of the New York Times, *an institution which he so importantly helped to build into its greatness beginning in 1896, precisely coincides in years with the development of the art and industry of the motion picture. His acquaintances and friendships in this world of the motion picture were many and important. He was ever an encouraging counsellor and a friend of influence in important places.*

The spirit of Mr. Wiley, with his constructive, kindly

(*Continued on page* 11)

Believe Para. Plan Cinched By Agreement

Sufficient bondholder assents to the Paramount Publix plan of reorganization to virtually clinch its acceptance by the required number of creditors will be filed immediately by the so-called Fortington creditor group in return for assurances from other major creditor groups that the presently constituted board of directors of 16 will not be changed unless at the direction of the Federal court at the

(*Continued on page* 6)

Code Revamping Outlook Goes to Recovery Board

By BERTRAM F. LINZ

WASHINGTON, March 21.—Suggestions by Ed Kuykendall, president of the M.P.T.O.A., for a conference with Compliance Director Sol A. Rosenblatt on the question of revising the code will be discussed by the latter with members of the National Industrial Recovery Board in the next few days with a view to deciding whether anything could be accomplished by reopening the code at this time. The board this week refused to reopen the shoe code pend-

(*Continued on page* 11)

Loew's to Aid Move for Dual Stoppage Here

RKO, Skouras Attitude Not Stated as Yet

The cooperation of Loew's in the projected I.T.O.A. industry conference to be called by Harry Brandt, president, to discuss means of eliminating double featuring and increasing admissions in Greater New York houses was assured yesterday. The attitude of RKO and Skouras, however, could not be ascertained.

C. C. Moskowitz, supervisor of Loew's New York theatres, said that while the company had received no official notification of the conference from Brandt as yet, Loew's would be "glad" to join in it if and when the conference is held.

In the absence from the city of Nate Blumberg, RKO theatre director, and Major L. E. Thompson of RKO's

(*Continued on page* 6)

Tri-Ergon Loses in Move Against Para.

American Tri-Ergon's petition for leave to file an amended claim for damages against Paramount for alleged infringement of patents was denied yesterday by Federal Judge Alfred C. Coxe, who cited the recent Supreme Court decision holding the patents to be invalid.

Tri-Ergon had filed a claim against Paramount for an indeterminate amount in the course of the latter's bankruptcy proceedings and sought leave to file the amended claim after Paramount was adjudged a debtor for reorganization purposes.

British Will Abide By Production Code

British producers aiming at distribution in the American market will observe the tenets of the Production Code by an understanding reached between the Hays organization and

(*Continued on page* 8)

Associated to Take "Time" for England

Although no contracts have been signed, Associated British Film Distributors has closed with First Divi-

(*Continued on page* 10)

MOTION PICTURE DAILY

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Wall Street

Eastman Gains ⅞ on Big Board

	High	Low	Close	Net Change
Columbia vtc	41½	41⅛	41½	+ ½
Consolidated	4⅜	4⅜	4⅜	.....
Cons. pfd (1v)	17⅞	17¾	17¾	— ¼
Eastman (5)	117⅝	115½	117⅝	+ ⅞
Eastman fpd (6)	151½	151½	151½	—1
Fox "A"	9¼	9	9¼	+ ⅛
Loew's	34¾	33⅞	34⅝	+ ⅜
Paramount	2⅝	2⅛	2½	— ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	13¼	12¼	12¾	+ ¼
RKO	1½	1⅜	1½	+ ⅛
Warner	2¾	2½	2⅝	— ⅛

Technicolor Off ¼ on Curb

	High	Low	Close	Net Change
Technicolor	17½	17⅛	17¼	— ¼

Warner Bonds Up ½

	High	Low	Close	Net Change
Keith B. F. 6s '46	68	67¾	67¾	— ¼
Loew's 6s '41 ww deb rights	105	104⅞	105	+ ⅛
Paramount F. L. 6s '47	71	71	71	+1
Paramount Publix 5½s '50	72	71	71⅞	+ ⅞
Pathe 7s '37 ww	103½	103½	103½	.....
Warner Bros. 6s '39 wd	50	49½	50	+ ½

(*v*) *Defaulted in principal but not in interest.*

(Quotations at close of March 21)

B. & K. Dividend Declared

A dividend of $5.25 on preferred shares, payable March 30 to stock of record March 28, has been declared by Balaban & Katz.

Insiders' Outlook

By RED KANN

MOTION PICTURE DAILY, issue of January 11, in the selfsame spot wherein you find it today, thus:

"Not at this time" will Consolidated consider sponsoring an exchange organization for the varied assortment of independents in the financing of which the big laboratory company plays a part. Herb Yates says so and that means he knows, for, when you talk about Consolidated, it's virtually the same as saying Yates. The understanding is these selfsame independents have approached him at various times over a period of some months to do something about it to the end that they get the break which they are not getting now but which they say should be theirs in the constant struggle for a proper place in the sun. "Not at this time," it might be said, is as permanent as was yesterday, a hectic day what with all this excitement over Federal grand jury probes thundering up in the north, south, east and west. . . .

▼

March 21: Something big is in the air in the Yates domain. There is talk, all quiet but not quite all, about a company known as Republic Pictures. It is being aired about as a new appendage to the production and distribution structure of the industry. Yates, usually clam-like when any newspaper man is within striking distance, remained true to form yesterday. From other quarters, all mysterious in the nature and extent of their guarded whisperings, the word was around that the something "big" may happen in about two weeks. . . .

▼

Congressman Sirovich, who once wrote a play about which nothing happened, is in *The Congressional Record* again. This time, he proposes a bill creating a new Cabinet post to carry the grandiloquent title of Secretary of Science, Art and Literature. Not understanding the occasional difficulty of tried and true film men in keeping their own business within bounds, he would have his new department supervise pictures with radio added for further fun. It is his lofty flight of words, however, that has filtered under our epidermis. Get a load of it:

"The limitations of the olden stage have been removed by the motion picture, accompanied by sonancy, and the genius of dramatic authors and writers is no longer pent up in the Utica of confination to small stages and auditoriums, but ranges the United States so that the lesser villages may now receive the same presentations as the major cities and instead of fustian and bucram, the backgrounds of film dramas are as realistic as if, as in many cases they are, they were the actual scenes of the words and actions of the plays shown on the film."

There's grave danger in all of this. Hollywood, having read with dictionary in hand, may dangle a contract. . . .

▼

No sooner did this space go institutional when what should reach the desk but additional evidence of the manner in which MOTION PICTURE DAILY's preview service out of Hollywood registers with many on-their-toes showmen. The photographic proof adorns the area neighborly to this comment. It is a shot of the lobby of the Paramount Theatre, Portland, Ore., where Frank Newman, Jr., did what the picture proves he did. "Showman's Bible," he calls this publication. Who are we to deny it? . . .



▼

It was a Captain Boycott, a landowner in Mayo, Ireland, back in the '80s who, through devious reasons, started the term. Today, our favorite dictionary disposes of it with this definition: "To combine against (a landlord, tradesman, employer or other person), to withhold social or business intercourse from him and to deter others from holding such intercourse." The I.T.O.A. of New Jersey and Allied of New Jersey may not know the origin of the practice, but that does not at all prevent them from discussing such a joint idea along similar lines, meaning Metro and Warners. Two-thirds of the combined membership are reported in favor of severing relations with Leo while one-third seems anxious to end it all with Warners. In both instances, the reputed complaint is the same: opposition to sales policies providing for designated playdates, percentages and the forcing of shorts with features. It has an ugly connotation, that word boycott. . . .

Finney Named Head Of Ampa Nominators

Ed Finney of Monogram yesterday was selected chairman of Ampa's nominating committee which includes Edward McNamee, Tom Hamlin, Dave Davidson, Ben Atwell, Charles Leonard and Jack Harrower. A meeting of the group is slated for Monday, but selections of candidates for office next season must be in the hands of Mel Heymann, secretary, by April 4.

Sidney Olcott wired his appreciation to the organization for the reception given him at the last session.

Reisman Closes Deals

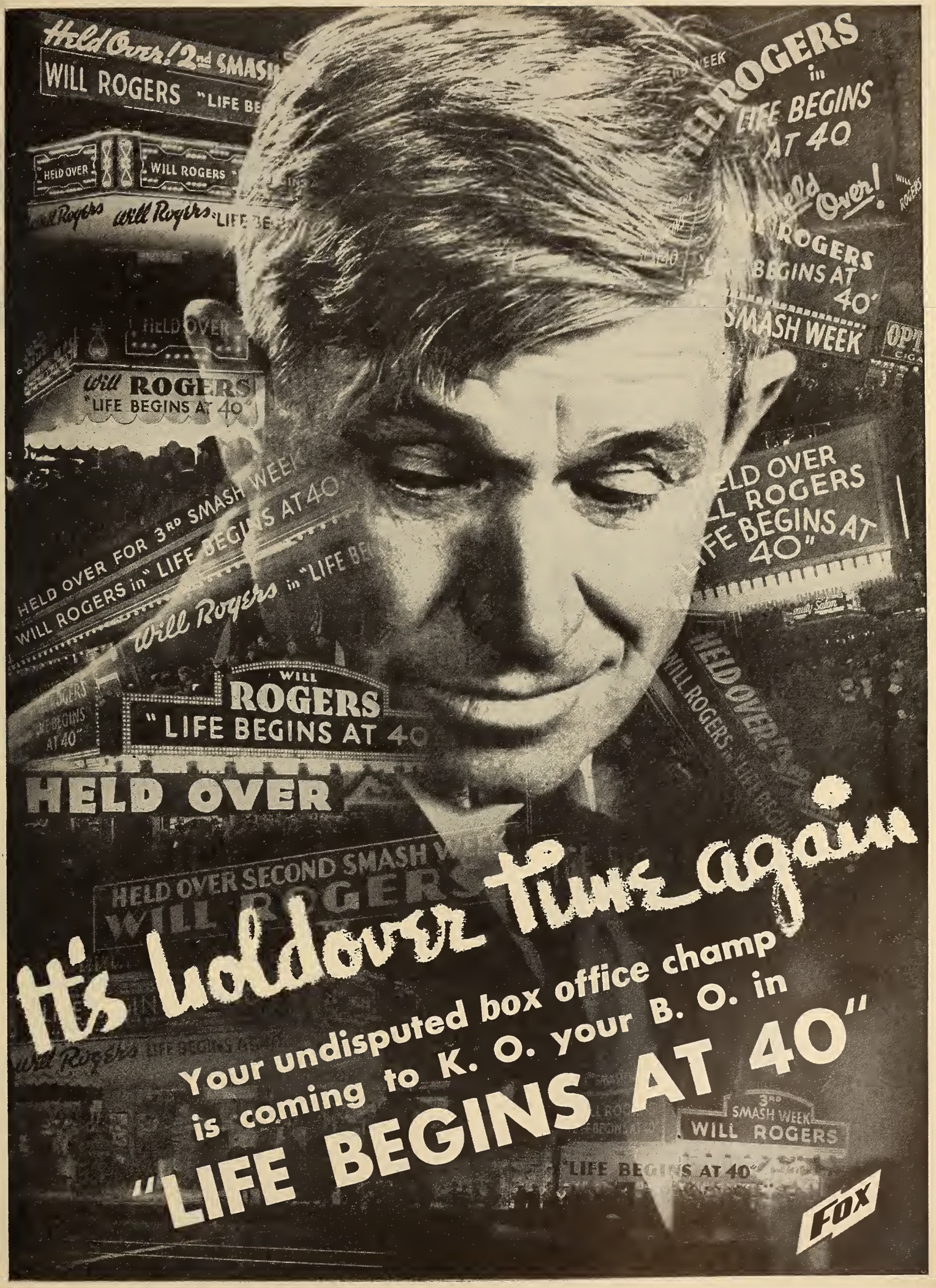
Phil Reisman, vice-president in charge of foreign sales for RKO, has closed a deal with Cine Colombia of Medellin for the entire lineup of his company for distribution in Colombia. He also has closed with M. A. Schlesinger, acting for African Consolidated Films, Ltd., Johannesburg, for South African distribution of all Radio product for 1934-35.

Next Forum on March 26

The next M.P. Club Forum will be March 26, it was announced yesterday. A number of prominent speakers are being lined up.

Goldwyn Signs Brown

HOLLYWOOD, March 21. — Lew Brown has been signed by Samuel Goldwyn to work on Eddie Cantor's next, "Dreamland."


Held Over! 2nd SMASH
WILL ROGERS "LIFE BE
HELD OVER
WILL ROGERS
Will Rogers
WILL ROGERS in LIFE BEGINS AT 40
Held Over!
ROGERS
BEGINS AT 40
SMASH WEEK
HELD OVER
Will ROGERS
"LIFE BEGINS AT 40"
HELD OVER FOR 3RD SMASH WEEK
WILL ROGERS in "LIFE BEGINS AT 40"
Will Rogers in "LIFE BE
LD OVER
L ROGERS
FE BEGINS AT
40"
WILL
ROGERS
"LIFE BEGINS AT 40
HELD OVER
HELD OVER SECOND SMASH
WILL ROGERS
It's Holdover Time Again
Your undisputed box office champ
is coming to K. O. your B. O. in
"LIFE BEGINS AT 40"
3RD SMASH WEEK
WILL ROGERS
"LIFE BEGINS AT 40"
FOX

Yes, gentlemen!

GEORGE WHITE . . .

HAS TOPPED HIS

This can't help but land in the No. 1 money. Elaborate, showy nonsense, skilfully concocted and expertly aimed at the box office. *—Hollywood Reporter*

George White sat in the Fox California here and heard an audience applaud his "1935 Scandals" because he has turned out a spectacular musical comedy with the right mixture of tuneful songs and real, sure-fire comedy!

—Motion Picture Daily





THE *biggest* NAME IN MUSICALS..

LAST YEAR'S MOP-UP!

GEORGE WHITE'S 1935 SCANDALS





ALICE FAYE • JAMES DUNN
NED SPARKS

Lyda Roberti • Cliff Edwards • Arline Judge

Eleanor Powell • Benny Rubin • Emma Dunn

GEORGE WHITE

Entire production conceived, produced and directed by George White

Screen play by Jack Yellen and Patterson McNutt. Based on a story by Sam Hellman and Gladys Lehman. Songs by Jack Yellen, Cliff Friend, Joseph Meyer. Additional lyrics by Herb Magidson.

FOX

Believe Para. Plan Cinched By Agreement

(*Continued from page* 1)

April 4 hearing, it was learned authoritatively yesterday.

In accordance with the understanding, it was reported, the Fortington group will file assents to the plan for $3,500,000 of Paramount debentures, as general claims. In addition, it will permit another $3,500,000 of bonds which it represents to remain on deposit with the Vanderlip and Munger debenture committees, both of which have assented to the plan. The Fortington group also represents $11,000,000 of general claims against Paramount which, when filed in assent to the plan, are regarded as assuring the two-thirds of general creditor and bondholders' claims necessary for ratification.

Coincident with this development, a drive is being launched jointly by Field, Glore & Co., investment house, and Strook and Strook, counsel for the Paramount Broadway bonholders' committee, to obtain the necessary assents of two-thirds of the holders of the $8,875,000 Paramount Broadway issue outstanding. The assents from these holders have reached an aggregate slightly under $4,000,000, as compared with the approximately $5,900,000 required. There are numerous scattered holders of the bonds and the only explanation of the slowness with which they are being filed is the indifference of holders.

Terms of the Paramount Broadway reorganization are regarded as highly favorable to the bondholders and the drive to be conducted by Field, Glore and Strook is expected to make the holders aware of the necessity of filing assents and to result in bringing in the necessary amount.

Stockholders have already filed in sufficient amount for ratification of the plan by their classification. A majority of the holders is needed and approximately 60 per cent have already filed.

May Oppose Loew And Momand Ruling

The Paramount Publix trustees, E. M. Loew of Boston and A. B. Momand of Oklahoma may file exceptions to the ruling of Special Master John E. Joyce in connection with the Loew and Momand anti-trust claims against Paramount up to April 20, Federal Judge Alfred C. Coxe ruled yesterday.

The original Loew and Momand claims asked treble damages of Paramount of aproximately $10,000,000 as a result of alleged violations of the anti-trust laws. Referee Joyce ruled recently that while proof of actual damages might be proper, the penalty of treble damages could not be collected from a bankrupt. Filing of exceptions to this ruling might result in a different finding by Judge Coxe.

Overtures for settlement of the Loew claim for $75,000 by the Paramount trustees are in an advanced stage and may be consummated prior to April 20, however. No offer to settle the Momand claim has been made as yet, so far as could be learned.

Purely Personal

MARGARET CAMMACK and her sister "Toots," are getting a real kick out of the dress business. Sisters-in-law of NED DEPINET, they spend their days and early evenings in the very commercial pursuits over in the East Fifties.

•

NATE SPINGOLD, NEIL AGNEW, JACK COHN, SAM DEMBOW, JR., HERMAN ROBBINS, CAPT. BAYNES and HERB YATES were among the throng at "21" around luncheon time yesterday.

•

JOHN D. HERTZ, former chairman of the Paramount finance committee and a nominee for the reorganized company's board, is collecting Florida sunshine.

Quip of the Day

Nate Spingold tells the story of the director, busy in production but somehow or other missing out on the job at hand.

While he simply failed to get his hooks into the meat of the trouble, it was all very clear to the assistants and the grips. Anxious they decided to do something about it and foregathered outside the camera lines.

"We'll do this and that. Let's show this Russian so-and-so a thing or two," they agreed.

At that point, the director walked by and remarked:

"Not Roosian, my frøns, Polish."

J. P. CUNNINGHAM denies he argued over a nickel at the Willow Cafeteria. He insists it wouldn't be in keeping with his social position.

•

MRS. ROBERT STEVENS BARTLETT, daughter of the late VICTOR HERBERT, will be at the Capitol tonight for a performance of "Naughty Marietta."

•

BINNIE BARNES is on her way to this country on the *Berengaria* on a hurry call from Universal to start work in "Diamond Jim."

•

W. RAY JOHNSTON is battling the grippe and thinks right when he figures he'll stay in bed until the first of the week.

•

CARL TUMBERG'S first novel, a football story called "While the Crowd Roars," has been purchased by Universal.

•

HERMAN ROBBINS is another who is doping out train schedules to the west coast. His departure date looms near.

•

CAPT. RICHARD NORTON of British & Dominions sails tonight on the *Majestic* after a three-week stay here.

•

DR. JULIUS KLEIN, member *pro tem* of the Paramount board, leaves today for a Florida vacation.

•

NEIL AGNEW is preparing for a Hollywood trip. He may get away Saturday or Sunday.

•

ALINE MACMAHON was among those at the premiere of "Black Pit" Wednesday evening.

HOWARD S. CULLMAN, trustee of the Roxy, paradoxically is inviting his friends to see "The Wedding Night" at the Rivoli. The reason being that Cullman's tobacco plantation at Tariffville, Conn., is the exterior background of the picture.

•

GREGORY RATOFF probably will be a member of the cast of "On Your Toes," forthcoming Shubert musical with RODGERS and HART music and lyrics. They're usually very good.

•

GENOROSO PONCE FILHO, distributor of Radio pictures in Rio de Janeiro, is en route back home on the *Western World* after a five-week sojourn here looking over the 1934-35 product.

•

JIM LOUGHBOROUGH, once a film press agent, is now attached to the public relations division of the Federal Housing Administration in Washington.

•

SAM FOX is a busy man nowadays completing plans to move his publishing company and Movietone Music Corp., from present quarters to Radio City.

•

JAMES CHRISTIE, mid-west division manager for RKO, is due to arrive from Chicago today. He was scheduled to arrive Wednesday, but delayed.

•

LAURENCE BOLOGNINO will finally get off on that long-awaited vacation the end of next week. The Century-RKO case has been holding him up.

•

BERNIE BROOKS, upstate Paramount salesman working out of the local exchange, has acquired a Ford in which to do his traveling.

•

SOL SCHWARTZ, manager of the RKO Fordham, is busy lining up special talent for the theatre's 14th anniversary next month.

•

ROBERT DONAT is due to arrive here from England about the middle of next month to make "Captain Blood" for Warners.

•

CASSANDRA, psychic and palmist who recently arrived from Europe, is now under the management of MAX RICHARD.

•

GEORGE W. WEEKS of Gaumont British left yesterday for Philadelphia and Washington. He will return Monday.

•

ABE BLUMSTEIN has resigned as sales head for the Audio shorts at the First Division exchange in New York.

•

BOB FOX, winner of the FRED ALLEN amateur broadcast will appear at the Roxy, beginning today.

•

JACK COHN expects to shove off for California Saturday. Over the airline.

•

TALLULAH BANKHEAD'S next will be "Something Gay." For the SHUBERTS.

•

BARNEY BALABAN is in town from Chicago for a visit of several days.

•

AMOS HIATT expects to hit the rails any day now.

•

OSCAR DOOB has been the recipient of suspicious glances since that French perfume exploitation gag for "Folies Bergere" made its appearance about the Loew offices.

•

HARRY THOMAS is in Philadelphia.

•

. . . *New Haven*

GEORGE T. CRUZEN by plane to Oskaloosa, Ia., where his mother is ill again. . . . LOUIS SCHAEFER arranged a special midnight showing of "MacFadden's Flats" St. Patrick's Day—for the Kellys, with a few Cohens thrown in. . . . NAT FURST and ABE SCHUMAN back from basking in Miami. . . . ERLE WRIGHT leaving soon on the *Tela* for a much-postponed vacation. . . . HARRY ROGOVIN and BEN LOURIE to beloved Boston and back. . . . IRVING JACOCKS, the "big" exhibitor from Branford, on the job again after an illness. . . . Cherubic BILLY ELDER goes calesthenic and is rigging up apparatus backstage at the Palace for the employees. . . . BEN COHEN amazed at the New Haven custom of staying all night at the same cocktail party, instead of the New Yorkese method of dipping in and out of several. . . .

Loew's to Aid Move for Dual Stoppage Here

(*Continued from page* 1)

metropolitan theatre division, no authoritative statement on the company's attitude toward the Brandt proposal could be obtained. Unofficial views within the company, however, were that RKO might disregard any move to curb duals. Efforts to reach George Skouras, Ed Peskay and Louis Weber for the Skouras Theatres' attitude were unsuccessful.

Meanwhile, Brandt stated yesterday that letters were being sent out immediately to all exhibitors in the New York area advising them of the plans for the conference and its purposes. The holding of the meeting, he said, depends upon the response from exhibitors. If sufficient interest is displayed, the meeting will probably be held at an early date.

Reactions to Brandt's proposal were immediate in independent production and distribution circles, he reported. Several protests were received from these sources, together with reminders of the injury which a curtailment of double featuring here might work on independent producers and distributors. Brandt's reply was that the evil of duals, as disclosed within I.T.O.A. ranks, was the poor quality of product shown on the double feature program. Elimination of the policy, he said, was aimed at no single producing or distributing group and sought only the elimination of the poor quality feature, regardless of whether it came from an independent or a major company.

Para. Set for a Rush

HOLLYWOOD, March 21.—With the installation of Harold Hurley as executive production assistant to Ernst Lubitsch, the studio is set to line up more producers and get its new schedule under way.

Al Santell is the latest director to be signed.



TONIGHT

the eyes of show business are on the

CIRCLE THEATRE INDIANAPOLIS

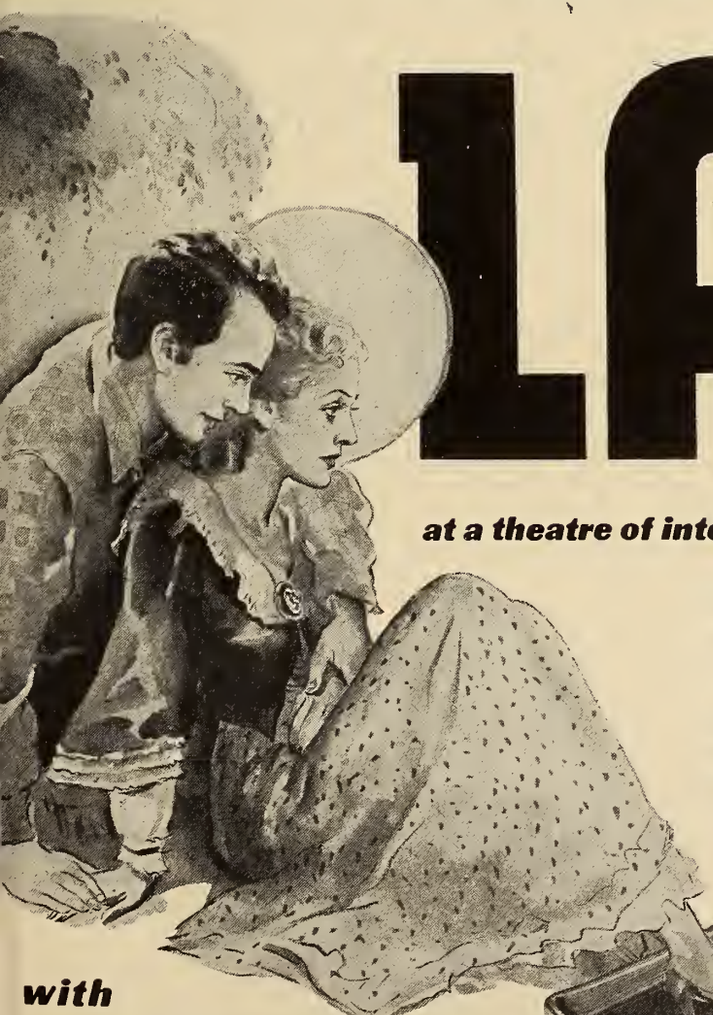
as all Indiana helps celebrate the fame of her own

GENE STRATTON-PORTER

through the GALA WORLD PREMIERE of

LADDIE

at a theatre of international fame and of great motion picture tradition.



PETE HARRISON SAYS: ***"'Laddie' will go down in the history of the business as another unexpected hit . . . It should be shown in every theatre, to all members of the family, on any day of the week. CLASS A, both in quality and suitability."***



with

JOHN BEAL

GLORIA STUART

VIRGINIA WEIDLER

Directed by George Stevens

Pandro S. Berman Production

RKO-RADIO PICTURE

"Baboona" Is Capital Wow; Gets $7,200

WASHINGTON, March 21. — "Baboona" sky-rocketed Loew's Columbia to a near-record last week when the Martin Johnson opus, abetted by a personal appearance of Mr. and Mrs. Johnson, drew $7,200, over average by $4,100.

"Roberta" took $20,000 at RKO-Keith's. Average is $11,400. It was held a second week.

Playing "The Woman in Red," the Metropolitan broke par for a take of $4,500, or $400 over the line.

Total first run business was $83,600. Average, without the Belasco, is $71,200.

Estimated takings, exclusive of tax:

Week (six days) Ending March 13:

"POWER" (Gaumont British)
BELASCO—(720), 25c-65c, 6 days, 2nd week. **Gross:** $1,100.

Week Ending March 14:

"THE WHOLE TOWN'S TALKING" (Col.)
EARLE—(2,218), 25c-77c, 7 days. Stage: Boswell Sisters, Frank Gaby, the Royal Uyenos; Gene, DeQuincy & Lewis. **Gross:** $18,300. (Average, $17,600.)

"BABOONA" (Fox)
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. Stage: Mr. and Mrs. Martin Johnson. **Gross:** $7,200. (Average, $3,100.)

.... "VANESSA" (M-G-M) .. ..
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: The Cafe de Jaree Revue, with Milton Berle, Chilton & Thomas, Cardini, Barbara Jason, Rosebuds & Midgets, Ralph Sanford. **Gross:** $21,500. (Average, $20,500.)

"THE GILDED LILY" (Para.)
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $11,000. (Average, $14,500.)

.."THE WOMAN IN RED" (Warners)..
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,100.)

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $20,000. (Average, $11,400.)

"Office Hours" Is Oklahoma City Top

OKLAHOMA CITY, March 21.—Most of the downtown box-office activity here last week was centered at the Criterion where "After Office Hours" reached $8,000, over par by $3,000.

"One Night of Love" took a fine $5,500 at the Midwest, but there was little to get excited about in other first runs.

Total first run business was $17,600. Average is $13,500.

Estimated takings for the week ending March 16:

"AFTER OFFICE HOURS" (M-G-M)
CRITERION—(1,700), 10c-26c-36c-55c, 7 days. **Gross:** $8,000. (Average, $5,000)

"ONE NIGHT OF LOVE" (Col.)
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,500. (Average, $4,000)

"WHEN A MAN'S A MAN" (Fox)
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,500)

'A NOTORIOUS GENTLEMAN" (Univ.)
LIBERTY—(1,500), 10c-15c-26c-36c. Stage show, 4 days. **Gross:** $1,800. (Average week, $2,000)

"WHITE COCKATOO" (Warners)
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average for week, $2,000)

Glazer on Way East

HOLLYWOOD, March 21.—Benjamin Glazer started east tonight to sign radio headliners for Paramount's "The Big Broadcast of 1935" and to arrange for filming "Anything Goes," current on Broadway.

RKO Sweepstakes

It's called the RKO legal sweepstakes and circuit heads are trying to figure out which of three cases now in various stages will be the first to come to an end.

Milton Maier has been in Detroit for several weeks working on the settlement of a long-term lease on the Temple, which is to be demolished for a bus terminal.

Bruce Bromley, who recently returned from St. Louis, resumes Monday as RKO attorney in the M. & S. arbitration hearings. These sessions have been going on for weeks.

Louis Nizer, representing RKO in the Century clearance complaint against the circuit, recently wound up testimony in the hearings and resumed on the case yesterday for summation, which will be followed by a Campi appeal session.

British Will Abide By Production Code

(*Continued from page* 1)

Captain Richard Norton, a production executive of British and Dominion, the latter stated yesterday prior to his departure for London on the *Majestic* tonight.

Norton implied that as a result of a number of conferences held here with Will H. Hays he would return to his native country prepared to acquaint British studios with pitfalls which they should dodge in producing pictures for distribution in this market.

While Norton declined specifically to outline how this would be done in detail, maintaining that announcement of the plan should come from Hays, he did go so far as to point out that one step would be the supplying of English producers with American censorship elimination in an effort to make them familiar with the type of material to be avoided and that a second step would be the creation of a system whereby scripts of proposed British pictures could be cleared by the Production Code Administration at a speed which would not delay actual camera work.

He also divulged a plan to revamp "Nell Gwyn" by the addition of a prologue and an epilogue which, he said, would make the picture suitable for American distribution in so far as requirements of the Production Code were concerned.

Norton, enthused by his reception here and laudatory to an extreme in his comment on the efficacy of the American trade press, plans to attend the United Artists sales convention on the coast in May.

Studios to Put Ban Upon Lurid Writers

HOLLYWOOD, March 21.—Sensation-seeking writers are to be barred from studios, it was stated today by J. J. McCarthy prior to his departure tonight after three weeks of conferences with studio publicity heads. Those who refuse to cooperate will be stricken from the Hays office credentials list.

"Roberta" Is Second Week Coast Leader

LOS ANGELES, March 21.—"Roberta" led the field in its second week downtown, but failed to create much of an impression as a holdover in Hollywood. The take at the Hillstreet was $12,000, which was $3,100 over the line, but at Warners Hollywood it was $2,000 under the line on a total of $12,000.

Total first run business was $80,546. Average is $92,100.

Estimated takings for the week ending March 20:

"THE LITTLE COLONEL" (Fox)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $8,500. (Average, $12,500)

"UNFINISHED SYMPHONY" (Gaumont-British)
FILMARTE—(800), 40c-55c, 4th week, 7 days. **Gross:** $1,450. (Average, $2,750)

"ROBERTA" (Radio)
HILLSTREET—(2,700), 25c-65c, 2nd week, 6 days. **Gross:** $12,000. (Average, $8,900)

"SEQUOIA" (M-G-M)
4 STAR—(900), 30c-55c, 3rd week, 7 days. **Gross:** $4,500. (Average, $3,250)

"THE LITTLE COLONEL" (Fox)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $11,000. (Average, $14,000)

"RUGGLES OF RED GAP" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: F. & M. Revue, Ann Ronell & Patricia Bowman, Rube Wolf and his orchestra. **Gross:** $19,000. (Average, $18,000)

"GREAT HOTEL MURDER" (Fox)
"ENTER MADAME" (Para.)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. **Gross:** $2,946. (Average, $3,500)

"ROBERTA" (Radio)
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 2nd week, 6 days. **Gross:** $12,000. (Average, $14,000)

"GIGOLETTE" (Radio)
"LET'S LIVE TONIGHT" (Col.)
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 6 days. **Gross:** $6,200. (Average, $12,000)

"IT HAPPENED IN NEW YORK" (Univ.)
"SWEEPSTAKE ANNIE" (Monogram)
PANTAGES — (5,000), 25c-40c, 7 days. **Gross:** $2,950. (Average, $3,200)

"Colonel" $7,000 Indianapolis Hit

INDIANAPOLIS, March 21.—"Little Colonel" skyrocketed to $7,000, leaving the average mark $4,500 behind at the Apollo. The business was so heavy that three competing first runs were hard hit.

Total first run business was $26,000. Average is $25,000.

Estimated takings for the week ending March 16:

"LITTLE COLONEL" (Fox)
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $7,000. (Average, $2,500)

"TRANSIENT LADY" (Univ.)
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $2,000. (Average, $4,000)

"RUGGLES OF RED GAP" (Para.)
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

"NIGHT LIFE OF THE GODS" (Univ.)
LYRIC—(2,000), 25c-40c, 7 days. Vaudeville. **Gross:** $5,500. (Average, $7,000)

"FOLIES BERGERE" (U. A.)
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

"Roberta" Hits $91,000

"Roberta" tallied $91,000 on the second week at the Music Hall, the last day being one of the biggest in the two-week run. Gross for the 14th day was $12,000 with the management calling off the pass list Thursday without prior notice.

"Colonel" Is Kansas City Bet, $6,400

KANSAS CITY, March 21.—"Little Colonel" was big box-office at the Uptown, upping the take to $6,400 against $3,500 average. It was held a second week. The Tower had a bonanza in "The Whole Town's Talking" at $9,000, above the line by $1,000. The second week of "Roberta" at the Mainstreet nabbed $7,000. "Folies Bergere," the Midland's feature, was off.

Total first run business was $33,200. Average is $29,000.

Estimated takings:

Week Ending March 14:

"ROBERTA" (Radio)
MAINSTREET—(3,100), 15c-25c-40c, 7 days, 2nd week. **Gross:** $7,000. (Average, $6,000) First week's gross, $16,000)

"FOLIES BERGERE" (U. A.)
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $7,800. (Average, $9,000)

"RUGGLES OF RED GAP" (Para.)
NEWMAN—(1,800), 25c-40c, 3 days, 2nd week. **Gross:** $3,000. (Average, 3 days, $2,500)

"THE WHOLE TOWN'S TALKING" (Col.)
TOWER—(2,200), 25c, 7 days. Stage: Vaudeville with Dave Seed, William Hall, George & Jack Dormonde, Harriett & Bert, and others. **Gross:** $9,000. (Average, $8,000)

Week Ending March 15:

"THE LITTLE COLONEL" (Fox)
UPTOWN—(2,000), 25c, 7 days. **Gross:** $6,400. (Average, $3,500)

Flinn to Confer in K. C.; Also Chicago

KANSAS CITY, March 21.—John C. Flinn is due here tomorrow for informal conferences with members of the clearance and zoning board and exhibitors to discuss protection and clearance in this territory.

No schedule will be adopted for this area until Campi finds that the Los Angeles plan, which goes into effect March 31, is workable and favorable to all interests involved.

The I. T. O. has dropped plans for Federal court action upon being assured by Elmer C. Rhoden that Fox Midwest will not insist on protection over equally priced houses this season. The I. T. O., however, opposes clearance as favored by Campi and wants equal protection for identical admissions written into the forthcoming schedule.

A new I. T. O. committee will attempt to obtain unrestricted dualing privileges from distributors, offering as a concession to delay duals 28 days after regular spots. Most distributors at present place limitations on doubling.

From here Flinn will go to Chicago, arriving there Saturday, to contact exhibitors. From the Windy City he will go to New York, where he is due Sunday.

Sign Federal Operator

HOLLYWOOD, March 21.—The Producers' Association has retained Thomas F. Cullen, special agent in charge of the New York Division of the Department of Justice, to serve in an advisory capacity on several pictures based on activities of Federal agents. Cullen is on leave from the service at present.

Ruling Reserved on Stanley Co. Probe

WILMINGTON, March 21.—Decision was reserved here today in the Superior Court on the petition of Harry Schwalbe of Philadelphia for a writ of mandamus to compel the Stanley Co. of America to permit him or his representatives to examine the books of the company for the purpose of obtaining certain information relative to management and operations. Judges Harrington and Reinhardt sat on the case.

Schwalbe testified that he was associated in the formation of the Stanley Co. some years ago and that about seven years ago control was obtained by Warner Bros. Pictures, which now owns all but about 8,000 shares of the company stock. Schwalbe owns about 6,000 shares.

Schwalbe denied his desire to examine the books was actuated by any ulterior motive such as to force the defendant company to purchase the stock he owns.

Scranton Opposing Opening on Sunday

SCRANTON, March 21.—Action proposed in the State Assembly to legalize Sunday shows in Pennsylvania has drawn numerous protests here. Meeting in this city, the members of the Northern Welsh Presbytery went on record as voicing a "strong protest."

Others who have added their protests are the Lackawanna County Booster Ass'n., Jr O. U. A. M.; the Methodist Ministers' Ass'n. and Plymouth Congregational Church.

Schenck-Blumenthal Buy Florida Villa

Joseph M. Schenck and A. C. Blumenthal yesterday completed the joint purchase of the Seligman Villa at Palm Beach, Fla., the former property of the head of the international banking house of J. & W. Seligman & Co. It was stated that Schenck plans to occupy the house only two or three months out of the year unless Hollywood moves to Florida, in which case he might extend the residency another month or two.

Dividend by Loew's, Ltd.

Marcus Loew's Theatres, Ltd., of Canada, has declared a dividend of $1.75 on preferred stock to take care of accumulations. Payment will be made April 1 to stockholders of record on March 23.

Charter Northwest Unit

PORTLAND, March 21.—H. D. R. McBride and L. L. Francis of Spokane have incorporated Howard Amusement Co. to operate a circuit in Washington.

Named in Tax Liens

LOS ANGELES, March 21.—Tax liens have been filed here against Ruth Chatterton, George Brent, Ted Healy and Harry D. Edwards and his wife, Evelyn Brent.

"One Night" Reopens

"It Happened One Night," Academy prize winning feature, has been booked for a return engagement on Broadway and opens at the Astor this morning.

Variety Club Chatter

Cincinnati

CINCINNATI, March 21.—A drive for a limited number of new members is in progress, with JOE OULIHAN heading one team, and JIM GRADY the other. Results are beginning to show.

Local barkers returning from Florida during the past week include MEYER LANTZ, CHARLIE MCDONALD, BILLIE BEIN and NOAH SCHECTER.

COL. ARTHUR FRUDENFELD, head of the local RKO, spent a few days of last week in Chicago on business.

MANNY SHURE, first assistant chief barker, has transferred from the RKO Palace to the Albee. JOE ALEXANDER, who previously hung out at the Capitol, may now be found at the Palace.

RUSSELL WILSON, who holds the title of His Honor, the Mayor, was one of the busiest men in town on St. Patrick's Day. He made three speeches to different organizations.

Kansas City

KANSAS CITY, March 21.—Beginning March 25, luncheon meetings will be held every other Monday. Chief Barker GEORGE BAKER has named as kings for that date GUS DIAMOND, FRANK CASSIL and NORRIS B. CRESSWELL.

Representative FRANK MCFARLAND of Topeka gave the barkers an insight into the legislative machinery at the Kansas capital at a meeting at which R. R. BIECHELE, PECK BAKER and BILL ALTHAUS did the honors.

MCFARLAND tossed orchids in the direction of Barkers BIECHELE and HARRY MCCLURE of Topeka for their efforts in staving off legislation which would have been harmful to the industry. Representative E. A. BRILES also came in for much praise. In return, BIECHELE and ARTHUR COLE spread some posies for MCFARLAND.

MAX ROTH, Columbia d. m., now can be called "colonel." The Kentucky brand. Which makes two for the local Columbia office, HARRY TAYLOR being the other "cunnel."

LEO MCCARTHY, FINTON JONES, IRWIN DUBINSKY and COLE comprise a committee bearing definite instructions to wind up negotiations for new club quarters.

FRANK HENSLER is proud of his past chief barker's jewel pin, a token from the tent. COLE presented it elegantly.

Ladies' Day, the first function under the administration of Chief Barker BAKER, was a huge success, with a turnout of 125. DON DAVIS, JOHN SCHILLING and M. H. STRAIGHT of Radio Station WHB have the barkers' plaudits for furnishing grand entertainment.

Philadelphia

PHILADELPHIA, March 21.—First fortnightly luncheon of Tent No. 13 was held at the Bellevue Stratford Hotel with 150 in attendance and IZ EPSTEIN and HERB ELLIOTT kings for the day. Major General SMEDLEY BUTLER and Orphans' Court Judge CHARLES KLEIN were guest speakers. The affair made a great impression and was covered by the dailies.

Chief Barker EARLE SWEIGERT announced that MILTON ROGASNER had been elected second assistant chief barker, with DOC LEVY succeeding him on the board.

Luncheons will be held the second and fourth Wednesdays of each month, according to a club vote.

Kings for the next luncheon will be appointed soon.

Tent No. 13 also voted to expand its membership to 150, with applications, endorsed by two members, now being accepted. It is expected that this number will be filled soon.

A new steward has been appointed.

The club program, with Tuesday night as Stage Night, and special entertainment Saturday and Sunday, is working out well. More and more, club members are making the clubhouse their downtown headquarters.

"Laddie" Opens Tonight

INDIANAPOLIS, March 21.—"Laddie" will have its world premiere at the Circle here Friday night with S. Barret McCormick, advertising and publicity director for Radio, who arrived in town this afternoon, acting as managing director of the house for the occasion. McCormick held that post at the theatre 15 years ago.

Virginia Weidler, eight, who appears in the film, also arrived today from the coast. She will make personal appearances at the opening and during the first week's run of the film.

Mrs. Joe Feldman Gains

ATLANTA, March 21. — Mrs. Joe Feldman, wife of a Universal salesman, is convalescing from a fall in which she sustained a triple fracture of her leg.

Pathe Working Out New News Broadcast

Pathe is working out the details of what it hopes will be a new technique of news broadcasting for its bi-weekly series of 15-minute broadcasts on Bromo-Seltzer time over an NBC hookup. The first experimental program is now being done by John Begg, who has been put in charge of the broadcasts by Courtland Smith.

The plan is to avoid news dramatization like that used by the "March of Time" and to confine it to material to be shown in forthcoming reels. Where persons actually speak in the reels their voices will be used in a narrative recorded on film to be furnished for the broadcasts. Other sounds may also be introduced.

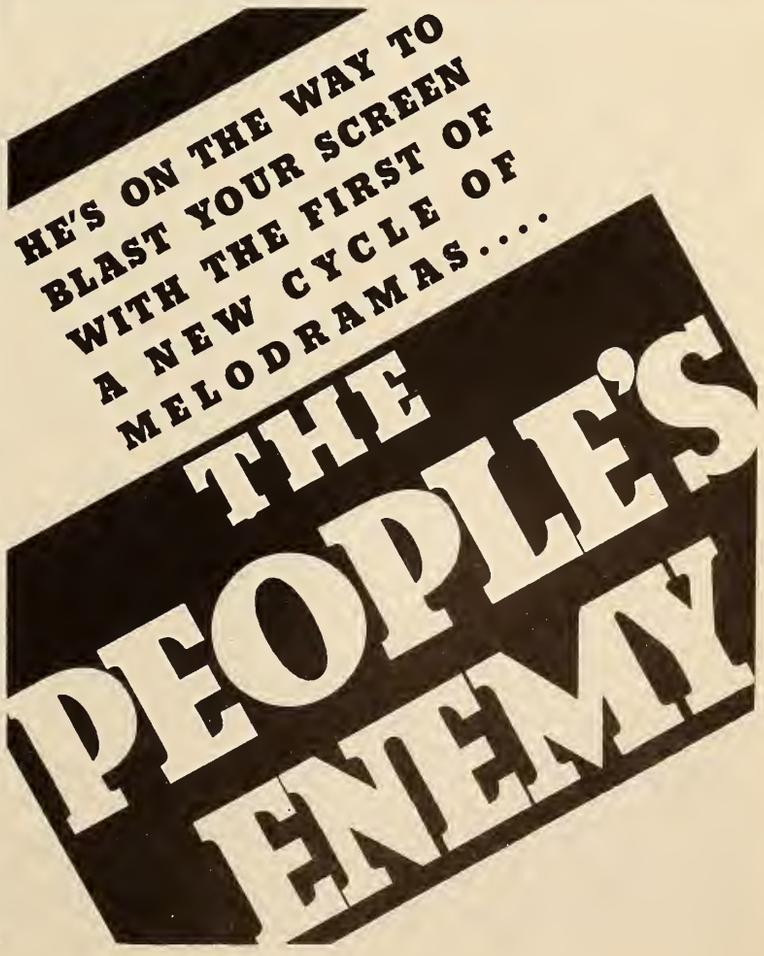
The program will be called "Pathe News on the Air." The first broadcast will be April 8.

New High Speed Camera

A camera developed for high speed photography has been demonstrated before the American Society of Mechanical Engineers by George Lane. The new device, known as the Western Electric "Ultra Speed Camera," has been called "the microscope of time," and is used in aiding detection of flaws in rapidly moving machinery.

Omaha Club Meeting Set

OMAHA, March 21.—First meeting of Variety Club, still in the process of organization, is scheduled for Monday with a luncheon. H. J. Shumow and William Miskel, promoters of the club, will be in charge of arrangements.



Fox Reports 1934 Net As $1,273,069

(*Continued from page* 1)

showed a decided improvement over the fourth quarter, the company reports.

The report states that the popularity of its three principal stars increased during the year. These stars are Will Rogers, Janet Gaynor and Shirley Temple. On the last page of the report is this statement:

"Sixteen thousand motion picture exhibitors, voting in the annual canvass conducted by the *Motion Picture Herald* to determine the most popular film stars in the country's box-offices, named among the first ten the following three Fox stars: Will Rogers—the country's greatest box-office attraction; Janet Gaynor—first among all feminine stars; Shirley Temple—first child star ever listed among the first 10."

Gross revenue for the 52 weeks ended Dec. 29, 1934, amounted to $37,546,586, compared with $33,285,767, an increase of $4,260,819.

Fox Film's balance sheet shows current assets of $20,021,879, which includes cash—$4,499,462; receivables—$1,382,233, and inventories—$13,678,351, against current liabilities of $4,442,246. The corporation has no bank loans.

Investments and advances to affiliated companies after deducting the reserve for revaluation of $14,500,000 are given as $16,340,537.

Fixed Assets at $10,130,022

Fixed assets, after deducting reserves for depreciation, total $10,130,022. Funded debt includes five-year six per cent convertible debentures totalling $1,696,600, and subsidiary realty companies' bonds of $2,194,200, a total of $3,890,800.

The net worth of the corporation, as shown by its balance sheet Dec. 29, 1934, was $536,518,017, including earned surplus accumulated since April 1, 1933, of $3,006,812, and was represented by 2,419,759 shares of Class A and 16,650 shares of Class B capital stock, indicating a book value of $14.99 per share.

It is noted in the balance sheet that National Theatres Corp. (formerly Wesco Corp.) has been reorganized and that Fox Film is now the owner of 42 per cent of its outstanding capital stock. As a result of the reorganization National Theatres Corp., as such, now has no funded debt or bank loans. During 1934 continued progress was made in improving the operating position of the various subsidiary circuits of theatres comprising the former Wesco group which have been for some time in bankruptcy.

Subsequent to the closing of the corporation's fiscal year, the most important group has been taken out of bankruptcy and the report expresses the hope that by the end of 1935 the entire system will have been reorganized. In this connection, the report notes that Fox Film's former ownership of Wesco Corp. has been reduced to 42 per cent, but that the elimination of large debts formerly existing ahead of Fox Film's 100 per cent ownership has brought the present 42 per cent interest in National Theatres much nearer the actual theatre properties and, in the judgment of the management, has improved Fox Film's position with respect to the entire circuit.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Chasing Yesterday"

(*Radio*)

HOLLYWOOD, March 21.—In the realm of whimsical charm nicely decorated with virtues of a quiet home life, George Nicholls has touchingly and charmingly directed Anatole France's tender tale of a French college professor and his adopted daughter, patterning the drama involving their loving lives.

While in tempo it moves completely in harmony with a mood of gentleness, interest is constantly held by the creation of the feeling of well being radiated by the sympathy invoked from character portrayals.

O. P. Heggie, a bachelor watched over by Helen Westley, harking back to his only love, returns to the scene of that romance and meets Ann Shirley, daughter of his dead flame. How he kidnaps her from a harsh environment, gets embroiled with a scheming lawyer (Etienne Girardot) and enmeshed with schoolmarm Elizabeth Patterson, and is finally befriended by John Qualen, a book agent, is the framework of the yarn.

Miss Shirley, reminiscent of Mary Pickford in "Pollyanna," reflects adolescent girlhood charmingly. Few screen performances have equaled Heggie's portrayal. Girardot and Qualen are fine. Miss Patterson's performance is outstanding. Miss Westley, Hilda Vaughn, Doris Lloyd and Trent Durkin complete the cast.

The production has a cameo quality, carved with care and tenderness. Cliff Reid produced it. Francis Faragoh did a good screen play.

Where homespun and whimsy go, this should find favor, particularly with lovers of charming, delightful entertainment.

Reviewed without production code seal. Running time, 80 minutes. "G."

"Baby Face Harrington"

(*M-G-M*)

HOLLYWOOD, March 21.—This picture teams Charles Butterworth and Una Merkel in a laugh-crowded farce that speeds along, letting down only in the last few hundred feet.

Butterworth is a sap clerk married to Miss Merkel. She prods him to ask for a raise and the boss fires him instead. Butterworth then cashes an insurance policy and loses the money, accusing Donald Meek, a real estate agent, of stealing it. He takes the money from Meek, finds his own and then is robbed of both rolls by Nat Pendleton, Public Enemy No. 1. Meek has Butterworth jailed and put in a cell with one of Pendleton's mob. A jail delivery is arranged by the mob and Butterworth is taken along, with the tabloids playing him up as the brains of the gang, a man with a dual personality.

While a prisoner of the mob, he overhears plans for a bank robbery, tips off the police, who capture the entire gang, thus vindicating himself and restoring himself to Miss Merkel, whose faith in him had never been shaken despite the efforts of Harvey Stephens, the heavy, who has tried to steal her during the trouble.

Director Raoul Walsh paces things nicely until the last sequences. Production by Edgar Selwyn is good. Nunally Johnson and Edwin Knopf contributed some snappy dialogue in the screen adaptation from the play by Selwyn and William LeBaron.

Reviewed without production code seal. Running time, 63 minutes. "G."

Warners Buy in Danbury

DANBURY, March 21.—Warners today purchased the Empress from the Griffing estate.

It is understood the house will be converted into stores.

Set Film Board Costs

Readjustment of the budget for the New York Film Board of Trade was approved by the executive committee at a meeting at the M. P. Club.

Associated to Take "Time" for England

(*Continued from page* 1)

sion to distribute "The March of Time" in England, Reginald Baker, financial head and joint managing director of the English company, stated yesterday. He added no contracts would be signed.

"One difficulty remains in the handling of the subject," Baker explained. "That is the comment which has to be changed for English audiences." He did not consider this angle much of a problem.

Baker sails today on the *Majestic* after three weeks in the United States and plans to return again in six months.

Short Subjects

"Better Housing News Flashes"

(*Federal Housing Administration*)

The first two releases in the series of one-reelers planned by the Federal Housing Administration under the general title of "Better Housing News Flashes" in the Federal campaign to aid recovery by extending Government funds for property improvements admirably suit the purpose for which they are intended.

Their value, however, does not stop here. The films are interesting and instructive at the same time, possessing, additionally, considerable value as entertainment pure and simple. They carry their message to the homeowner and the operator of business properties in such graphic terms that exhibitors will find it worth their while to play the films, which run slightly more than six minutes each.

Women especially will find "Better Housing News Flashes" of inherent interest, for the pictures, in clinching their argument for better housing by the presentation of specific cases of "before and after," offer many scenes showing how the kitchen and other parts of the home that are the special domain of the woman of the house can be altered to make the housewife's job easier.

And last but not least, it won't cost the exhibitor a penny to show the films. They will be offered to him for the asking by the Federal Housing Administration, which will handle distribution directly.

The pictures have been produced by Pathe in fine fashion. Distribution starts early next month.

William Boyd Dies; End Was Unexpected

HOLLYWOOD, March 21.—William Boyd, whose Sergeant Quirt in the stage version of "What Price Glory" opened a film career for him, died last night at the Hollywood Hospital from an intestinal disorder. His condition had not been regarded as serious.

He had been on the stage for years before he achieved his greatest fame in the Stallings-Anderson play, having appeared in support of Maud Adams, Ethel Barrymore, Margaret Anglin, Emily Stevens and others.

Joseph Roth Passes

BOSTON, March 21.—Joseph Roth, president of Cameo Screen Attractions, died here today from a cerebral hemorrhage. Roth was 52 and has been active in the industry since 1905. He was a former president of the local film board. Funeral services will be held Friday.

Lapp, Denver, Killed

DENVER, March 21.—Walter Lapp, 23, assistant manager of the Plaza, was killed in an auto accident north of Denver, in which a girl, another occupant of the same car, was also fatally injured.

Two Men Succeed Green

PORTLAND, March 21.—Forest F. Fine, formerly of San Francisco, and Herb Cass, formerly of Omaha, have taken over the territory previously handled by William Green for National Screen. Green passed away here early this week from pneumonia.

Legislative Battles Gain In Intensity

(Continued from page 1)

last night. It had previously passed the Senate and now goes to Governor Davey, who is expected to sign it quickly.

This state also has a pari-mutuel betting bill pending and a new type of billboard tax which calls for a $200 annual fee for each panel in addition to a five-cent-per-foot tax.

Threaten to Quit Omaha

OMAHA, March 21.—Film contracts provide that footage taxes, if imposed, will be passed on to exhibitors, but distributors are taking no chances on the House bill now pending which would impose a 10 per cent tax on all film rentals. They are threatening to move over to Council Bluffs, Ia., if the measure is passed. Film shipments would then be interstate commerce.

In the meantime, fearing distributors' threats may not carry weight with legislators, exhibitors are getting themselves into a state of excitement. Their first delegation, headed by Charles E. McLucas, M.P.T.O. unit head, with D. V. McLucas, U.A. branch manager, appeared at a House hearing Tuesday.

Hope of defeating the bill has risen since.

Missourians Fight Tax

JEFFERSON CITY, Mo., March 21.—Exhibitors' worries have been only partly relieved by the Temporary sidetracking of the censorship bill. The Senate has passed a horse and dog racing bill authorizing racing within 20 miles of St. Louis and the question is now up to the House.

In the meantime the sales tax problem is getting more acute. Newspapers and radio are being used by merchants and exhibitors to convince Missourians that the proposed increase to two per cent would cost every inhabitant $24 per year and that the smaller their income, the greater proportion of it would be diverted to taxes.

Wash. Tax in Balance

SEATTLE, March 21.—What will happen to the proposed state tax on admissions, a part of the contemplated retail sales tax, is still a matter of conjecture here. The Washington state legislature is still in session in Olympia, although the gathering ended "officially" five days ago.

At present, the Senate is redrafting the sales tax bill, one provision of which calls for a tax of one cent on theatre admissions of 20 cents, one-and-one-half cents on a 30-cent ticket, and two cents on a 40-cent ticket. Admissions are non-taxable under 20 cents. This amendment, however, is reported to be opposed in the House. So that when (and if) the Senate finally approves the bill and sends it to the House, the latter body is said to be inclined to kill the theatre tax altogether.

Indiana Men Satisfied

INDIANAPOLIS, March 21.—Indiana exhibitors are satisfied so far with the results of the legislative session. In a bulletin to members, Associated Theatre Owners lists a number of bills it has succeeded in having killed or shelved, but it is admitted that a forthcoming special session is a source of worry.

The special session is to be held within the next few months to raise additional revenue.

A 10 per cent admission tax bill has been indefinitely postponed, a bill increasing penalties for discrimination has been killed, as has a pari-mutuel betting bill, and bills lightening carnival license fees. A measure requiring the use of licensed electricians for repairs is still on the calendar.

Among bills favored and passed was one prohibiting marathons, and others restricting night clubs. The association claims credit for amendments to a state NRA act eliminating signers of national codes from state assessments.

Repeal Iowa Blue Law

DES MOINES, March 21.—Repeal of the Sunday blue laws has been passed in the House, 61-38, and the measure is now up to the Senate. Only two towns in the state have been enforcing blue laws, except on horse racing and dancing.

California Income Tax Hit by Bryson

(Continued from page 1)

make California's state income greater than that of any other state.

Bryson said: "Because of the business recovery, Federal income tax returns for 1934 indicate a 50 per cent increase. The Governor recommended an act to raise $17,500,000. This measure will produce $27,000,000."

Assemblyman Frank Laughlin of Los Angeles charges directors and other studio employes are urging him to fight for his film footage tax bill, saying the industry is the greatest tax dodger and ought to bear a fair share of the tax burden.

Court Rules for Dog Track in Bay State

(Continued from page 1)

ruled that Cambridge must issue a track permit.

Over 600 attended the public hearing yesterday before the State Legislative Committee on the proposed repeal and amendments of the pari-mutuel referendums passed at the last general election. Another meeting is scheduled for next Monday before a report will be made to the Legislature.

Campi Budget Being Studied in Detail

(Continued from page 1)

and smaller producers and distributors have an option of paying assessments, either by one eighth of one per cent of the gross business for the first six months or according to their classification, up to $18,000.

Files Astor Complaint

Having previously won a decision restraining the Mayfair from distributing "service" passes, Howard S. Cullman, trustee of the Roxy, has filed a similar complaint against the Astor, another Walter Reade house. Hearing is set for Tuesday by the New York grievance board.

LOUIS WILEY

(Continued from page 1)

attitude in the commonweal, has been an integral part of the journalistic and commercial sincerity of the newspaper which he helped to build. Of him it may be said with rare verity that the world, our world, is a better world for his having lived. No greater success has any man ever achieved.

MARTIN QUIGLEY

Century-RKO Both Predict Victory

(Continued from page 1)

and ended his summary at 4:48, following which Klupt was allowed 20 minutes for rebuttal. Deliberations starts 3 P.M. next Tuesday.

Both attorneys presented well prepared breakdowns of the case which has been before the board on eight different days for a duration of 30 hours. During most of the hearings, Campi sent over a representative to sit in and observe the procedure.

Commendation for Leo Abrams' handling of the meetings as chairman has been heard on all sides. The case is regarded as the most important ever before the local board. Century seeks to remove the seven-day clearance RKO's Strand and Columbia, Far Rockaway, and Alden, Jamaica, has over the Fantasy, Rockville Center. The plaintiff claims there is no competition between the situations involved, while RKO holds the opposite view.

There were numerous interruptions during the summations and again, as in practically all previous sessions, Abrams had to strike remarks by attorneys off the record. When either counsel made comments on testimony of witnesses, opposing counsel insisted on reference to the record.

Klupt, in his opening speech, thanked the board for its patience, as did Nizer.

Shortly after his opening remarks, Nizer made much ado over Klupt's charges of "gypping." Klupt challenged Nizer to find the remark in the record. It was not there, the public stenographer having missed it. MOTION PICTURE DAILY's reporter did not and Nizer brought out the fact that it was reported in the trade papers, meaning this publication, since no other has taken the trouble to cover the case. It was then that Klupt explained how he happened to pass the remark.

In expressing his confidence of victory, Nizer told the board he had faith in a unanimous decision for dismissal. He also said: "There is enough evidence here to sink a boat."

The record, with summations included, will run to approximately 1,500 pages.

Another Southern Offer

RALEIGH, N. C., March 21.—Governor J. C. B. Ehringhaus is the latest southern governor to make a tax exemption offer to the industry, if it decides to move production out of California.

Code Revision Outlook Goes To NRA Board

(Continued from page 1)

ing action by Congress on extension of the Recovery Act, and there is some doubt in Rosenblatt's mind as to whether it would not be best also to defer consideration of the film code.

The legislation extending the Recovery Act will make some important changes in the law as now written, possibly to the extent of requiring the revision of all codes. If this is the case, it is pointed out, changes which the M.P.T.O.A. has in mind could be considered at that time.

Richberg Is Made New NRA Chairman

(Continued from page 1)

the President in the coordination of the recovery agencies, today was placed in charge of the Recovery Administration by President Roosevelt. His title is chairman of the National Industrial Recovery Board.

Richberg succeeds S. Clay Williams, tobacco magnate, who took the job temporarily following Johnson's departure and who advised the President some days ago of his desire to resign.

While the Recovery Administration was being handed over to one of the chief supporters of regimentation, the Senate was struggling with an amendment offered by Senator Borah of Idaho, NRA enemy, for incorporation in the pending work relief bill, which would repeal all exemptions from the anti-trust laws.

The amendment was defeated by a scant 10 votes, the vote of 43-33 giving indications that the attack on continuation of the Recovery Act, expected when the legislation comes up on the floor, will have considerable support.

Ohio Exhibitor Gets Stay on Film Order

CLEVELAND, March 21—A temporary injunction has been granted Francis Reeh, Shelby Theatre, Shelby, by Common Pleas Judge Homer G. Powell against all local distributors restraining them from cutting off his service in compliance with a local grievance board order. The injunction was granted without notice and without a hearing and holds until the case is heard. Reeh has filed suit against the NRA and also against the state NRA Act.

NRA to Set a Date For Booth Hearing

WASHINGTON, March 21.—A date for a new hearing on New York booth costs is expected to be set by the NRA tomorrow. A number of conferences have been held between officials of the Amusement Division and the committee studying the matter and a schedule has been developed which will be submitted for consideration at the forthcoming hearing, which will probably be held during the first week of April.

WHO DOES WHAT FOR WHOM?

Well, there's PARAMOUNT, which in the first twelve weeks of 1935 has released these seven outstanding box-office attractions:

"HERE IS MY HEART" · "LIVES OF A BENGAL LANCER" · "THE GILDED LILY" "WINGS IN THE DARK" · "RUMBA" "RUGGLES OF RED GAP" · "MISSISSIPPI"



If it's a Paramount picture · it's the best show in town

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 69 NEW YORK, SATURDAY, MARCH 23, 1935 TEN CENTS

Purely Personal

LOUIS K. SIDNEY is in charge of WHN, following resignation of Major EDWARD BOWES, who left the station to take charge of the amateur show for Chase & Sanborn on the NBC network.

•

NATE BLUMBERG will complete a tour of RKO circuit cities after the Denver Orpheum festivities. MAJOR L. E. THOMPSON will return here directly, probably arriving on Monday.

•

E. L. ALPERSON and WILLIAM T. POWERS flew in from the coast yesterday after attending clearance and zoning conferences in Los Angeles on behalf of Fox West Coast.

•

KARL MACDONALD, Warner division manager for Latin America, left today for a 10-day trip to Cuba, Kingston, Jamaica and Porto Rico.

•

HAL HORNE arrives from Hollywood Tuesday. He's been conferring with DARRYL ZANUCK on new exploitation campaigns for U. A.

•

NATE MANHEIM, Universal's export manager, expects to return to work Monday. He has been laid up with the grippe.

•

MIRIAM HOPKINS is in New York. It's a vacation trip. She has just finished work in "Becky Sharp."

•

JOHN BENAS returned to his desk yesterday after three days at home as a result of a stomach disorder.

•

MIKE ROSENBERG and CHARLES BUCKLEY are on the coast after several weeks in New York.

•

GYLES ISHAM flew to the coast yesterday to assume his M-G-M contract.

•

GEORGE CUKOR arrives from Hollywood today to look over the town.

•

PAT CASEY says he won't leave for the coast for another week.

•

MAURICE CHEVALIER sails today on the *Ile de France*.

•

J. J. MCCARTHY is due in from the coast tomorrow.

•

JAY EMANUEL was in Washington the other day to be on hand when

(*Continued on page 2*)

Missouri 2% Tax Passage Seems Likely

Amendments Whipped in Shape by the House

JEFFERSON CITY, Mo., March 22.—Passage of the state administration's two per cent sales tax bill, which has been in doubt, now appears probable. The measure has been perfected by the House with amendments after a strenuous two weeks' battle in the lower chamber over allocation of the expected revenue.

As perfected, the bill specifically levies the tax on theatre admissions and other amusements, newspaper advertising, billboards and other outdoor advertising, advertising agencies and numerous services used by theatres.

(*Continued on page 4*)

NRA Counsel to Act In Ohio's Film Suit

CLEVELAND, March 22. — Robert Strange, head of the NRA legal department here, has been delegated to defend Campi next week when the suit for a permanent injunction by Francis Reeh of the Shelby, Shelby, O., to restrain exhibitors from cutting off his film supply goes before the State Court. Other defendants are RKO, U. A., Universal and Gaumont British.

A temporary injunction was granted by Common Pleas Judge Homer J. Powell the other day.

Advertising in FHA Shorts Causes Worry

Affiliated circuits are reported to be hesitating over offering playing time in their de luxe houses for the Federal Housing Administration's new series of shorts because of alleged advertising matter in the reels.

In the first issues of "Better Housing News Flashes", to be released through Pathe, General Electric refrigerators, R. H. Macy and other furnishings and institutions come in for

(*Continued on page 3*)

First Division to Do Quality Series

HOLLYWOOD, March 22.—First Division is about to start a series of quality productions intended for first class houses, it has been learned.

It is understood some names have already been signed and that negotiations are on for others.

Another Censor

Paris, March 22.—Those fishermen on the islands of St. Pierre and Miquelon off the Gulf of St. Lawrence who found American prohibition so profitable, aren't going to have their morals corrupted by pictures.

The French government has decided they need a censor, and what the French government decides in a case like this is decided, and that't that. The total population is 3,584.

Premiums Big Peril, Says Flinn in K. C.

KANSAS CITY, March 22.—The premium situation is a serious one to the industry, asserted Campi Secretary John C. Flinn at an open code board session here this afternoon attended by local exhibitor and distributor factors.

Flinn said it was the sentiment of the code framers to subordinate such practices to showmanship as gifts and the like tend to lower the importance of star, story elements and other product values vital to the industry's development. He added the consensus

(*Continued on page 3*)

Cut in Operators' Week Is Protested

Local circuits and members of Local 306 are protesting the plan of the I. A. T. S. E. to reduce the number of working days for regular card men from five to four days a week. The proposed move by the international is to relieve the unemployment situation within the union's ranks.

Theatremen are objecting on the ground that inexperienced relief men will be placed in the booths which

(*Continued on page 3*)

Booth Cost Hearing Off; No Date Fixed

WASHINGTON, March 22.—Due to the absence from Washington of Division Administrator Sol A. Rosenblatt, no date for the proposed hearing on the New York booth costs will be set until next week.

Kansas Dust Storms Bump Theatre Takes

KANSAS CITY, March 22.—Severe dust storms which have visited Kansas and western Missouri in the last

(*Continued on page 3*)

Loew's to Get Three Allied Owner Houses

Will Pay $12,875,000 For Brooklyn Spots

Loew's will acquire outright the Kings, Pitkin and Valencia from Allied Owners Corp. for $12,875,000 under an agreement embodied in the Allied plan of reorganization which was given tentative approval yesterday by Federal Judge Robert Inch in Brooklyn.

The three houses were erected by Allied in 1928 under an agreement with Paramount, subsequently assumed by Loew's when the latter took over the houses. The agreement called for eventual purchase by Loew's but when Allied became involved in financial difficulties Loew's discontinued payments, contending that Al-

(*Continued on page 2*)

Fox Met Creditor Hearing April 12

A creditors' hearing on the Joseph M. Schenck-A. C. Blumenthal plan of reorganization for Fox Metropolitan Playhouses was set for April 12 by Federal Judge Julian W. Mack yesterday, following the filing of the plan with the court.

Earlier, Judge Mack granted the petition of the Fox Met bondholders' committe to intervene in the reorgani-

(*Continued on page 3*)

Hornig Is Reelected By Maryland MPTO

BALTIMORE, March 22.—Frank Hornig has been renamed president of the M.P.T.O. of Maryland, Inc. Other officers elected are: Vice-president, Arthur B. Price; treasurer, J. Harry Grover; secretary, Helene Connelly; directors, Louis Gaertner, Walter Pacy, Herman A. Blum, Sam Solts, J. Louis Rome, Jacob Levine, Earl Burkins.

Louis Schneider and Sam Soltz were named as an auditing committee.

Mastroly Resigns as "U" Studio Manager

HOLLYWOOD, March 22.—Frank Mastroly, the past year Universal executive studio manager, has resigned. He has been a company executive 11 years, for three of them Carl

(*Continued on page 4*)

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Funeral Rites Held For William Conklin

LOS ANGELES, March 22.—Funeral services were held here today at the Hollywood Chapel for William Conklin, who died here Thursday at the age of 63. He suffered a paralytic stroke two months ago.

He was a veteran stage actor. He came to Hollywood 15 years ago and worked for the pioneer Balboa Pictures and other companies until he took a post with the Academy five years ago as an actor-producer relations representative.

Charles J. Kelly Dead

ATLANTA, March 22.—Charles J. Kelly, 59, formerly managing editor of *Weekly Film Review,* but more recently news editor of the *Atlanta Georgian,* died here of a heart attack which had kept him in a hospital for more than a month.

T. M. Wise Passes

ATLANTA, March 22.—T. M. Wise, of Winder, Ga., exhibitor at that place and Commerce, Ga., who was a well known figure in Atlanta film circles, died of pneumonia at his home. He is survived by his widow, a son and a daughter.

Para. to Open Wednesday

The Paramount has adopted Wednesday openings, and with the windup of the third week on "Ruggles of Red Gap" on March 27. "Private Worlds" will follow.

Purely Personal

(*Continued from page* 1)

ROBERT GRACE of Paramount won the Variety Club bowling trophy.

•

GEORGE BILSON, who was once advertising manager for Warners in New York and who is now in charge of trailer production in Hollywood, has turned author with a vehicle for JOAN BLONDELL, GLENDA FARRELL and HUGH HERBERT. "Serves You Right" is the title.

•

HAROLD HENDEE, head of Radio's research department, will talk to Barry Townley's Theatregoers' Alertness Course for Teachers at the Belasco tonight. BIDE DUDLEY will preside.

•

HARRY E. ROSENQUEST, assistant to NORMAN H. MORAY at Vitaphone, is now a Kentucky colonel. Governor RUBY LAFOON sent his commission late last week.

Quip of the Day

Max Seligman, noticing the 100% increase in the bills Columbia was receiving from a clipping service bureau, wanted to know the wherefor.

He sent a note to Hortense Schorr, demanding an explanation and got it. It went this way:

"Can I help it if Columbia won eight Academy awards?"

JULES LEVY strayed from the "new theatrical center" of N. Y. and was spotted giving Times Square the onceover yesterday afternoon.

•

JOHN HOWARD LAWSON, who is known in Hollywood purleus, lectured on playwrighting at New Theatre headquarters last night.

•

CARTER BARRON, Loew's division manager in Washington, left for home yesterday after a short visit at the circuit's headquarters.

•

ROBERT KATSCHER, Viennese composer of "Wonder Bar," who is under contract to M-G-M, will leave for the coast tomorrow.

•

JOHNNY O'CONNOR'S important date has been set back until next week and he has no control over the booking.

•

MAUDE HOWELL, recently signed for Gaumont British by MICHAEL BALCON, sailed last night on the *Majestic.*

•

VICTOR NEWMAN of United Ticket Co., Springfield, Mass., was visiting theatre equipment dealers yesterday.

•

JOE HORNSTEIN, after remodeling theatres for local exhibitors, buys the first ticket on each reopening.

•

CHARLIE PETTIJOHN, beginning to feel the spring sunshine, is practicing golf swings in hallways.

•

ARTHUR SEIGEL, stepson of ALBERT L. WARNER, celebrated another birthday last night and had films taken of the party at his home.

•

JAMES CLARKE of Horlacker's, Philadelphia, was in town for a brief session yesterday.

•

JOEL SWENSON aided the missus in picking out a new spring coat yesterday.

•

. . . and in Boston

BOB CROSBY, the singing brother of BING, in town this week. . . . A. J. MOREAU, district manager for M. and P.-Publix, back on the job with a Bermuda tan. He was accompanied by MRS. MOREAU. . . . JOHN HASSETT, manager of the circuit's Paramount in Barre, Vt., and MRS. HASSETT, took the same return boat. . . . NAT FURST, manager for Vitagraph in New Haven, is sunning in Miami. . . . SAM PINANSKI, M. and P. partner, back from a Florida rest cure. . . . J J. FORD, executive in the Maine and New Hampshire theatre circuit has also left those haunts. . . . JACK BENNY due in town to do a personal at the Metropolitan for $10,500 for seven days. . . . DON MARTIN, assistant manager at the Park, in town from New York where he went to join MRS. MARTIN. . . . E. M. LOEW has returned from Florida.

Josephs Named Head Of Columbian Club

George Josephs yesterday was elected president of the Columbian Club, succeeding Hal Hode. Competing with Josephs on the ticket was Al Seligman.

Jeanne Dressler was unopposed for the first vice-presidency. Danny Hess won over Simon Bell as second vice-president. Leo Jaffe was named treasurer; Fan Melman, secretary; Rose Sachs, assistant secretary; Etta LeVoff, financial secretary; Mary Koban, chairman of the board of governors; Seymour Zwilling, publicity head.

Schlesinger May Do An Opera in Color

HOLLYWOOD, March 22.—Leon Schlesinger is planning to do an animated cartoon opera in Technicolor for next season in addition to his "Looney Tunes" and "Merrie Melodies." The cartoon producer is toying with the idea of doing "Carmen" as the first.

Schlesinger has also taken an option on a well known cartoon strip and the deal is nearly closed to add the character to his next year's program.

Harry M. Goetz Returns

Harry M. Goetz, president of Reliance Pictures, returned yesterday from the coast where he held a series of production conferences with Edward Small, vice-president in charge of production. Two pictures are to be put in work as soon as "The Legion of Valor" is completed. They are: "Amateur Lady" and "The Melody Lingers On."

Zanuck Signs Whiteman

HOLLYWOOD, March 22. — Paul Whiteman and his band, with Ramona and the rest of the troupe, have been signed by 20th Century for "Sing, Governor, Sing."

Loew's to Get Three Allied Owner Houses

(*Continued from page* 1)

lied might be unable to deliver clear title.

The new agreement embodied in the Allied reorganization plan provides for payments of $500,000 annually for 10 years by Loew's, and of $525,000 for the next succeeding 15 years. Provision is also made by which Loew's may acquire title to the houses earlier by anticipating payments on a discount basis. The payments are to be made by Loew's Theatre & Realty Corp., and are guaranteed by Loew's, Inc.

Allied is also the lessor to Paramount of the Brooklyn Paramount, the Alabama at Birmingham, and the Paramount, Tremont, O., and Paramount, Glens Falls, N. Y. Claims of Allied against Paramount, arising out of the construction and leasing of these houses, have been settled in a separate agreement under which Allied is made a general creditor of Paramount for $5,000,000 and Paramount agrees to complete the outright purchase of the three theatres.

Fabian Got Brooklyn Property

The Paramount Bldg., Brooklyn, exclusive of the theatre, was recently sold to Si Fabian by Allied in a transaction which clarified and hastened the latter's reorganization and also avoided a $500,000 Federal transfer tax to which Allied would have been subject under the terms of its original settlement agreement with Paramount.

Judge Inch ruled that any sale of Allied-owned real estate after reorganization would have to be confirmed by five of the new company's seven directors. Allied listed assets, as of the time of reorganization, of $24,878,424, and liabilities of $14,700,168. Under its plan of reorganization the principal amount of its $9,127,000 of first mortgage bonds and $1,747,000 of debentures outstanding will be unchanged. Interest on the first mortgage bonds, however, is reduced from six per cent to four per cent and the maturities are extended to 1958. Interest on the debentures will be at two per cent and the maturities will be extended to 1953.

The court's tentative approval of the plan is conditioned upon its acceptance by two-thirds of the creditors of the company at a meeting to be held before Judge Inch March 29.

Bernhard Taken Ill; To Be Away 2 Weeks

Joseph Bernhard, operating head of the Warner circuit, yesterday suffered a nervous attack at his office and was immediately ordered home. He will be away for at least two weeks.

Plan Dinner for Wurtzel

HOLLYWOOD, March 22.—Fox executives will give an informal dinner at Movietone City next Tuesday night to Sol Wurtzel, John Stone and M. H. Golden to celebrate two years of operation of the Western Avenue plant by the trio. Forty English and 14 Spanish productions have been made at the studio since it was reopened.

Premiums Big Peril, Says Flinn in K. C.

(*Continued from page* 1)

of industry leaders was that premiums should be eliminated entirely as a factor in selling screen entertainment.

An open forum developed into a debate on clearance, bank nights and other subjects prominent in industry discussions. Flinn declared bank nights and similar gift enterprises were a moot subject on which only the courts could render final determination and indicated there would be an early decision on this point in cases now pending in Denver and Oklahoma City.

Describing his visit here as unofficial, Flinn cautioned the grievance and clearance boards at a morning session that he could not solve any local problems. Later at the open meeting he was the target of numerous questions fired at him chiefly by independents.

Flinn told MOTION PICTURE DAILY he was carrying back to New York the Los Angeles clearance board's recommendations on Fox West Coast's application for a rehearing on the zoning schedule for that territory which he will submit to Campi at Thursday's session. He said it was not his function to predict how soon the Los Angeles plan would be in effect, but asserted that exhibitor elements there had evinced a desire to be fair and arrive at something workable.

Tonight Flinn conferred further with Elmer C. Rhoden of F.W.C. and Jay Means, I.T.O. head, and made a survey of theatres with reference to Kansas City's proposed clearance schedule, following which he boarded a plane for Chicago, where he will spend the week-end, arriving in New York on Monday.

The net result of his day's visit was to clear up some moot points which had agitated local exhibitors and collect voluminous information for Campi's guidance in dealing with Kansas City's clearance problem.

Cut in Operators' Week Is Protested

(*Continued from page* 1)

may result in projection complications. The operators themselves are against the plan, inasmuch as salaries will be cut proportionately.

In addition to the elimination of a day from the working week, the I.A.T.S.E. is asking all members to devote two days a week to picketing as a result of the failure of the fact-finding committee to settle the three-union operator controversy.

Although the deadline for acceptance of the plan by the members was March 18, many projectionists are not answering the reports sent out. However, it is believed the international which has assumed control of Local 306 will put through the emergency measure regardless of the members' apathy.

To Do Vanderbilt Yarn

HOLLYWOOD, March 22.—Fox will produce Cornelius Vanderbilt, Jr's., "Farewell to Fifth Avenue" as a special on next year's program.

Looking 'Em Over

"La Dame aux Camelias"

(*DuWorld*)

This is a beautiful, poignant picturization of the immortal love story of Alexandre Dumas, fils.

Despite the fact that the dialogue is in French, audiences should appreciate this film because of the fine character portrayals of Yvonne Printemps and Pierre Fresnay, who seem to make the lovers, Julie and Armand, actually live on the screen.

The picture moves at a rapid pace and Fernand Rivers is to be commended for his direction. The music, written by Reynaldo Hahn, and particularly the song that Miss Printemps sings and of which the censors evidently disapproved, for its English sub-titles are blacked out, is appropriate.

The story has been changed but little from Dumas' novel. To Paris comes little, country-bred Miss Printemps. In a few short months she has blossomed out into "The Lady of the Camelias," in whose salon gather DeMusset, Gautier, Liszt, the Duc de Murias and all the splendor and gaiety of Paris. Then comes Fresnay and love. The two are deliriously happy until their romance is shattered by Fresnay's father. From that point on Miss Printemps slowly withers and dies because of the havoc wrought by a cough and her loss of Fresnay.

This picture is to be recommended. For those who don't understand French, there are English sub-titles. In places, however, the story is easily followed without the translations of the lines, so forceful is the acting of Miss Printemps and Fresnay.

Others in the cast are Lugne Poe, Armontel, Lurville, Andre Dubosc and Jeanne Marken.

Reviewed without production code seal. Running time, 85 minutes. "G."

"The Cyclone Ranger"

(*Spectrum Pictures*)

This is a run-of-the-mill western that should prove adequate fare for neighborhoods and small towns. It lacks the usual amount of action in pictures of this type and Director Bob Hill tells his story in a manner that presents too much dialogue. The photography of Donald Keyes is only fair.

Bill Cody, who is starred, Earl Hodgins, Donald Reed and Eddie Gribbon are satisfactory in their roles. Others in the cast are Nena Quartaro, Solidad Jimines and Colin Chase.

The yarn has Cody as leader of a band of ranchers who have been swindled out of their land. They steal their own cattle and are considered outlaws. Reed is found to be the son of a powerful woman rancher in Mexico who is being protected by Hodgins, a former foreman. Cody, Hodgins and Reed are returning to Mexico when the latter is killed. The remaining two continue the trip and Cody is mistaken for the lost son. He carries on the deception until the former members of his gang arrive and try to fleece the old lady of her cattle and money. A fight ensues, the outlaws are killed and Cody and Hodgins find themselves free men again. This clears the way for the romance that had sprung up between Cody and Miss Quartaro.

Reviewed without production code seal. Running time, 60 minutes. "G."

George Skouras for Higher Scales Here

George Skouras is in favor of eliminating duals and increasing admissions locally, he stated yesterday, provided other theatres will do likewise.

Skouras' attitude on duals is that they are "the scourge" of the industry and should be abolished. He is very much in accord with the move to hike prices and says he would not hesitate to join in such a plan.

"U" Asks Curb Listing

WASHINGTON, March 22.—Application for registration and listing on the New York Curb Exchange of 250,000 shares of one dollar par value common stock of Universal Pictures Company, Inc., has been filed with the Securities and Exchange Commission.

Advertising in FHA Shorts Causes Worry

(*Continued from page* 1)

direct mention. Several affiliated circuits identified with newsreel producing companies are also reported to be wary of the prominent use made of the Pathe name in the F. H. A.'s releases.

While it is understood that the national circuits have no objections to showing the reels in subsequent run, neighborhood situations, many of them are dubious about offering playing time in the first run de luxe houses.

June Grabiner Signed

HOLLYWOOD, March 22.—June Grabiner, daughter of Harry Grabiner, vice-president of the Chicago White Sox, has been signed by Warners. She has had previous experience in small parts.

Fox Met Creditor Hearing April 12

(*Continued from page* 1)

zation proceedings. The committee will petition the court early next week for an order declaring the deposit agreement under which the committee represents bondholders to be a "fair" one.

The reorganization plan, as disclosed in earlier issues of MOTION PICTURE DAILY, provides for the acquisition of the stock of the new company by Schenck and Fox Theatres, with Schenck becoming president of reorganized Fox Met. Holders of the $12,460,700 of Fox Met bonds outstanding will receive 75 cents on the $1 for their equity. The payment will be 20 cents on the $1 in cash and 55 cents in new bonds. For the cash distribution, $600,000 will be paid into the company by Schenck and Fox Theatres and an additional $1,800,000 of unmortgaged Fox Met cash on hand will be made available to the bondholders. The new bond issue will aggregate $6,835,000, with interest at five per cent.

Skouras and Randforce will continue to operate the 86 Fox Met houses under new 10-year contracts.

NRA Refuses to Fix Bank Nights' Status

WASHINGTON, March 22.—Efforts to build a backfire under the NRA for the purpose of securing an interpretation that bank nights come under the premiums provisions of the film code rather than the lottery clause, failed today when officials of the NRA declared they had no intention of taking any action in the matter.

For several days the amusement division has been receiving telegrams from various sections of the country, some from exhibitors but mostly from people in other occupations, in which it was declared bank nights were proving a great impetus to business in all lines and should not be treated as a lottery but rather as a premium, thus giving the exhibitors in each locality an opportunity to vote on their continuance.

It was said at the NRA however, that no recommendations have been received from Code Authority and that nothing would be done in the matter.

Kansas Dust Storms Bump Theatre Takes

(*Continued from page* 1)

few days are reported to have raised havoc with theatre business.

In many towns all business virtually ceased and transportation facilities stopped as day became night. State officials closed several Kansas highways when dust drifts became too dense for safety. In Great Bend and other Kansas towns exhibitors had to stop their shows when dust drifted in and obscured the screens.

Monogram Sets Dividend

A dividend of six percent on the capital stock of Monogram Pictures was voted yesterday by the executive committee of the company. It is payable to holders of record May 1 in quarterly installments of 1½ per cent each on May 1, Aug. 1, Nov. 1 and Feb. 1.

Missouri 2% Tax Passage Seems Likely

(*Continued from page* 1)

It makes it compulsory to pass on the equivalent of the tax.

Theatres in Kansas City and St. Louis will encounter competition in the form of horse racing and probably dog racing this summer, parimutuel betting having been legalized by the House. The Senate has approved a bill permitting gambling on horse racing only, and a conference committee will be necessary to work out the differences. As passed, the House racing measure permits dog tracks only at St. Louis. The state would collect three per cent of all wagers, and, in addition, the tracks would pay a fee of 20 cents on each admission.

Theatre circuits would be hit by a bill which has passed the House providing for an annual license tax on chain stores, graduated from $25 a unit for chains with two to five stores and $200 a unit for those with 26 or more stores.

Fight Connecticut Tax

HARTFORD, March 22.—A general fight is being organized on a five per cent admission tax pending in the Legislature, but exhibitors are worried for fear it will be passed as a part of the relief program.

See Delay in Bay State

BOSTON, March 22.—Being put over to the next legislative session seems to be the best probable fate of the two foremost bills against the industry, that of Thomas Dorgan to bar children of 14 from pictures except those passed by a religious board and that of James Scanlon to make licensing authorities individual censorship boards whose approval would be necessary for all pictures opened to anyone under 21.

Sunday Bill Passed

ANNAPOLIS, March 22.—A bill to permit Sunday shows in Alleghany County has passed the House.

Representatives Baker and Meade have introduced a measure banning medicine shows. It has been referred to the Hygiene Committee.

Try Foreign Press Book

United Artists has begun issuing foreign supplements to its domestic press books. The first is on "Clive of India." It is a four-page issue on coated stock with a series of exploitation stunts chosen for what is believed to be their suitability for foreign markets. The idea was suggested recently by Arthur W. Kelly, vice-president in charge of foreign distribution, upon his return from a trip abroad.

May Do "Leonardo"

HOLLYWOOD, March 22.—"The Life of Leonardo da Vinci" may be the next all-Technicolor feature to be produced by John Hay Whitney under the Pioneer banner. Rouben Mamoulian may direct.

"Colonel" Is $9,500 Smash In Pittsburgh

PITTSBURGH, March 22.—The customary Lenten reaction failed to hit at least two houses here last week. At the Fulton "The Little Colonel" ran up a sensational $9,500. The Penn, with a combination of "Vanessa" and Earl Carroll's "Vanities" claimed around $22,000.

"Roberta," after a record-breaking week at the Stanley, was moved to the Davis and did a nice $4,500 in eight days, while the Stanley was nosediving to $5,500 with "Living On Velvet." At the Alvin, credit for $10,000 goes to Fred Bradna's indoor circus, rather than to the film, "When a Man's a Man," and at the Warner, the twin features, "While the Patient Slept" and "Let's Live Tonight," couldn't better $4,250.

Total grosses in six first run houses were $55,750. Average is $51,000.

Estimated takings for the week ending March 14:

"WHEN A MAN'S A MAN" (Fox)

ALVIN—(2,000), 25c-40c, 6 days. Stage: Fred Bradna's indoor circus with Honey Troupe, Proske's Tigers, Felix Adler, Three French Misses, Robinson's Military Elephants, Ella Bradna, Charlie Seagrist aerialists. **Gross:** $10,000. (Average, $10,000)

"ROBERTA" (Radio)

DAVIS—(1,600), 25c-40c, 8 days. **Gross:** $4,500. (Average, $4,000)

"THE LITTLE COLONEL" (Fox)

FULTON—(1,750), 15c-40c, 6 days. **Gross:** $9,500. (Average, $4,500)

"VANESSA" (M-G-M)

PENN—(3,300), 25c-40c, 6 days. Stage: Earl Carroll's "Vanities" with Ken Murray, Collette Sisters, Milton and Helen Charleston, Samuels Brothers, Donald Burr, Rosie Moran. **Gross:** $22,000. (Average, $19,000)

"LIVING ON VELVET" (Warners)

STANLEY—(3,600), 25c-40c, 6 days. **Gross:** $5,500. (Average, $8,500)

"WHILE THE PATIENT SLEPT" (War.)
"LET'S LIVE TONIGHT" (Col.)

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,250. (Average, $5,000)

Mastroly Resigns as "U" Studio Manager

(*Continued from page* 1)

Laemmle's personal contact with New York. His last deal was the transferring of "The Great Ziegfeld" to M-G-M. He has no plans for the future.

Rowland Coming on Deal

HOLLYWOOD, March 22.—William Rowland is on his way east to negotiate for the release of a series of four musicals, possibly with Paramount. The first two will be written by Herbert Fields. They will have Rodgers and Hart tunes.

Take Up Loew's Stock

Irving Thalberg has taken up an option on 10,000 shares of Loew's, J. Robert Rubin on 2,000 and David Bernstein on 13,890 at $30 per share, it was learned yesterday. The options were exercised between Dec. 31, 1934, and March 1, 1935.

Las Vegas Wants Indies

HOLLYWOOD, March 22.—A delegation from the Las Vegas (Nev.) Chamber of Commerce arrives here Saturday for conferences with Nat Levine to try to induce independent producers to move there.

Wall Street

Eastman Pfd. Up 2 on Big Board

	High	Low	Close	Net Change
Columbia vtc	42	41¾	42	+ ½
Consolidated	4½	4¼	4⅜	.....
Cons. pfd (1v)	17½	16½	17½	— ¼
Eastman (5)	118	116¾	118	+ ⅜
Eastman pfd (6)	153½	153½	153½	+2
Fox "A"	9½	9⅜	9½	+ ¼
Loew's (2)	34¾	34⅜	34⅜	+ ⅜
Loew's pfd (6½)	105	104⅛	105	+ ¼
Paramount	2⅝	2⅜	2⅝	+ ⅛
Pathe	¾	⅝	¾	+ ⅛
RKO	1⅝	1⅜	1⅝	+ ⅛
Universal	40	40	40	+1
Warner	2¾	2⅝	2⅝	.....

Technicolor Off ¼ on Curb

	High	Low	Close	Net Change
Technicolor	17¼	16⅞	17	— ¼

Paramount Publix Bonds Gain 1⅝

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7⅜	6¼	7⅜	+ ⅝
General Theatre Equip. 6s '40 ctf	7⅜	6⅞	7⅜	+ ⅛
Keith B. F. 6s '46	68½	68½	68½	+ ¾
Loew's 6s '41 ww deb rights	105	105	105	.....
Paramount B'way 5½s '51	49¾	49½	49¾	+ ¼
Paramount F. L. 6s '47	72	70⅝	72	+2
Paramount Publix 5½s '50	73½	71¾	73½	+1⅝
RKO 6s '41 pp	26½	26½	26½	.....
Warner Bros. 6s '39 wd	50	49¾	49¾	— ¼

(v) Defaulted in principal but not in interest.

(Quotations at close of March 22)

M. & P.-Publix Not To Disband-Mullin

BOSTON, March 22.—Martin Mullin has taken note of rumors that M. & P.-Publix might be dissolved and has issued a formal denial. He says that neither he nor Sam Pinanski intend to quit the company and that its continuance is a certainty for the next two years.

Actors' Ball Plans Set

Plans are set for the actors' ball under the auspices of the American Federation of Actors at Mecca Temple next Saturday night. Acceptances have been received from Sally Rand, Sophie Tucker, Ben Bernie, Rudy Vallee, Frank McIntyre, Gae Foster, Bert Lahr, Abe Lyman, Joe Laurie, Jr., Ted Husing, Chick York, Rose King, Victor Moore, Tom Patricola, Bugs Baer, Leonard Lyons, Margaret Young and Ted Lewis, the committee states.

Reverse Murray Ruling

Mae Murray has been given a chance to renew her action for an accounting against Tiffany Prod., which she sued some time ago for $300,000.

Her first suit was dismissed by Justice Steuer in the Supreme Court on the ground that she had failed to show her pictures and had made a profit. On appeal the Appellate Court ruled that the case should not have been dismissed, because Tiffany had failed to prove that the pictures did not make a profit.

Schader on Sick List

DETROIT, March 22—Freddie Schader, former veteran trade paper man and for some years publicity director of the Fox here, is ill with rheumatic fever. He has been in bed for about two weeks with at least two more to go.

"Colonel" Is Chicago High; Gets $37,000

CHICAGO, March 22.—"The Little Colonel" was the heaviest grosser in town last week. With the help of a special B. & K. show, it reached $37,000 at the Chicago, over normal by $2,400.

Business also was good in three other spots. The Oriental had a strong $17,000 on "Under Pressure," with a stage revue; "Ruggles of Red Gap" took a good $15,000 at the Roosevelt, and the Palace, with "Gigolette," was well over the line at $24,000.

Total first run business was $127,000. Average is $127,600.

Estimated takings:

Week Ending March 14:

"THE LITTLE COLONEL" (Fox)

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: B. & K. special spectacle. **Gross:** $37,000. (Average, $34,600)

"UNDER PRESSURE" (Fox)

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: "Rumbaland" revue. **Gross:** $17,000. (Average, $15,000)

"GIGOLETTE" (Radio)

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Hello Paris," "Folies Bergere." **Gross:** $24,000. (Average, $22,000)

"RIGHT TO LIVE" (Warners)

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

Week Ending March 15:

"RUGGLES OF RED GAP" (Para.)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days, 2nd week. **Gross:** $15,000. (Average, $11,000)

"SOCIETY DOCTOR" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $8,000)

"BEST MAN WINS" (Col.)

STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Harris & Howell, Eddie Hanley and others. **Gross:** $14,000. (Average, $15,000)

Week Ending March 18:

"DAVID COPPERFIELD" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-60c, 9 days, 5th week. **Gross:** $9,000. (Average, $17,000)

RCA Opens New Branch

A new visual sound products department headed by John K. West as manager has been formed by G. K. Throckmorton, executive vice-president of RCA Manufacturing Co. The department will handle 16-mm sound film and projectors. Three branch offices will be opened in New York, Chicago and Hollywood. E. F. Kerns is in charge here, C. S. Kernaghan has the Chicago district, and Mark Smith is manager of the coast office.

Delay Somerbee Dinner

BOSTON, March 22.—The date for a dinner in honor of Al Somerbee, manager for Lathrop Theatre Corp., who has been an exhibitor for 35 years, has been shifted to April 8 at the Copley Plaza. Instead of a "Gay Nineties" affair it will be formal. Louis Boas and Stanley Sumner are treasurer and secretary, respectively, of the committee. Joe Brennan, executive secretary of the M.P.T.O. unit, is chairman.

Para. Claims Denied

Expunging of $225,000 of claims filed against Paramount Publix by the 15th and 16th Street Realty Corp., Los Angeles, was affirmed yesterday in an order signed by Federal Judge Francis G. Caffey.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 70 NEW YORK, MONDAY, MARCH 25, 1935 TEN CENTS

Lynch to Set Loew Chicago Theatre Deals

Authorized to Close on Several of Sites

CHICAGO, March 24. — Robert Lynch, M-G-M branch manager in Philadelphia, arrives tomorrow to close deals for a number of sites for Loew's. Lynch has been active in the local negotiations since the start of Loew's planned invasion and has the official okay from the Loew home office to go ahead on several sites. A deal is on for a number of theatres, but investigation of mortgages and other details is holding up consummation.

Approximately 200 exhibitors have dropped M-G-M product this season

(*Continued on page 12*)

Schenck Conferring On New M-G-M List

HOLLYWOOD, March 24.—Nicholas M. Schenck is here from Tuscon, Ariz., and will spend several weeks conferring with studio executives on next season's budget and number of pictures.

Approximately $20,000,000 will be spent on the 52 features and shorts planned next season. Fred Quimby, short subject sales manager, is here from the east and Felix F. Feist, general sales manager, is due within the next few weeks.

Convention details may also be outlined here. Tentative plans have the

(*Continued on page 10*)

Samuelson to Name 6 Aides This Week

Sidney Samuelson will name six new regional vice-presidents to make up his cabinet for the new year some time this week. Heretofore there have been four whose terms expired Feb. 1. The appointment of an additional two will give the Allied leader coverage for the entire country with the exception of the far west.

Samuelson, Nathan Yamins and Abram Myers will leave Friday for Minneapolis to be on hand for the two-day annual meet of Allied Theatres of the Northwest on April 1-2.

Patrons Chase Bank Night, Frisco Finds

SAN FRANCISCO, March 24.—Studies of the bank night situation here pending a grievance board hearing on Herman Cohen's general complaint

(*Continued on page 6*)

Start of Lent Cuts Takes In Key Cities of Country

March grosses failed to maintain the pace they attained in February in the 22 key cities reporting to MOTION PICTURE DAILY. For the week ending March 7-8 the total for 139 theatres was $1,295,650. The following week was somewhat better. The total reached $1,358,384 for 137 houses.

Opening of Lent is given as the reason for the falling off, with the first impact having worn off. During the week ending March 14-15 six

(*Continued on page 10*)

Brandt-S. & C. Acquisitions 'War' Growing

Widening of the theatre acquisition "war" between Springer and Cocalis and Harry Brandt, current for some time, is seen in the latest moves by S. & C., which has just taken over the Century, Brooklyn, in the vicinity of the Empire, another Brandt unit. Other Springer & Cocalis deals are reported, but could not be confirmed due to absence of both Sam Cocalis and Jack Springer from the city. One of the deals reputedly completed is for the City Hall. Springer and his partner are due back from Miami next week.

Friction between the two independent circuit operators started several

(*Continued on page 12*)

Texas Circuits and Independents Expand

DALLAS, March 24.—Robb & Rowley and independents are opening new houses in this territory. The circuit has just opened the Rex, a new house, at San Angelo, and it has acquired the Iris and Lyric at Terrell.

O. K. Theatres Circuit has taken over the Palace at Pecos. S. M. May has acquired the Strand at Honey Grove from J. J. Brown.

Two other Texas towns, Franklin

(*Continued on page 6*)

Paramount Gets Set For "Mae Day" Riot

Paramount is getting set for a "Mae Day" riot—the spelling is correct—in 100 cities.

To see that it is put over in a big way, $1,500 in prizes will be distributed and teaser campaigns in newspapers will be put out in advance.

Neil F. Agnew, Paramount sales manager, originated the idea and Rob-

(*Continued on page 6*)

Tax, Racing Bills Appear In New Spots

Tax bills calling for levies on admissions and billboards and racing measures continue to pop up in legislatures. In Massachusetts the House has defeated the Economic Council measure which would have set up something resembling a state NRA. The Bay State's advertising bill goes over for study.

Mass. Council Bill Dies

BOSTON, March 24.—Decisive defeat has been handed the House bill calling for an Economic Council. The idea was to control all phases of every industry, including films, with

(*Continued on page 10*)

Discuss Changes in Cleveland Dual Pact

CLEVELAND, March 24.—Modification of the single feature agreement is expected as a result of the opening of six houses since it went into effect last summer. All six of these spots are dualing.

The Cleveland M. P. Exhibitors' Ass'n will meet shortly to discuss the problem. The pact expires July 8. One plan suggested is to permit all houses to dual at least once a week, if they desire.

Clearance Comes Up Before Campi Today

A special session of the Campi clearance and zoning committee has been called for this morning to analyze the report on the Los Angeles schedule which John C. Flinn brought with him on his return last night from the coast, Kansas City and Chicago.

On the committee will be Sidney Justin, representing George Schaefer,

(*Continued on page 6*)

Intimate Fox Met. May Get U. A. First Run

Upset in Metropolitan Booking Deal Hinted

Intimations that Fox Metropolitan Playhouses may secure first run United Artists and 20th Century product, following the reorganization of the circuit, are contained in the Fox Met reorganization plan filed in Federal court here late last week.

"The entry (into Fox Met) of Joseph M. Schenck, president of United Artists," the plan states, "reasonably fortifies the potential availability to the new company of product. This will materially strengthen the company and the intangible worth of the securities issued by it.

"One of the elements of strength, if not necessity, in successful theatre operation," the plan continues, "is access on fair terms to an adequate supply of pictures. By 'fair terms' is meant not only cost, but also such other vital trade points as right of selection, playing time and dates, par-

(*Continued on page 6*)

Expect Reelection Of MPPDA Directors

Reelection of all M.P.P.D.A. directors is expected at the annual meeting today. No board vacancies exist and no nominations of new directors are anticipated, it was stated at the Hays office on Saturday.

The meeting will hear the annual reports of Will H. Hays, president, and all heads of M.P.P.D.A. departments.

B'way Dull, Except Music Hall, Para.

With the exception of the Music Hall and the Paramount, theatres along Broadway last week did so-so business. As previously reported, "Roberta" at the Music Hall garnered $91,000 for the second stanza. "The Little Colonel," its successor, is aiming for a figure in the neighborhood of $90,000.

Second week of "Ruggles of Red

(*Continued on page 12*)

Depinet Attacks His Indictment as Vague

A demurrer to the indictment of Ned E. Depinet, RKO distribution head, in the St. Louis conspiracy cases

(*Continued on page 10*)

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Advertising Manager

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W. E. Loss Slashed to $7,751,548 Last Year

A net loss of $7,751,548 after interest charges is reported by Western Electric for 1934. Although on the minus side, the figure, according to the firm's financial statement, represents the first improvement in the business of Western Electric over a previous similar period in five years. The loss in 1933 was $13,772,504. Sales last year amounted to $91,807,000, which compares with $69,511,000 in 1933.

The company's consolidated balance sheet shows total assets of $306,294,326 as of December 31, 1934. This is comparable with $333,897,873 at the close of 1933. Capital totaled $142,500,000 at the end of last year.

The balance in surplus at December 31, 1934, was $12,579,222, $5,704,382 under the previous year. Included in the surplus for 1934 is $2,036,073 realized on the sale of securities understood to be Loew's stock.

Ampa Meet Closed

Ampa's meeting Thursday will be closed, the session to be devoted to details on the Naked Truth Dinner on April 27 at the Astor.



Insiders' Outlook

By RED KANN

WHILE an apparent truce has been called in Paramount reorganization circles providing for final agreement on the presently constituted board of 16 members in return for the deposit of sufficient assents by the Fortington group to assure creditor confirmation of the plan, opposition to certain members of the board still exists outside of the major creditor circles. If this opposition succeeds in attracting to itself sufficient support to displace a Fortington board nominee, that group continues in a position to throw the selection of a new board, or individual member or members, back into the laps of the major groups. . . .

▼

This could be accomplished by a withdrawal from the bondholders' committees of $3,500,000 of Fortington represented securities on deposit with the committees in assent to the plan or by withdrawal of assents of the additional $3,500,000 of bonds which it purposes to file in assent to the plan as general claims. The group represents another $11,000,000 of claims which it might, or might not control, to the extent of bringing about its withdrawal. . . .

▼

The Fortington group, primarily, wants the assurance that no attempt will be made by the major creditors to displace its five nominees for the board—Stephen Callaghan, John D. Hertz, Fortington, Floyd B. Odlum and Charles E. Richardson. Hence, the "ace," or several of them, which the group retains in its aristocratic sleeve. The assurance, it is reported, has now been given them in return for their needed support of the plan. It is pointed out, however, that such support can be given without any finality—in case. . . .

▼

The truce has apparently calmed the kingpins of reorganization, the bulk of whom have departed for sunny climes preparatory to that long-waited April 4 hearing in Federal court, which by present indications will be the last of a long succession of them. Hertz of the Fortington group and Julius Klein of the Vanderlip bondholders' group are in Florida. Vanderlip, himself, outstanding candidate for chairman of the board, is in California, as is Percy H. Johnston, board member. Albert Cook of the stockholders' committee is in Bermuda and Robert Szold of the Munger debenture committee and Arthur Ballantine of the trustees' legal staff are sojourning in the south. Those who remain appear to be busy with other matters. . . .

▼

Mailbag stuff from "Skip" Weshner, in charge of Warner first-runs in Philadelphia, and a link of strength in the chain fashioned in this space the other day about re-dating old, but formidable, attractions in lieu of new, but indifferent, ones:

"I read your paragraph in the *Insiders' Outlook* column Wednesday, March 20, regarding the booking of 'It Happened One Night" at the Stanton Theatre, which gets 55 cents top, after it played two or three times at 15-cent houses near by and after it played all of the neighborhood theatres. Also be advised that the opening day yesterday (Wednesday), this grand picture grossed as much as the first-run picture, which we pulled, grossed in three days with a Saturday opening.

"Sure we smashed precedent by playing a repeat picture at this house, *but who the hell ever said that precedent wasn't to be smashed in this business?* If the wise boys running theatres haven't learned that exhibition is a day-to-day business and no longer a week-to-week business, it is about time they woke up."

▼

Interesting, as you will admit. But there is more:

"I was very much amused with the fuss and discussion raised by people outside of our own immediate company, who seem to think that re-dating a picture, which secured the Academy award, even though it played a lot of other theatres, was a fatal step. From my experience, we have found that *a picture loaded with box-office dynamite played repeat is a hell of a lot more valuable to the exhibitor than an ordinary programmer played first run.*

"The quicker, therefore, that we forget precedent and handle our business as the daily situation demands, the better off all of us, who are running theatres, will be."

The italics represent editorial prerogative for dear old emphasis' sake. . . .

▼

Those several major circuits who look anything but kindly on the first two shorts made by Pathe for the Federal Housing Administration appear to be facing a quandary. The inclination is to aid the government, but there is the normal factor of running theatres in the manner set for them to run. Why the presence on celluloid of G. E. iceboxes, plugs for R. H. Macy, et al., were quite necessary to tell and sell the FHA story doesn't seem to be quite apparent. . . . Herman Gluckman of Capitol

Sindlinger Winner In "Life" Contest

Al Sindlinger, manager of the Appleton, Appleton, Wis., has been returned the winner of the Aunt Jemima Contest in connection with the showing of "Imitation of Life." Sindlinger was also winner of the Quaker Oats contest on "Six Day Bike Race" held some time ago.

Other prize winners were Lou Richmond, National Theatre, Boston; William J. Soutter, Fox Palace, Wichita; E. M. Hart, Strand, Plainfield, N. J.; E. A. Patchem, Stuart, Lincoln, Neb.; W. E. Baty, Jr., Palace, Fort Worth; Barney Dubinsky, Missouri, St. Joseph; M. M. Mesher, Winter Garden, Seattle; Manager, Fox Mayan, Denver; Herbert Bloom, Olympia, Worcester, Mass.; A. J. Kalberger, Paramount, Ft. Wayne; J. H. Black, Capitol, Calgary; F. E. Patch, Capitol, Regina, Canada, and Ray Tubman, Capitol, Ottawa.

Walsh Also States Studios Will Move

SAN FRANCISCO, March 24.—Morgan A. Walsh, president of the Northern California I. T. O. A., has added his voice to the chorus of those predicting removal of production from California if the proposed tax program is enacted. He was speaking before the Ate-Y Club, made up of business and professional men here.

Agnew to Hollywood

Neil F. Agnew, general sales manager for Paramount, left for the coast yesterday, via the bird's route, to confer with studio executives on next season's lineup. On April 5, he will sail from Los Angeles for Honolulu to close an important 1935-36 product deal.

Agnew plans to return in five weeks, preparatory to holding of the annual sales meet at the Walorf Astoria, starting May 23.

McCormick to Coast

INDIANAPOLIS, March 24.—S. Barret McCormick, director of advertising and publicity for Radio, having staged the opening of "Laddie" at the Circle here last Friday as guest manager of the house he managed 15 years ago, has left for the coast by plane. He will spend a week or 10 days at the studio for conferences on forthcoming product.

Darmour West Today

Larry Darmour, partner and production head of Majestic, expects to wind up conferences today with Herman Gluckman, president, and E. H. Goldstein, vice-president, on the new season's lineup of 12. In the event pending details are completed, Darmour will hop a plane for Hollywood this afternoon.

Brady a Forum Speaker

William A. Brady will give his views on pictures at the M. P. Club Forum tomorrow. Other speakers will be Elmer Rice, dramatist; Faith Baldwin, novelist; Rita Weiman, writer, and Magistrate Anna Kross. Mrs. James A. Farley will be another guest.

Exchange is in the throes of an interesting distribution deal. . . .

an open Letter to...

George Schaefer
Felix Feist
G. L. Sears
Jimmy Grainger
A. W. Smith
Al Lichtman
John Clark

THE HOTTEST PIECE OF SALES POWER IN THE BUSINESS IS AVAILABLE APRIL 8

OUR SALE



WE'LL BE IN TO SHOW

JOAN BLONDELL •

in

"TRAVELING

WILLIAM GARGAN • HUGH HERBERT • RUTH DONNELLY • GRANT

WARNER BRO

A First Nat

S RECORD

Unsold–
Stables & Morgues

Unplayed–
Only Blind Men

Selling Cost–
You Name It



OUR LINES APRIL 8TH!

GLENDA FARRELL

SALESLADY"

MITCHELL • AL SHEAN • BERT ROACH • Directed by RAY ENRIGHT

S.... *Producers*

ıal Picture

Intimate Fox Met. May Get U. A. First Run

(Continued from page 1)

ticularly in relation to supply, selection and dates of competing theatres."

At present, Fox Met follows Loew's in all competitive situations with U. A. and 20th Century product. Fox Met will continue to have the Fox Film franchise held by Skouras and Randforce, who receive new 10-year operating contracts under the reorganization plan.

The plan also specifically exempts U. A. and 20th Century contracts made by Skouras and Randforce from being subjected to a veto power reserved for the board of the new company in relation to all other Fox Met film contracts.

Schenck will become president and chairman of the board of reorganized Fox Met, and Harry Buckley, vice-president of U. A. Theatre Circuit, and William P. Phillips, a director of U. A. Theatre Circuit, will also be on the Fox Met board. Milton C. Weisman, receiver of Fox Theatres, which participates with Schenck in the plan, and Samuel S. Allan, law partner of Weisman's, also become board members, representing Fox Theatres' equity in the new company. Fox Theatres owns all of the stock of Fox Met. William Rhinelander Stewart, member of the investment house of John C. Paige & Co., is the sixth member of what will be a board of nine.

Who Will Elect Other Three

The remaining three will be elected by the holders of the $6,853,385 of new five per cent debentures which will be issued to the present holders of the old $12,458,200 of debentures. These holders also receive a minimum of $2,400,000 cash, approximately $1,700,000 of which will be from the Fox Met cash on hand. An additional $700,000 is being paid in by U. A. Theatre Circuit for 50 per cent of the stock of the new company. The remaining 50 per cent goes to Fox Theatres in exchange for withdrawal of its more than $5,000,000 of claims against Fox Met.

The plan states that the 44 Skouras-operated Fox Met houses showed a profit of $121,101 last year, and the 36 Randforce-operated houses a profit of $48,536. Skouras Bros. will receive $52,000 annually under their operating contract, and Randforce $39,780.

A creditors' hearing on the plan will be held April 12 before Federal Judge Julian W. Mack.

Paramount Gets Set For "Mae Day" Riot

(Continued from page 1)

ert M. Gillham is working out the details.

"Mae," in case you haven't guessed, is Mae West. It will be a "Going to Town" contest. Rumor has it that this is the title of her next picture. First prize will be $500; second, $350; third, $200; fourth and fifth, $100 each, and sixth, seventh, eighth, ninth and tenth, $50 each.

Judges will be: Oscar Doob, Mort Blumenstock, John Dowd, Milton Feld and Alec Moss.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Cardinal Richelieu"

(20th Century-U. A.)

HOLLYWOOD, March 24.—Venturing into the domains of debatable subject matter as he did with "The House of Rothschild" and having won exhibitors' favor, intrepid Darryl F. Zanuck again essays the biographical drama with another provocative world personality and again triumphs with entertainment that is bound to cause comment and sure to draw crowds.

Painting Cardinal Richelieu with sympathetic strokes, setting him amidst the intrigues of the decadent court of Louis XIII and colorfully revealing the dramatic conflicts that beset king and prelate alike, a fine balance of appeal is achieved to please the large body of faithful adherents to the church as well as others.

Aside from its historical importance, the production pictures Richelieu as a human being. Centering its drama around the fateful era when, threatened with civil war with feudal princes ruthlessly deciding the people's fates in gang leader fashion, France finds herself between a vacillating king, a kniving court seeking personal power and the astute diplomatist, Richelieu, whose sole concern is France. Ready for any emergency to serve country, king or spiritual superior, Richelieu uses the weapons his adversaries choose and outwits them at every turn to lead the king and light his way.

George Arliss' Richelieu is polished, suave and subtle and gives that grand Thespian full sway for his exceptional talent. Edward Arnold, another topnotcher, as King Louis contributes a finely shaded, robust performance. Maureen O'Sullivan and Cesar Romero supply the romance. Douglas Dumbrille, as Barados; Francis Lister, as Gaston; Violet Kemble Cooper, as the Queen Mother, and Lumsden Hare, as the Swedish King, head the imposing cast of superior mold.

The production evidences a keen eye for showmanship value. Rowland V. Lee's direction is super quality, as was his "The Count of Monte Cristo." The film, adapted from the play by Bulwer-Lytton, is richly photographed by Peverell Marley.

On the strength of all its names and word-of-mouth advertising, "Cardinal Richelieu" should gratify showmen with "The House of Rothschild" popularity and grosses.

Production Code Seal, No. 676. Running time, 80 minutes. "A."

"Mark of the Vampire"

(M-G-M)

HOLLYWOOD, March 24.—Beginning where most thrill pictures leave off, killing entertainment is ladled out in good measure in this one. A creepy atmosphere starts with weird music over the main title and carries over into a graveyard scene opening with a murder committed in the first 200 feet.

Lionel Atwill, police inspector called in to solve the murder, scoffs at the theory advanced by witnesses that the crime was committed by vampires who rise from graves at night and suck blood from living humans.

A year later, with the mystery still unsolved, Lionel Barrymore as a professor is called in to investigate further vampire activities. A series of spooky events follows, climaxed when Barrymore stages the reenactment of the first crime by hypnotizing Jean Hersholt into repeating his movements on the fatal night. Hersholt, the murderer, having taken advantage of the local superstition to conceal the crime, is topped by Barrymore, who stages ghastlier events to trap him. The audience, held in suspense still the end, gets plenty of thrills.

Director Tod Browning takes full advantage of the situations and times his actions expertly. Bela Lugosi, playing the vampire, is his usual weird self. Elizabeth Allen and Henry Watsworth provide the romantic interest capably. Guy Endore and Bernard Schubert wrote the screenplay.

Audiences that like scary stuff should enjoy this chiller. No production code seal. Running time, 64 minutes. "A."

"A Night at the Ritz"

(Warners)

HOLLYWOOD, March 24.—This is a light farce comedy that should please in neighborhood spots.

William Gargan, specialist in hotel exploitation, while courting Patricia Ellis dines at her house. Thinking the meal to be prepared by her brother, Gargan plans to exploit the brother (Eric Rhodes) as the

(Continued on page 9)

Clearance Comes Up Before Campi Today

(Continued from page 1)

now in Miami on a vacation; Charles L. O'Reilly and Al Lichtman. With Flinn, the Campi delegates will go into a complete study of the changes in the coast schedule with the hope of approving them for definite action by Campi on Thursday.

The L. A. schedule is supposed to go into effect Sunday, according to a previous ruling, but unless the revisions are certified by Code Authority on Thursday, the plan will be held up until all parties are agreed upon the points at issue.

Patrons Chase Bank Night, Frisco Finds

(Continued from page 1)

develops the fact that patrons go from one theatre to another on the same night to get their names on the bank night prize lists. Opponents of the practice contend this makes every theatre in the city a competitor of every other.

Batteries of lawyers will fight for the bank nights when the case comes up. Some of them predict their appeals will go beyond Campi to the Federal courts.

Texas Circuits and Independents Expand

(Continued from page 1)

and Hargill, have theatres for the first time. Lee Palmer has opened the Robertson at Franklin, and Sydney C. Lockland has opened the Hargill at Hargill.

Deal for "Lost City"

S. S. Krellberg has closed with United Artists to handle sales of "The Lost City," feature and serial versions, in Argentine, Bolivia, Canal Zone, Central America, Chile, Cuba, Panama, Paraguay, Peru, Porto Rica and Uruquay. The picture is now in its sixth week at the Globe, New York, and has been booked over the metropolitan RKO circuit. It will also play Warner, Randforce and Skouras theatres in New York and New Jersey.

Protest Amateur Actors

A formal protest has been made by the American Federation of Actors to the NRA Administration in Washington and to Campi here complaining against the use of amateurs in picture theatres on the grounds that it is "an unfair trade practice and decidedly in contrast to the program sponsored by our President, and the purpose of the National Recovery Act."

Hoot Gibson to Produce

HOLLYWOOD, March 24.—First Division has turned over the two remaining Hoot Gibson westerns to the star to produce on his own, although the company will continue to finance and distribute.

Lee Trainer to Norfolk

NORFOLK, March 24.—Lee Trainer has succedeed J. F. Rogers as manager of the Strand, a Wilmer & Vincent house.

Barr at Winchester

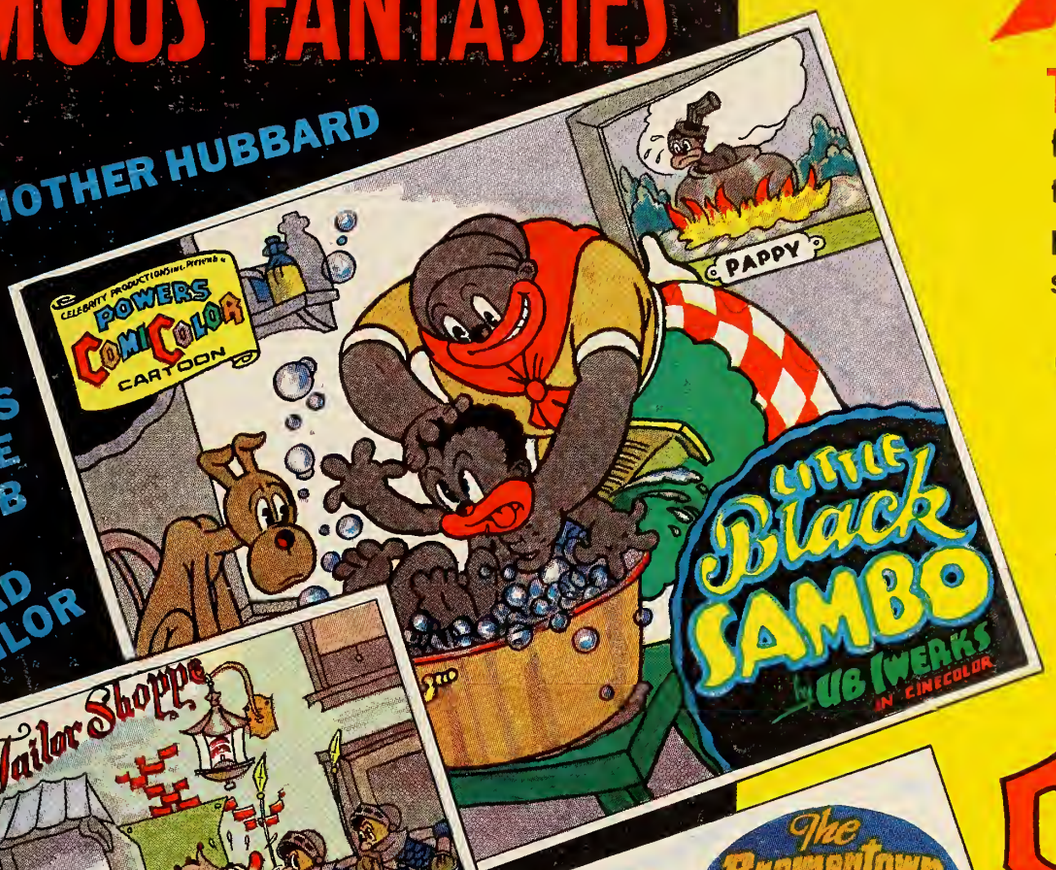
WINCHESTER, Va., March 24.—Stanley Barr has been made manager of the Capitol, a Warner house.

Exploiting FAMOUS FANTASIES

OLD MOTHER HUBBARD

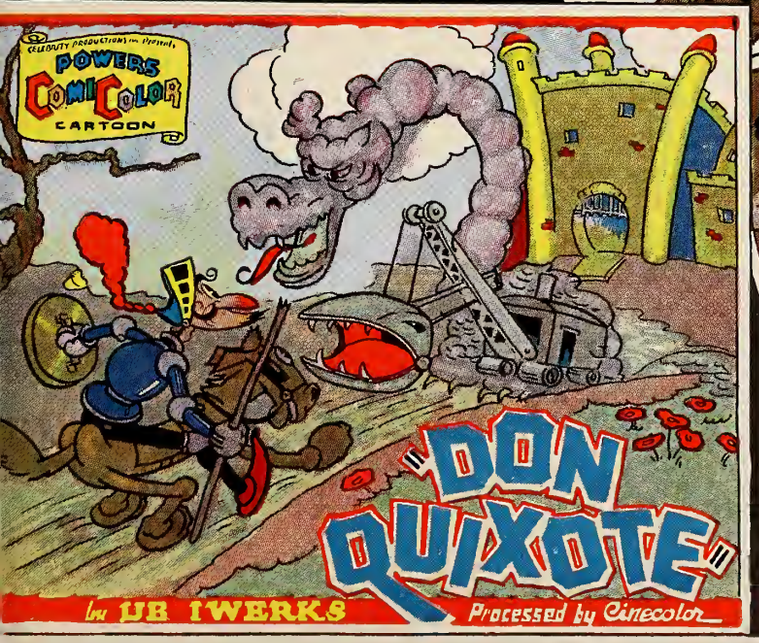
MARY'S LITTLE LAMB

SINBAD THE SAILOR





SPECIAL COLORED LOBBY DISPLAYS



Take advantage of these full-color lobby displays to exploit the tremendous popularity back of every story in the series.

19 FAMOUS TITLES TO ATTRACT PATRONAGE

Old Mother Hubbard	Jack and the Beanstalk
Mary's Little Lamb	The Little Red Hen
The Valiant Tailor	The Brave Tin Soldier
Don Quixote	Puss in Boots
Jack Frost	The Queens of Hearts
Little Black Sambo	Aladdin
Bremen Town Musicians	The Headless Horseman

and Five More coming

POWERS COMICOLOR CARTOONS *in* Cinecolor





CABLE ADDRESS:
CELEBRITY—NEW YORK

CELEBRITY PRODUCTIONS, INC.

723 SEVENTH AVENUE NEW YORK CITY

MONOGRAM GIVES YOU ANOTHER GREAT AMERICAN CLASSIC

Monogram Pictures
presents

The HOOSIER SCHOOLMASTER

with

NORMAN FOSTER

and

CHARLOTTE HENRY

Suggested by the
World Famous novel
by Edward Eggleston



MONOGRAM PICTURES

Directed by
LEWIS D. COLLINS
Adaptation and Screen Play by Charles Logue

Purely Personal

PRACTICALLY every part of the industry was represented on one plane arriving from the coast the other day. On the plane were JACK BENNY and MIRIAM HOPKINS, players; HARRY GOETZ, president of Reliance; A. J. MICHEL, tax expert for Fox; WILLIAM T. POWERS, attorney, and E. L. ALPERSON, booker and buyer for Fox West Coast; FRED PRIDE, of Hughes, Schurman & Dwight; ALFRED McCORMACK of Cravath, de Gersdorff, Swaine & Wood, the latter two firms prominent in the legal divisions of the industry.

•

ALICE WHITE has been set by the William Morris Agency to do a tour of personal appearances starting at the Oriental, Chicago, April 12.

•

HALSEY RAINES' show, "Heads or Tails," opens at the Brooklyn Little Theatre on April 1. RAINES wrote, produced and cast the show.

Quip of the Day

Rick Ricketson, Fox theatres division manager at Denver, who is an ardent golf devotee, expresses his aversion for bridge in no mincing words. "In my next contract," he told friends, "I want a clause stating I do not have to play bridge with anybody.

JEAN MUIR is planning to spend that vacation due her in New York looking over her first love, the legitimate theatre.

•

RICHARD NORTON, on the high seas bound for home, returns from England in two months for another visit.

•

JACK JOSSEY of Monogram returned to Cleveland Saturday. He was in town for a few days.

•

JOSEPH SILVERMAN, Majestic franchise holder in Oklahoma City, is in town for a few days.

•

CHARLES SKOURAS hopes to return to the coast either Wednesday or Thursday.

•

SAM COCALIS is back from Miami looking better than ever.

•

BUSTER KEATON arrives from Hollywood Saturday en route to England where he is due to make some more pictures for a British concern.

•

JACK BENNY says he will take the birds' route to the M-G-M studios on April 9. He is slated to start work in "Broadway Melody" on April 10, according to his one-picture contract, which also calls for an option on another picture. During his coast stay, BENNY will broadcast from Hollywood.

•

ALEXANDER MOISSI's death in Vienna late Friday caused regrets around town over the week-end. Vitaphone attaches recalled "The Royal Box" in which he starred a few years ago.

•

JOSEPH M. SCHENCK and AL LICHTMAN plan to go to the coast this week. LICHTMAN will probably stop off at a number of exchange centers en route.

•

ROBERT KATSCHER, composer of "When Day Is Done" and the music for "Wonderbar," left for the M-G-M studio yesterday.

•

IRVING SHER is now managing the Tower, formerly the Crescent, for LEFF & MEYERS.

•

JACK KAPLAN, operator of the Rivoli, S. Fallsburgh, is taking it easy at Miami.

•

J. J. UNGER arrives today from Miami, where he has been basking in the sun.

•

CLAUDETTE COLBERT left for the coast on the *Virginia* Saturday.

•

MAJOR LESLIE E. THOMPSON returns from Denver today.

•

LOU BERMAN flew out to the coast over the week-end.

•

. . . and in Atlanta

ARTHUR C. BROMBERG is vacationing in Florida for 10 days....W. B. FULTON has resigned from the sales force of United Artists....

•

. . . Baltimore

MAURICE COSTELLO, Palace burlesque house manager here for Minsky, had his hands full keeping the show going the other night when union musicians, stage hands and electrician were ordered out, said to be caused by trouble with tunesmiths in Minsky's New York house. . . . MAX COHEN, Oasis night club proprietor and brother of MOE and AL KOHN who run the Leader and Penington respectively, gives up running for president of the City Council. Says since he leaves politics a sadder and wiser man. . . . GENE FREELAND, Avenue theatre manager, likes music while setting his front for the next day, so he parks his auto in front of the house and turns on the radio. . . . JACQUES SHELLMAN, New Theatre publicity agent, to do a column of neighborhood movie news for the kiddies on Howard Burman's *North Baltimore Home News* tabloid. . . . It was a Miss *Livingston* whom *Paul Caplon*, proprietor of the New Elektra, Essex, Md., married the other day. . . . WILLIAM K. SAXTON invited all couples married over 50 years to see "The Wedding Night" at Loew's Century as their guests. It netted quite a lot of newspaper space. . . .

La Hiff's Tavern

A chop house of exceptional merit

156-8 West 48th St., N. Y. C.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"A Night at the Ritz"

(Continued from page 6)

world's greatest chef. He finds, after selling Rhodes to Berton Churchill, managing director of the Ritz, that Rhodes can't cook. After several amusing complications, the situation is saved when Rhodes' mother, who prepared the original meal, gets into the kitchen and prepares the food for the big banquet.

Director William McGann has squeezed much out of the comedy scenes, and the cast, which includes Gordon Westcott and Mary Russell, gives able support. Robert Shannon and Albert Cohen wrote the screenplay and Emanuel Seff the dialogue.

Production Code Seal, No. 609. Running time, 63 minutes. "G."

Wall Street

Warner Pfd. Up 1¾ on Big Board

	High	Low	Close	Net Change
Columbia vtc	41⅝	41⅝	41⅝	— ⅜
Consolidated	4½	4⅜	4⅜	.....
Cons. pfd (1v)	17¾	16½	17½	.....
Eastman (5)	118	117⅝	118	.....
Fox "A"	9⅝	9½	9⅝	+ ⅛
Loew's (2)	34⅞	34⅝	34⅝	— ½
M-G-M pfd	28	28	28	+1
Paramount	2⅝	2½	2⅝	.....
Pathe	¾	¾	¾	.....
Pathe "A"	13	13	13	+ ¼
RKO	1⅝	1⅝	1⅝	.....
Warner	2⅞	2¾	2¾	+ ⅛
Warner pfd	16¾	...	...	+1¾

Technicolor Gain 1 on Curb

	High	Low	Close	Net Change
Technicolor	18	17	18	+1
Trans Lux	2⅜	2¼	2¼	— ⅜

Paramount F. L. Bonds Rise ½

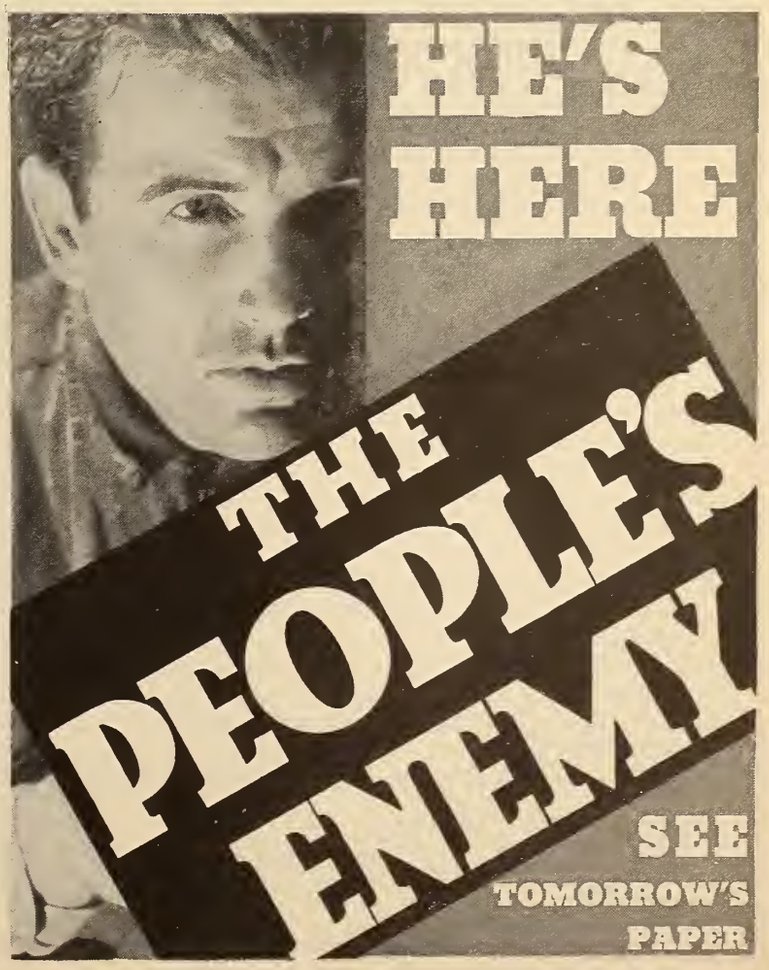
	High	Low	Close	Net Change
General Theatre Equipment 6s '40	7⅛	7⅛	7⅛	.....
Loew's 6s '41 ww deb rights	104¾	104¾	104¾	— ¼
Paramount F. L. 6s '47	72	71½	72	+ ½
Paramount Publix 5½s, '50	73½	73⅜	73½	.....
Warner Bros. 6s '39 wd	49¾	49¾	49¾	.....

(v) Defaulted in principal but not in interest.

(Quotations at close of March 23)

Shubert Leases Bowl

HOLLYWOOD, March 24.—J. J. Shubert has taken over the Hollywood Bowl for June. He plans to stage there "Blossom Time," "Lady in Ermine" and "Maytime," bringing his featured players from New York and filling in with picture people.



Tax, Racing Bills Appear In New Spots

(Continued from page 1)

rules set down for employment, competition, financing, distribution and operation.

The plan for a study of billboard and other outdoor advertising is contained in a Senate bill. One Senator and three House members will make a survey and a report by the first Wednesday in December.

Push Conn. Race Bill

HARTFORD, March 24.—Prospect of horse racing has become a real worry to Connecticut exhibitors. The measure passed by the House has been reported favorably by the Senate Judiciary Committee. It is looked upon so favorably that an amendment has been proposed so that no town granting a permit can withdraw it for two years.

Exhibitors headed by Edward G. Levy, secretary of the M. P. T. O. unit, and A. H. Lockwood of Middletown are working for a bill aimed to prohibit marathons.

A stench bomb bill has been killed in the House.

Kill 10% Tax in Texas

AUSTIN, Tex., March 24.—A bill calling for a 10 per cent admission tax has been killed in the House. Judge R. L. Walker, president of the M. P. T. O. Protective Ass'n, led the opposition.

Wisconsin Tax Bill In

MADISON, Wis., March 24.—The Carow bill calling for a four per cent tax on grosses and an annual license fee of $5 has been introduced in the House.

Depinet Attacks His Indictment as Vague

(Continued from page 1)

will be argued by Bruce Bromley, special counsel for Depinet, in Federal court at St. Louis, April 1. The demurrer is being made on the grounds that the indictment does not state sufficient facts to indicate the commission of a crime by Depinet.

The tentative trial date on the indictments, which were also returned against Warners and Paramount officials, will be set back after April 2 while the court has the Depinet demurrer under consideration.

Gets Western Series

Advance Film Exchange has closed a deal with Spectrum Pictures to handle metropolitan distribution of Bill Cody westerns produced by the latter company. The first of the series, "The Cyclone Ranger," has been completed.

Lou Brock Out of Fox

HOLLYWOOD, March 24.—Lou Brock is out of Fox as a result of his failure to agree with Winfield Sheehan on the manner of handling the production of "Adios Argentine." The picture will be handed over to another producer. Brock has no plans.

MAJOR DISTRIBUTION FRANCHISE PLAN

An Invitation to Men Experienced in Motion Picture Exhibition and Distribution

1. A NEW producing company has been organized, amply financed to produce from twelve to twenty pictures the first year, season 1935-36.

2. THESE pictures produced under the supervision of able executives in the motion picture industry.

3. THOUGH the making and marketing of motion pictures represent two separate and distinct phases of operation the two are inseparable and essential.

4. THEREFORE this invitation is extended to men of experience in the motion picture trade in all territories to participate in the organization of exclusive distribution exchanges in their respective territories.

5. THOSE who are able to participate financially in this cooperative method of distribution reply.

6. THIS plan of operation is similar to the former First National Distribution Franchise plan. Liberal financial cooperation extended by this company to men who are able to meet every requirement for intelligently associating themselves with this project.

7. PLANS completed and ready for immediate operation.

If interested give full details as to your past connections and financial ability for participation.

Box 1000, MOTION PICTURE DAILY, 1790 B'way, New York

Start of Lent Cuts Takes In Key Cities of Country

(Continued from page 1)

cities—Kansas City, Minneapolis, Montreal, Omaha, Providence and Seattle—failed to show gains over the previous week.

Comparative weekly totals:

	Week Ending March 14-15		Week Ending March 7-8	
	No. Theatres	Gross	No. Theatres	Gross
Boston	6	72,000	6	69,500
Buffalo	5	48,300	5	40,000
Chicago	8	127,000	8	51,000
Cleveland	6	58,900	6	45,300
Denver	6	24,500	5	22,500
Detroit	6	85,000	6	78,900
Indianapolis	5	26,000	5	22,700
Kansas City	5	33,200	5	43,800
Los Angeles	10	76,834	10	76,300
Minneapolis	6	23,500	7	23,900
Montreal	4	29,000	4	35,500
New York	10	266,500	10	223,300
Oklahoma City	4	17,600	4	12,900
Omaha	5	26,300	4	31,200
Philadelphia	9	87,600	10	86,600
Pittsburgh	6	55,750	5	54,600
Portland	6	31,300	6	30,500
Providence	6	45,700	7	47,300
San Francisco	7	92,000	7	74,750
St. Paul	5	17,500	5	15,800
Seattle	6	30,300	7	34,400
Washington	7	83,600	7	74,900
	137	1,358,384	139	1,295,650

Comparative grosses for the latest available periods:

Week Ending	Theatres	Grosses
Sept. 27-28	132	$1,419,815
Oct. 4-5	132	1,412,844
Oct. 11-12	132	1,344,137
Oct. 18-19	131	1,385,533
Oct. 25-26	133	1,386,935
Nov. 1-2	135	1,288,992
Nov. 8-9	134	1,386,736
Nov. 15-16	133	1,389,743
Nov. 22-23	136	1,305,450
Nov. 29-30	137	1,369,576
Dec. 6-7	136	1,401,989
Dec. 13-14	135	1,244,610
Dec. 20-21	135	1,070,800
Dec. 27-28	139	1,408,788
Jan. 3-4	141	1,719,887
Jan. 10-11	138	1,361,450
Jan. 17-18		
Jan. 24-25	138	1,251,130
Jan. 31-Feb. 1	137	1,354,350
Feb. 7-8	135	1,332,415
Feb. 14-15	136	1,381,960
Feb. 21-22	137	1,318,630
Feb. 18-29	140	1,405,417
March 7-8	139	1,295,650
March 14-15	137	1,358,384

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Schenck Conferring On New M-G-M List

(Continued from page 1)

annual sales meet scheduled here some time in May, but nothing definite will be decided for another month.

Set RKO-M.&S. Hearings

Resumption of arbitration hearings on the RKO-Meyer & Schneider breach of lease charges involving the Hollywood and Apollo is scheduled for Thursday, following several recent postponements.

Report Lamp Price Cut

Reports are current that starting April 1 all Mazda lamps will be reduced 20 per cent, netting exhibitors considerable savings.

Milwaukee House in Row with Newspaper

MILWAUKEE, March 24.—A merry battle is waging here between *The Milwaukee Sentinel* and the Fox Alhambra over the showing of Texas Guinan's "Hotcha Girls."

Fox has dropped its advertising from the *Sentinel*, which in turn has pointed the spotlight upon sex shows at the house. Pictures played by the theatre have included "Narcotic" and "Guilty Parents," with the "Hotcha Girls" as the current attraction.

When District Attorney William A. Zabel confiscated lifelike cardboard models from the lobby the paper gave the raid front page publicity. The Alhambra nonchalantly declared: "Advertising in This Space Confiscated. Show Going on As Usual."

WAR!

The topic on everybody's tongue...
The fear in everybody's heart . . .

TODAY'S FRONT PAGE NEWS

Smart exhibitors will show their public what war means . . . to people and to nations . . . in the two greatest war dramas ever to reach the screen:

"THE FIRST WORLD WAR"

"THE WORLD MOVES ON"



Phone your FOX Exchange immediately!

BOOK THEM NOW!

FOX

Lynch to Set Loew Chicago Theatre Deals

(*Continued from page* 1)

because of the distributors' demands for 12 pictures on percentage arrangements.

The Essaness circuit, with 23 houses, is among the group. Edwin Silverman, president, returned from New York a few days ago after attending a code appeal hearing. He talked to Felix F. Feist, general sales manager of M-G-M, on the phone, prior to his departure, but there is no change in the situation.

Thomas W. Lamb, architect, is due Monday or Tuesday from Kansas City. He will confer with Lynch and both will return to New York after the deals have been set.

Joe Vogel, Louis K. Sidney and David Bernstein will not visit here this week. Sidney has made several trips to look over locations, but now that he has taken over supervision of WHN in New York he will spend most of his time at the home office in the future.

Lynch, up until a few months ago, held a 15-year franchise for M-G-M product in Philadelphia.

B'way Dull, Except Music Hall, Para.

(*Continued from page* 1)

Gap" was very good at $38,000. It bows out tomorrow night to make way for "Private Worlds" on Wednesday. "The Wedding Night" at the Rivoli for the first week tallied a nice $32,000, and "Gold Diggers of 1935" hit $24,500 during its first seven days at the Strand.

"Let's Live Tonight" at the Roxy wound up with $26,200, while the Capitol's holdover week on "After Office Hours" was 'way off at $20,000. "Sweet Music" at the Palace was fair with $8,000. "High School Girl," at the Astor, hit the skids with a poor $4,200, while "Times Square Lady" at the Mayfair got $6,300.

To Do Play on Pepys

HOLLYWOOD, March 24.—W. P. Lipscomb, British playwright, at present under contract to 20th Century, and also working on the script of "A Tale of Two Cities" at M-G-M, is writing a new play based on the life of Samuel Pepys, in collaboration with Arthur Bryant. The play will contain new material just discovered by Bryant in hitherto unpublished diaries of Pepys.

Lipscomb plans to produce the show in Hollywood before doing it in England, as his picture contracts will not permit the trip abroad for some months.

More Springfield Men

SPRINGFIELD, O., March 24.—Lee Euring, recently appointed manager of the Hippodrome, has resumed his former position as assistant at the Regent. Louis Harris, who succeeded Euring at the Regent, has returned to the Fairbanks as assistant manager. All are Chakeres-Warner houses.

Throttle Pushing

By H. E. N.

BROOKSVILLE, FLA.

Bob Quellett, a Marcus protege from the Rocky Mountain section and formerly of Flagstaff, Ariz., is now running a real show-shop down here. One of those Gulf gentle zephyrs, blowing 40 miles to the gallon, laid low the power lines the other night. Hence, the good people of this town could not see "Handy Andy." Gordon Weeks, projectionist for this theatre, knows his tubes and reverberations.

STARKE, FLA.

Mina Manassa, charming owner of the Ritz, is bemoaning the fact that Florida had a severe freeze this winter and that the orange and strawberry crop will be very short. Not many tourists for this section, so business is away off.

FT. MYERS, FLA.

"Hunt at Home" is as good a title for this short as any. Boss Ed Sparks, of the United Theatres, Inc., so they say, spent some $500 on a deer hunting trip into the wilds of Mexico recently, accompanied by such genial souls as Claude Ezell, Jules Levy, Fred Jacks and others, but got no deer. The other day Sparks' manager killed a deer in the lobby of the Sunrise in this city with a baseball bat.

KISSIMMEE, FLA.

Fred O. Mullen states they can give this town back to old Chief Kissimmee, the way business is at his Arcade. Evidently the last freeze down here is no laughing matter for the boys in sections where they did not have the tourist crop to tide them over for the summer. Fred had taken over the Granada at St. Cloud from Harry Bott before the thermometer dipped so low. He is also operating the Crescent, Dade City, and the Vivian, Lacoochee, which he has closed. Mullen hails from Plattsburg, N. Y.

LAKELAND, FLA.

"The House by the Side of the Road," the office of the United Theatres, Inc. Here we meet such courteous hosts as B. B. Garner, general manager of theatre operations; M. C. Talley, secretary and treasurer, and last but not least, F. L. Alig, auditor. Fisherman all, at least, they talk a good fishing trip. United is now operating some 70 theatres but will close 20 houses which are classed as seasonal, April 1. Their Lyric, Gainsville, was recently remodeled at a cost of $10,000. The Garden, Tampa, remodeled, cost $6,000; the Nebraska, Sulphur Springs, remodeled, cost $6,000 and the name changed to the Roxy. Unit vaudeville, which has been playing over the United time on a 21-day booking, has been reduced to 11 days and will possibly be discontinued altogether by April 1. Garner stated, while they have enjoyed a very successful season due to the influx of visitors, they will undoubtedly have a poor summer owing to poor crop conditions.

DEMOPOLIS, ALA.

L. J. Duncan of West Point, Ga., is building a fine house which will run in opposition to M. C. Webb who operates the Lido here.

ACEWORTH, GA.

V. S. Golden, owner of the Aceworth, has taken over the Ritz, Clarkdale, Ga. This is the home of the Clark Thread Milling Co.

TUSKEGEE, ALA.

The only twin theatre in the United States will open on or about April 15 here. It will be known as the Macon and is being built by the Macon Theatre Co., costing, it is said, $40,000. Both auditoriums will seat 400 and have a separating fire wall, one booth containing four machines will project simultaneously one or two pictures. This house will have two separate stages and ventilating systems, one marquee and two box offices. This town, being the home of the colored Tuskegee Institute, is the reason for this arrangement as this class of patronage demand something better than a balcony. The other side will be used for the white patronage. National Theatre Supply Co., J. C. Brown, manager, of Atlanta, will fully equip the theatre.

ATLANTA, GA.

We are now officially in the land of the three G's (grits, gravy and grease). True Southern hospitality with no open season "on reductions," as business looks fine all through the state. It is good to greet the real pioneers of the business in this territory. They go on year after year either in the exchange field or as exhibitors. We refer to "Snake" Richardson, Walter Brandenburg, "Shag" Jordan, Arthur Bromberg, Capt. J. A. Rebb, Arthur Lucas, Bill Murray, Homer Edenfield, Oscar Lam, Oscar Oldknow, Hugh Manning, Herman Wink, Tony Sudekum, Louis Rosenbaum, Charlie Crute, Frank Dowler, No. 1 and P. H. Savin, dean of all bookers. The old Southern Express Co. lost some good drivers when they let Richardson, Brandenburg and Jordan go. Tom Branon, President of Affiliated Producers, Inc., will move April 1 from the Samuels Bldg., which has been leased by Paramount. Affiliated will have new quarters on the second floor of the Warner Bldg. This popular exchange has scheduled for early release Edgar Rice Burrough's new adventures of Tarzan, which will be released as a seven-reel feature and a 12-episode serial. It is being filmed in Guatemala.

Sam Moscow, district sales manager, Columbia, held a general sales meeting of all his branch managers here this week. Those attending were Jack Underwood, Dallas; Huston Duval, New Orleans; W. W. Anderson, Atlanta; Jimmie Rogers, Memphis; Len Stocker, Oklahoma City; Bob Ingram, Charlotte. This meeting was held to take up the matter of liquidation of contracts and the adoption of a uniform sales policy. C. P. Lester, division manager of the Southeast for National Screen Service, is hard at work trying to lift another championship sales banner. He is leading the 15th anniversary contest at the half way mark, but is getting some real competition from Wallace Walthall, Dallas, and Jack Flannery, Seattle. Ralph E. Peckham of the Mayfair Exchange, announces purchase of "The Wandering Jew" for early release in eight Southern states. This is the picture that had a run at the Criterion, New York. It is now on its fourth week in Boston. A special trade showing will be given to southern exhibitors here at Atlanta in a few weeks.

SERVICE STATION STOP!

If you wish to reach the writer while in Georgia, P. O. Box 1377, Atlanta, will do the trick.

Brandt-S. & C. Acquisitions 'War' Growing

(*Continued from page* 1)

months ago when Brandt took over the Victory, Bayside, in S. & C. territory. The latter circuit has the Capitol. Protection moves were made by Brandt immediately on his entrance into the situation with the result that S. & C. demanded and got increased clearance over the Victory.

Later the issue veered to Brooklyn where Brandt acquired the Tivoli which is in the same area as the St. George and Heights, S. & C. theatres. Again protection demands were made by Brandt and again his efforts proved in vain.

Brandt has been looking for a number of theatres in S. & C. situations. He is already represented in several spots competitive to Consolidated Amusements, which has a long term operating arrangements with S. & C. Likewise, Springer & Cocalis have scouts out after additional prospects, particularly in Brandt territory.

Harry Brandt is reported after the Beacon, now being run by Cocalis and Springer. He doesn't deny he is negotiating with the bondholders for the property. The I.T.O.A. president recently opened the Tudor on Third Ave. and 42nd St., for which he expects to draw class trade from Tudor City. The theatre was completely remodeled at a cost of $15,000 with Joe Hornstein in charge of the renovations.

S. & C. plan to open the new Tribune on Nassau St. about April 1. The same circuit also is building in the Pelham Bay section of Westchester Ave., where it already has three houses, the Castle Hill, Ward and Rosedale.

F. D. Buys 2 Exchanges

LOS ANGELES, March 24.—First Division is completing negotiations with Sam Berkowitz for his interest in an independent exchange here and San Francisco. Al Friedlander will assume temporary charge until the new forces are lined up.

GET READY...

for your biggest money-maker!! Universal's

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THE MONEY SERIAL OF THE YEAR!
FANTASTIC!
SPECTACULAR!
THRILLS!
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The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 71 NEW YORK, TUESDAY, MARCH 26, 1935 TEN CENTS

Hays Predicts More Classics On the Screen

Originals to Gain, Too, He Says in Report

More pictures based on literary classics, in spite of the large number of these turned out in recent months, and also an increase in the number of screen originals are predicted for next season by Will H. Hays in his annual report to the M.P.P.D.A.

The report was submitted yesterday at the annual meeting of directors. All officers and directors of the organization were reelected at the meeting. Officers are: Will H. Hays, president; Carl E. Milliken, secretary; Frederick L. Herron, treasurer; George Borthwick, assistant treasurer. Directors are: M. H. Aylesworth,

(*Continued on page 4*)

S. & C.-Consolidated End Operating Deal

Laurence Bolognino, head of Consolidated Amusements, and Jack Springer and Sam Cocalis of the Springer & Cocalis circuit have called it quits and are dissolving Trio-Consolidated, the joint operating company for the two circuits which was formed last August.

All Consolidated houses will revert to Bolognino, while Springer and Cocalis will resume operations of their former circuit. All interests continue on friendly terms, but couldn't agree on policy, which caused the rupture.

Films Are in Boom, Says Miss Perkins

SAN FRANCISCO, March 25.—The film industry is booming, declared Secretary of Labor Frances Perkins in an address before a labor legislation conference here today.

Miss Perkins declared that in 1934 the nine principal companies converted a net loss of $1,079,000 in 1933 into a net profit of $10,455,000. More workers were employed in Hollywood during January, she said, than during any January for the past six years.

Mayor Is Asked to Give Quigley Plaque

Mayor LaGuardia has been asked to present the Quigley silver plaque for February to R. E. Knight, manager of the Fairmount, Fairmount,

(*Continued on page 2*)

Canada Music Fee Increase Stirs Uproar

Theatre Jump Is 10 to 20 Cents on Each Seat

TORONTO, March 25.—Theatre and allied interests of the Dominion are in an uproar over the action of the Canadian Performing Rights Society in filing a new schedule of fees with the Canadian Government for performance privileges which is from two to three times greater than the previous license charges.

Film theatres are among the hardest hit with an increase of from 10 to 20 cents per seat per annum for houses operating more than three days per week and from five to 10 cents

(*Continued on page 4*)

Production Rises; 38 Features Going

HOLLYWOOD, March 25. — Production registered a decided increase last week over the preceding week with a total of 38 features and eigh shorts in work as compared to 33 and seven for the previous period.

M-G-M led with seven features in work, two preparing and seven editing. Warners had seven, one and

(*Continued on page 2*)

Songwriters Take Up Contract with Ascap

LOS ANGELES, March 25.—With the contract between the Songwriters' Protective Ass'n. and Ascap due to expire shortly, and with the failure of several music publishers to sign a

(*Continued on page 4*)

Time on Hands

With the long drawn-out case coming to a close members of the local clearance and zoning board hearing the Century-RKO issue are now giving serious thought on what to do with their spare time.

K-A-O's 1934 Loss Down to $176,316

Keith-Albee-Orpheum Corp. reports a decided improvement in 1934 operations over the previous year. The net loss for 1934 was $176,316.15. For 1933 it was $642,293.

The balance in the deficit account is now $2,936,212.96. It was reduced during 1934 by $154,070 received as a discount on retired bonds and an adjustment of $36,777.57 on prior years' taxes and other items.

Total income in 1934 from theatre admissions, rents and other items was

(*Continued on page 4*)

Set Tentative Deal On Para.-Lasky Pact

A tentative agreement has been reached in settlement of Jesse L. Lasky's $282,000 claim against Paramount Publix for alleged breach of an employment contract, it was learned yesterday.

Lasky claims that events leading up to his departure from Paramount in 1932 constituted an "improper discharge." He was asked to take an

(*Continued on page 4*)

Campi Men Studying Report from Flinn

Following individual meetings with John C. Flinn yesterday, members of the Campi clearance and zoning committee are studying a 29-page report

(*Continued on page 4*)

Purely Personal

LARRY DARMOUR didn't leave for Hollywood yesterday, but hopes to wind up those conferences with HERMAN GLUCKMAN and E. H. GOLDSTEIN any day now.

•

JACK COHN and ABE MONTAGUE are coastbound, using combination rail and 'plane accommodations. They left Sunday.

•

GEORGE CUKOR is in town for a short stay. He will make a tour of the playhouses before returning west.

W. L. PARKER, manager of the Amity exchanges in Atlanta and Charlotte, arrived in town yesterday for a week's conference. He was accompanied by JOHN H. CONSENTINO, Amity's special representative.

•

AL LICHTMAN left for Chicago yesterday and after a few days in the Windy City will head for Hollywood.

•

LEW SCHRIEBER, 20th Century's casting director, is here from the

(*Continued on page 2*)

Para.-Erpi Service Deal Agreed Upon

Same as All Others with Back Payment Assured

New Erpi sound equipment servicing contracts will be offered to Paramount theatre operating units on the same basis and at the same rates as those being offered all other exhibitors, it was learned yesterday shortly after the conclusion of protracted negotiations between Paramount operating partners and Erpi.

The negotiations were begun with the first offering of new Erpi servicing contracts several months ago, and lower rates for Paramount houses on the basis of volume contracts were a principal consideration in the discussions. The negotiations brought about a general meeting of the principal

(*Continued on page 2*)

Delay Expected in Trial at St. Louis

Doubt is expressed in local film circles that the St. Louis anti-trust hearings will be held April 2, as tentatively scheduled. General opinion is that the trial will not come up for several months.

About two weeks ago, Ned Depinet, president of RKO Radio Distributing Corp., pleaded "not guilty." Paramount and Warner executives indicted will plead at the time of the trial by arrangement with the St. Louis Attorney General's office.

Ohio Income Taxes Rise 41% in a Year

COLUMBUS, March 25.—Washington dispatches show that Federal income collections in Ohio, both personal and corporation, totaled $8,446,030.55 between March 1 and 15, inclusive, an increase of 41 per cent over the corresponding period of last year. Statisticians say that, taking this as a reliable business barometer, conditions in Ohio have not only improved substantially over a year ago, but the gain has been relatively much larger than that for the country as a whole.

Al Jolson Gets New Pact from Warners

HOLLYWOOD, March 25.—Al Jolson, with Warners six years, was signed to a new contract before he left for New York, it was revealed today.

Jolson arrived here yesterday.

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Henry Weinberg Ailing

BALTIMORE, March 25. — Henry Weinberg, proprietor of Henry's Theatre, Hagerstown, Md., is at present undergoing observation at Johns Hopkins Hospital here for an internal ailment. He was visited by Sidney B. Lust of Washington, the other day.

Cohen Out of Danger

Maury Cohen of Invincible Pictures, who underwent an emergency operation for a ruptured appendix last Monday, was reported out of danger yesterday. He is at the Mt. Vernon Hospital.

Brandt to Be Reelected

Harry Brandt will be reelected president of the I.T.O.A. tomorrow at a meeting of the unit at the Astor. He is unopposed on the slate.

MITCHELL MAY, Jr. COMPANY
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SPECIALISTS IN FILM and THEATRE INSURANCE
75 Maiden Lane New York
510 W. 6th St. Los Angeles Cal.

Purely Personal

(Continued from page 1)

coast in search of talent. He's making his headquarters at the United Artists offices.

•

ARTHUR LOEW, MORT SPRING, AL LICHTMAN, EDWARD SCHNITZER, JOE HORNSTEIN, LAURENCE BOLOGNINO, JOHN C. FLINN, TYREE DILLARD, JR., HERMAN GLUCKMAN, BUDD ROGERS, ROBERT WOLFF, GUS EDWARDS, E. M. SAUNDERS, TOM CONNORS, HERBER T. SILVERBERG, SIDNEY JUSTIN, CHARLES GOETZ, CHARLES LEONARD, ED FINNEY, HARRY and WILLIAM BRANDT, NAT COHN and LOUIS PHILLIPS were among those lunching at the M. P. Club yesterday.

Quip of the Day

Ali Gaga thinks that with the Supreme Court 55 5/9 per cent for the 59 cent dollar, Warners may have to change the title to "Gold Diggers of (About) 1160."

CLYDE ELLIOTT, who will produce "China Roars" for Columbia release, and his cameraman, CARL BERGER, hope to leave for the coast the end of the week. In Hollywood they will pick up the rest of the crew which is going to China to make the picture.

•

ROGER PRYOR'S hurried plane trip here is merely to enable him to appear on RUDY VALLEE'S hour Thursday. He'll return to the coast immediately after the broadcast.

•

WILLIAM KUPPER arrives in Des Moines from Omaha today. Later in the week he'll be in Kansas City and then he will go south.

•

GEORGE WEEKS returned yesterday from a five-day trip to Gaumont British exchanges.

•

ROGER FERRI leaves today for Atlanta to put on another "Baboona" airplane stunt.

•

BENJAMIN GLAZER is due from Hollywood the end of the week. He'll look over the play and talent mart.

•

JOSEPH BERNHARD has gone south to recuperate from a breakdown. He'll be back in about two weeks.

•

BEN PIAZZA and WALTER FUTTER are slated to arrive from Hollywood today.

•

HAROLD RODNER expects to fly to the coast the end of the week.

•

AUSTIN C. KEOUGH is taking in the shore breezes at Atlantic City.

•

HARRY D. BUCKLEY is out of town on a short trip.

•

HAL HORNE gets in from the coast today. HERB JAEDIKER is with him.

•

MAUDE HOWELL, who was recently signed by G.B. for the next two George Arliss pictures and who sailed on Friday aboard the *Majestic,* is not an actress but a writer and an associate director in which capacities she has been associated with Arliss films for many years.

•

JOSEPH M. SCHENCK weaving his way down Broadway through a noontime crowded sidewalk a symphony in green—even to his socks.

•

TOM CONNORS leaves for Canada this week on a trip to M-G-M exchanges.

•

. . . Cincinnati

JOE PENNER being entertained and is entertaining at various local civic organizations....THURSTON, magician, said, when here, this was his last road tour. Too strenuous for his years.... HAROLD HARRIS, Columbia exploiteer, contemplating brief holiday in New York when and as he can determine whether train or bus fare is cheaper ....TRACY BARHAM, head man, Southio Theatres, Inc., in New York on business....

•

. . . Cleveland

PAUL GUSDANOVIC has returned to his job as head of his local circuit after six weeks in Florida. . . . DAVE CHATKIN, due here after a month in Florida, wired his office that he's staying a little longer. . . . SIDNEY DANNENBERG, Warner publicity man, made a hit with his trailer at Warners' Hipp when he invited the audience to applaud "Roberta" right out loud. . . . BOB DREW, brother of M-G-M's FRANK DREW, has signed up with First Division as sales representative in the Toledo territory. . . . JACK FLANAGAN, prexy of Tri-State M. P. Co., is back from a business trip to New York. . . .

Mayor Is Asked to Give Quigley Plaque

(Continued from page 1)

W. Va. The presentation will be made at a luncheon to be given at the M. P. Club on April 2 in connection with "The Show of Showmanship," which opens there on April 1 for a four-day run.

Knight, whose campaign on "Devil Dogs of the Air" won him the plaque, will be there in person. The program will be broadcast over WHN and WMCA.

"The Show of Showmanship," sponsored by *Motion Picture Herald* and the M. P. Club, will be an exhibition of publicity, advertising and exploitation campaigns submitted to the Managers' Round Table Club of the *Herald.*

Kent Going to Coast

Sidney R. Kent, president of Fox and National Theatres, leaves for the coast this week on a two-week visit to the studios for production conferences. Departure date is not set, but it may be tomorrow or Friday.

Para. Holds King Vidor

HOLLYWOOD, March 25.—King Vidor's one-picture deal with Paramount has been extended to two years. He will work directly under Ernst Lubitsch as director and producer. His first film will be "So Red the Rose."

Minnesota Tax Looms

MINNEAPOLIS, March 25.—A bill calling for a 10 per cent ticket tax has been introduced in the Legislature here.

Para.-Erpi Service Deal Agreed Upon

(Continued from page 1)

Paramount theatre operating partners with C. W. Bunn, Erpi general sales manager, in New Orleans during January. The meeting represented about 350 Paramount theatres. Among those attending it were Barney Balaban of B. & K., Chicago; Karl Hoblitzelle of Dallas, E. V. Richards of Saenger Theatres, New Orleans; A. H. Blank, Des Moines; R. B. Wilby of Wilby-Kincey, and William Jenkins of Lucas & Jenkins.

With the conclusion of the negotiations, all Paramount operating partners will effect individual servicing contracts for their theatre units. No further attempt will be made to effect blanket contracts for the Paramount houses on any basis other than that being generally offered to the theatre industry, it was stated. The first of the individual contracts will probably be closed this week for the Wilby-Kincey and B. & K. units.

Lower Rates Possible

The new Erpi servicing contracts make appreciably lower rates possible to exhibitors by offering a choice of three service classifications instead of the former standard contract providing for 26 service calls per year. The new pacts will include, in addition to the 26-call contract, one for 17 calls annually and a third for 12 calls annually. Each will be at proportionately reduced rates.

The Paramount pacts, in addition, will call for the full payment to Erpi of accumulated service charges wherever these were suspended during the receivership or bankruptcy of Paramount theatre units and where they remain unpaid.

Special Master John E. Joyce will be asked today to approve the settlement of Erpi's $1,900,000 claim filed against Paramount Publix in the latter's reorganization proceedings. Terms of the settlement make Erpi a general creditor of Paramount for $1,200,000 and also provide for new domestic recording license agreements, already worked out and representing, in some instances, reductions of 80 per cent as compared with former rates. Similar new agreements have also been made by Erpi with Warners and those with other companies are in process of negotiation. Details of the agreements were published in MOTION PICTURE DAILY of Feb. 4.

Production Rises; 38 Features Going

(Continued from page 1)

six; Fox, six, five and four; Radio, four, three and six; Paramount, three, one and four; Columbia, three, four and four; Universal, two, one and three; Century, one, zero and two, while the independents registered a total of five, two and four.

In the short subject field Columbia reported two working, one preparing and one editing. Roach had one, one and three; M-G-M, zero, three and four; Universal, zero, two and one; Radio, zero, one and one, while the independents had five, three and four.

Celebrate

MAE DAY



MAY FIRST

Paramount Pictures

Hays Predicts More Classics On the Screen

(Continued from page 1)

R. H. Cochrane, Jack Cohn, Cecil B. DeMille, Ned Depinet, Sidney R. Kent, Jesse L. Lasky, Sol Lesser, Hal E. Roach, David Sarnoff, Joseph M. Schenck, E. W. Hammons, Will H. Hays, Frederick L. Herron, Nicholas M. Schenck, Albert L. Warner, Harry M. Warner and Adolph Zukor.

The prospective increase in originals is hailed by him as a good sign, because "the industry cannot afford to rest its achievements upon material adapted from the book shelves or from current stage productions.

"The photoplay," he says, "is necessarily a combination of many existing arts—literature, drama, music, painting, dancing, photography—but it is likewise an independent form of expression demanding its own creativeness and initiative. It is an encouraging sign to note, therefore, that an increasing number of original screen plays, many of them of a serious, socially-conscious nature, are being planned by our studios.

"A compilation of source material based on features reviewed and approved by the association during the past calendar year, shows the following classifications, as indicated by percentages:

"Orginal screen plays, 40 per cent; adapted from classics, novels and short stories, 40.5 per cent; adapted from stage plays and musicals, 19.5 per cent."

Deplores Cycles in Production

Hays takes a definite stand against cycles in production.

"Banality, itself, is a form of bad taste," Hays continues, "and the imitativeness that results in a 'cycle' is a reproach to a recreational medium which serves an universal public—a public which demands an ever-changing entertainment fare. So it is gratifying that an indicated increase in the number of original screen plays now being planned for production by the leading studios seems to guarantee that variety as well as quality will continue to mark the progress of the motion picture."

There has been a marked improvement in quality and technical advances have also been made, Hays declares. Improvement in public taste has caused an advance in film quality, he states.

"Pictures produced upon a higher standard of appeal," he continues, "have brought a new strata of attendance to the motion picture theatre. The artistic and cultural content of many of the present films is of a character to attract thousands who have heretofore considered the screen an inferior form of entertainment, artistically and culturally limited by the need of appealing to an universal audience. Today many great pictures projected from the screen are not only encriching the lives but endowing the minds of their audiences."

Discussing technical gains, Hays says: "The echoes of the debate as to whether sound was a curse or a blessing to an art that had adjusted itself to pantomime have not yet died down. But it is abundantly clear now that the great pictures of the 1934-35 season based on literary and dramatic values heretofore unattainable on the screen could not have been achieved without the new dimension of sound."

Report Warners to Rush New Building

HOLLYWOOD, March 25.—Warners are reported to be speeding up plans for the start of work on new stages and settings to replace the area burned in the recent fire.

Costs are estimated to run over $1,000,000.

The film colony is interested in the move, as it comes in the midst of the agitation for moving out of the state in case the tax program pending in the legislature is enacted.

Nat Levine, president of Mascot, is reported to be considering an offer from Paul Ralli, president of the Las Vegas (Nev.) Chamber of Commerce, for 50 acres of land free of charge and without local taxation as a studio site.

Florida Gets Excited

TAMPA, March 25.—Florida is all pepped up over the visit of Fred Pelton, M-G-M representative, who is touring the state inspecting possible studio sites as a result of the high tax program pending in the California legislature.

Following a call issued by the State Chamber of Commerce a general conference was held in Miami yesterday. Frank M. Traynor, president of the Tampa chamber and vice-president of the state body, represented this city at the gathering.

A special committee named by Governor Sholtz is touring the state with Pelton.

Governor Sholtz has conferred with Pelton at Tallahassee, as the Legislature goes into session next week and taxation exemption measures may be brought up, if the possibility of getting production to move to this state seems to warrant action.

K-A-O's 1934 Loss Down to $176,316

(Continued from page 1)

$13,823,731.25. In addition, there was an income of $759,739.62 from dividends on investments in other companies, interest earned, profits on sales of investments, etc.

Operating expenses totaled $1,516,760.50. Depreciation and amortization of capital assets totaled $925,549.63. Other charges, including interest and discount, losses on capital assets, provisions for losses by affiliates, totaled $898,327.09. Income tax provisions was $47,500. Total assets are listed as $27,173,439.50.

Committee Meets Set

HOLLYWOOD, March 25.—Five subcommittees of the Research Council of the Academy are scheduled to meet here this week. They are: reel length, J. M. Nickolaus, chairman; uniform screen illumination, John Aalberg, chairman; silent camera, Virgil Miller, chairman; sub-committee to devise ways and means for establishing a closer contact between the production technicians and the projectionist and theatre manager, Franklin Hansen, chairman, and improvement in release print quality, L. E. Clark, chairman.

Wall Street

Pathe "A" Gains 1 On Big Board

	High	Low	Close	Net Change
Columiba vtc	41⅝	41⅛	41⅛	— ½
Consolidated	4½	4½	4½	+ ⅛
Consolidated pfd (1v)	17	16⅝	16⅞	— ⅝
Eastman (5)	118	117	118	.....
Fox Film "A"	9⅜	9¼	9¼	— ⅜
Loew's, Inc (2)	34¾	34⅛	34¾	+ ⅛
Paramount	2⅜	2⅛	2⅛	— ⅛
Pathe Exchange.	¾	¾	¾	.....
Pathe "A"	12	12	12	+1
RKO	1⅝	1⅝	1⅝	— ¼
Universal pfd	40	40	40	.....
Warner Bros.	2⅞	2¾	2¾	.....

Technicolor Continues Gain

	High	Low	Close	Net Change
Technicolor	18⅞	18	18¾	+ ¾

Paramount Publix Bonds Off ⅞

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7	6¾	6¾	— ⅜
General Theatre Equip. 6s '40 ctf	7⅛	7⅛	7⅛	— ¼
Loew's 6s '41 ww deb rights	104¾	104¼	104½	— ¼
Paramount F. L. 6s '47	71½	71¼	71½	— ½
Paramount Publix 5½s '50	73¼	72⅝	72⅝	— ⅞
Pathe 7s '37 ww	103½	103½	103½	.....
Warner Bros. 6s '39 wd	50	49¾	49¾	.....

(v) Paid this year on account of accumulations.

(Quotations as at close of March 25)

Campi Men Studying Report from Flinn

(Continued from page 1)

made by Flinn on Fox West Coast's petition protesting 11 situations.

Flinn returned from the coast late Sunday night after stopovers at Kansas City and Chicago. He went over all the territories in dispute, following which he turned out the 29-page summary.

Studying the analysis are Sidney Justin, Charles L. O'Reilly and Paul Lazarus. Indications are that the coast schedule will be passed Thursday and go into effect on Sunday. Several changes suggested by F. W. C. were agreed to in part by the Los Angeles board last week, but whether they will be included in the final plan is up to Campi to decide on Thursday.

Another session between Flinn, Lazarus, Justin and O'Reilly is slated for today or tomorrow.

A. F. A. Wins Code Case

A settlement was reached yesterday in the dispute between the American Federation of Actors and the Abe Feinberg booking office involving an alleged violation of the minimum pay provision of the vaudeville code by the latter. Feinberg had been charged with booking the Lightning Due act into the Majestic, Paterson, N. J., for four days at less than the code minimum. Following an NRA hearing last week, the respondent was ordered to pay the code salary, plus transportation and baggage costs.

20th Sets Tibbett Film

HOLLYWOOD, March 25.—"The Diamond Horseshoe," an original by Bess Meredyth and George Marion, Jr., will be Lawrence Tibbett's first picture under his contract with 20th Century. It goes into production early in July. "Sing, Governor, Sing," which was originally selected as his initial film for the company, has been revised for the use of Paul Whiteman and his band.

Canada Music Fee Increase Stirs Uproar

(Continued from page 1)

for those which are open three days or less.

Concert halls, restaurants, radio broadcasters, hotels, fall fairs, bands and individual artists have also been called upon to pay heavier fees under the new scale. For the first time, the society has registered a scale of charges for single performances of an individual composition.

Under amendments to the Canadian Copyright Act one year ago, the Canadian Performing Rights Society was given a monopoly of performing rights for all copyright music whether presented in person or by mechanical means such as sound films. The organization is able to make a self-determined charge on any or all pieces whether the copyright has been covered by fee in the country of origin or not.

Protests have been sent to the Dominion Government, but the only result so far has been the offer of C. H. Cahan, Secretary of State, of a royal commission inquiry into the fairness of the new fees which is the only redress provided by the act. The society claims copyright control of two million compositions, ancient and modern.

Set Tentative Deal On Para.-Lasky Pact

(Continued from page 1)

indefinite leave of absence, briefs in support of his claim assert, and subsequently was not reelected a vice-president of the company or given production duties. He states that, thereupon, he considered himself discharged. Sam Katz and other officials identified with Paramount at the time are reported to be prepared to testify in Lasky's behalf. The Paramount Publix trustees, in opposing the claim, contend that Lasky left the company voluntarily.

Details of the proposed settlement were worked out on the coast recently between S. S. Isseks, of counsel for the Paramount trustees, and Lloyd Wright, counsel for Lasky. If the settlement is not consummated by May 1, the depositions of Lasky, Katz and others on the west coast will be taken thereafter, and the contesting of the claim resumed.

Songwriters Take Up Contract with Ascap

(Continued from page 1)

new agreement, L. Wolfe Gilbert, western chairman of the former, called a closed meeting of the organization tonight at the Beverly Wilshire at which were discussed ways and means of settling the matter.

Gilbert said this morning that following several talks over the telephone with Sigmund Romberg in New York, he predicted a contract would be signed within 10 days. Romberg took part in the meeting by telephone.

Jerome Kern, Irving Berlin, Jack Yellen, Arthur Freed and Buddy DeSylva are reported leading the fight for a 100 per cent Ascap lineup.



Flashing the news of a great new hit to more than a million Screenland readers!



SCREENLAND HONOR PAGE



Paul Muni, above, in a stirring scene from "Black Fury" and, left, a close-up in character. Right, Mr. Muni as he is behind the mask of his rôles.



To Paul Muni for the Most Honest Portrayal of the Movie Month in "Black Fury"

PAUL MUNI is indisputably the most honest of all actors on the screen. If he cannot "feel" a part, he cannot do it justice. He submerges himself in his character. He ceases to be Paul Muni and becomes Every Man. His intensity reaches right out from the screen to us. His blazing honesty compels our interest in "Black Fury," the stirring drama which is the star's current vehicle. Not since "I Am a Fugitive from a Chain Gang" has he so impressed us with his art. As a simple, earthy, brawny coal-miner Paul Muni is an heroic figure, a vitally real character of valiant and unforgettable sincerity.

DELIGHT EVANS, EDITOR OF SCREENLAND, GIVES YOU THE WOMAN'S ANGLE ON PAUL MUNI in BLACK FURY"

THE NEXT BIG SHOT FROM WARNER BROS

With KAREN MORLEY and CAST OF 1000's . . . Directed by MICHAEL CURTIZ

A First National Picture


THE GAME IS UP IN CR
MEANS BUSINESS!.
The sensati
law—until the
couldn't help
the girl who
THE
with
PRESTON FOSTER
LILA LEE
MELVYN DOUGLAS
Shirley Grey, Roscoe Ates,
William Collier, Jr., Sybil
Elaine, Herbert Rawlinson.
Directed by Crane Wilbur from the
story by Edward Dean Sullivan.
Produced by Burt Kelly.

MELAND! . . UNCLE SAM

al first-hand story of a super crook who was "too big" for the
'ederal men stepped in! . . . All the hush money in the world
im then! . . . Nine long years in jail to think it over . . . and
nce loved him in the arms of his own smooth-talking lawyer!

PEOPLE'S ENEMY

THE FIRST OF A NEW CYCLE OF MELODRAMAS!



A SELECT PRODUCTION

★

RKO-RADIO PICTURE

"Life Begins" Gets $16,600 in Buffalo

BUFFALO, March 25.—Only "Life Begins at 40" was able to rise above average in a week marked by good motoring weather. The Will Rogers picture got $16,600 at the Buffalo, where $14,300 is normal.

Total take was $40,900. Normal is $42,800.

Estimated takings for the week ending March 22:

"LIFE BEGINS AT 40" (Fox)
BUFFALO — (3,500). 30c-55c, 7 days. Stage: Ted Lewis and "Happiness Follies of 1935," with Radio Aces, Jean Carroll and Jose Shalita, Charlie (Snowball) Whittier, Lois Sterner, Kathleen Bassette, Mildred Gaye. **Gross:** $16,600. (Average, $14,300)

"WEST OF THE PECOS" (Radio)
"THE WHITE COCKATOO" (F.N.)
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,400. (Average, $6,000)

"THE LITTLE COLONEL" (Fox)
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $6,700. (Average, $8,000)

"VANESSA" (M-G-M)
"THE WINNING TICKET" (M-G-M)
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $5,900. (Average, $8,000)

"CARNIVAL" (Col.)
"GIRL IN DANGER" (Col.)
LAFAYETTE — (3,300), 25c, 7 days. **Gross:** $6,300. (Average, $6,500)

United Amusement's Net Off to $34,314

TORONTO, March 25.—The United Amusement Corp., operating 20 theatres in the Montreal district and in which Famous Players Canadian Corp. holds a large interest, came through 1934 with no red ink on the balance sheet, although profits were down, according to the year's financial statement just issued here.

Net profit for the year was $34,314, as compared with $68,234 for the previous 16 months, the date of the fiscal 12 months having been changed to correspond with the calendar year. A net profit and loss balance of $790,866 was carried forward on Dec. 31 last, as compared with $796,247 at the end of the previous year. Dividends amounting to $37,183 were paid on Class A common stock of $1,560,150.

Arcturus Loses Point

WILMINGTON, March 25.—The bill of complaint filed by the Arcturus Radio Tube Co. against the RCA in which the former sought to have Chancery Court enjoin the defendant from prosecuting a suit against it in New Jersey Supreme Court has been dismissed in an opinion filed here by Chancellor Josiah O. Wolcott.

In 1933 the RCA brought suit against Arcturus, one of 15 companies licensed to manufacture tubes under RCA patents, to recover the difference between the five per cent royalties paid by the licensee and the minimum royalty of $50,000 set forth in the license agreement. Arcturus contended that, while the minimum royalty provision is in the agreement, it had an understanding with the RCA it was not to be enforced.

Industry Team Favored

The Universal Pictures basketball team, composed of studio workers and including former All-Americans, has reached the quarter finals in the National A. A. U. Championships at Denver. The team has already won the championship of the Southern California A. A. U. and of the Missouri Valley A. A. U. and is favored to get the national crown.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Black Fury"

(Warners)

HOLLYWOOD, March 25.—Flung with resounding impact against a drab, colorless coal town is a drama of Miner Paul Muni, his girl and his miner pals, and through his muddled yearnings a saga of men, mines and methods is movingly presented, factual as a newsreel, warm and tender in human significance.

Using as a basis the revelations in January *Fortune* magazine of private detective agencies that foment strikes to supply plug-uglies and scab labor at tremendous fees, Warners have produced an important topical picture splashed with the sodden poverty of the mining town, depicting the brutality of strike engineers in all their violence and heartbreak.

Muni, drunk after his girl (Karen Morley) skips with Cop William Gargan, is sucked into the maelstrom of industrial warfare by Provocateur Carol Naish, who calls a strike, electing dumb Miner Muni as head. Ignorant, groping as strong arms are sworn in and scabs take over the mining, Muni feels the wrath of his pals as the crisis mounts and women spit at him as hunger stalks.

Ready to capitulate to terms, Muni sees his pal, James Qualen, battered by coal police for protecting a girl and, coming to his rescue, is pulped himself. Burning to rehabilitate himself, he escapes from the hospital, steals food and dynamite and, meeting Miss Morley, back from Gargan, blows up sections of the mine and holds a one-man strike, preventing others from working, thereby bringing conciliation, open mines, town acclaim and Karen to his side.

Muni's performance, undoubtedly one for Academy consideration, is poignant, penetrating, outstanding. Michael Curtiz, in broad-stroke style, has directed with virile sweep, imaginative and heart-touching.

The production, without siding with men or management, reflects all the smeary dreariness of Polish home and mine life in graphic expanse and artistic correctness.

An outstanding cast supports, including those mentioned above and Barton McLane, Vince Barnett, Tully Marshall, Mae Marsh and Sarah Haden.

Adapted from an original by Judge Musmanno and a play by Harry R. Irving, the screen play by Abe Finkel and Carl Erickson is brisk, vivid and stirring.

As a successor to Muni's "Scarface" and "I Am a Fugitive" this offers showmen a front-page subject without political bias, melodrama packed with tumult, an entertainment to cause talk and come-back patronage equal or surpassing the latter film.

Production Code Seal No. 579. Running time, 90 minutes. "G."

"Star of Midnight"

(Radio)

HOLLYWOOD, March 25.—Crackling in the "Thin Man" manner, jaunty and light-hearted and full of laughs as its murder is solved, "Star of Midnight" is swell entertainment and should prove profitable.

William Powell, a lawyer, and Ginger Rogers, his sweetheart, teaming themselves as Holmes and Watson, solve the killing of Columnist Russell Hopton in hilarious manner.

Romance and comedy are closely linked with clues bringing the police, gangland and socialites in for contrasting dramatic interest. Stephen Robert's direction is smart, fast and distinctive, with comedy and suspense embossing the entertainment.

Howard Green, Anthony Veiller and Edward Kaufman wrote the screen play from Arthur Somers Roche's novel, with a bang-up job resulting.

Powell again demonstrates his light comedy expertness, permitting the drama to seethe under flip cracks and general raciness. Paul Kelly, as a gang leader whittling a wooden gun, and Gene Lockhart,, as a butler, together with Ralph Morgan, Leslie Fenton, J. Farrell MacDonald, Vivian Oakland and Robert Emmett O'Connor, give excellent support.

Production values are all that could be desired. The names of Powell and Miss Rogers, linked with the good title and excellent entertainment, should create oral comment to attract swell business for a swell picture.

No production code seal. Running time, 90 minutes. "G."

Town Plans Sunday Vote

WEBSTER GROVES, Mo., March 25.—A vote will be taken here on April 2 on Sunday shows, at present prohibited.

Goldwyn Signs Merman

HOLLYWOOD, March 25.—Samuel Goldwyn has signed Ethel Merman for the leading feminine role in the next Eddie Cantor picture.

Moule Buys Detroit Plaza from Fischer

DETROIT, March 25. — Thomas D. Moule, formerly general manager for Kunsky-Trendle, has closed a deal with Julius Fischer to take over the Plaza, 800-seat East Jefferson de luxer. He will take control March 30. Fischer expects to buy another house.

Bert C. E. Silver, proprietor of the Silver-Family, Greenville, Mich., says he will tear down the present structure and replace it with a modern 600-seat house. Work will begin within a month.

New Hampshire Race Betting Is Extended

CONCORD, N. H., March 25.—Parimutuel betting was legalized for another six years in a bill signed today by Gov. H. Styles Bridges. The Rockingham track is within six miles of the Massachusetts boundary.

Flash Reviews

It's a Small World— . . . good average entertainment. . . . Despite the slim story, the picture has many laughs. The locale and characters are different and a warm, folky quality pervades . . . should satisfy, especially in neighborhoods.

Moscow Laughs.— This time the Muscovites have gone about producing entertainment purely and they have not done badly at it.

These films will be reviewed in full in a later issue of MOTION PICTURE DAILY.

Ampa Committee Meets

Ampa's nominating committee met yesterday at the M.P. Club and set a list of candidates for elections next month. Ed Finney of Monogram is chairman of the committee and he will present the slate to the membership on Thursday.

The committee is contacting the nominees on acceptance. Meanwhile, an opposition nominating group will meet today at the M. P. Club to put up a ticket of its own.

William T. Clark Dead

BALTIMORE, March 25.—William T. Clark, 73, father of Norman Clark, drama and film editor of the *Baltimore News-Post,* died Saturday of acute indigestion while at work on the *Baltimore Evening Sun.*

Norman Clark was somewhere on the road to Hollywood with his wife, and Morris A. Mechanic, president of the New Theater, and Louis Azrael, when news came of his father's death.

Moore Burial Tomorrow

PHILADELPHIA, March 25.—Florence Moore, comedienne, who died Saturday at 49 following an operation for cancer, will be laid to rest on Wednesday in Mount Peace Cemetery here after funeral services in Landsdowne, Pa., Philadelphia suburb.

Harry E. Clifton Dead

CIRCLEVILLE, O., March 25.—Harry E. Clifton, 41, owner of the Clifton here and the Liberty at Lancaster, O., died in a local hospital today as a result of a skull fracture sustained in an automobile accident last Friday.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 72 NEW YORK, WEDNESDAY, MARCH 27, 1935 TEN CENTS

Early Ascap Trial May Be Sought Here

Report Attorney General Will Make Request

Immediate trial of the government's monopoly suit against the American Society of Composers, Authors & Publishers may be asked by the Attorney General's office, it was learned yesterday following the handing down of an order by Federal Judge John C. Knox directing that a substantial part of Ascap's answer to the government's bill of complaint be stricken out.

The move for the immediate trial of the action was broached by Andrew Bennett of the Attorney General's office, Washington, who stated that a "certificate of necessity" requiring an early trial before three Federal judges might be sought by the government. His declaration followed a conference on Monday with Judge Knox, attended by John H.

(Continued on page 14)

Gallup Returns to Columbia on Apr. 8

Bruce Gallup on April 8 rejoins Columbia as director of advertising and publicity, succeeding Herschel Stuart. Currently, Gallup is a vice-president of Donahue & Coe, advertising agency which handles national copy for several major companies, including M-G-M and United Artists. Stuart's plans are indefinite.

At the agency, Lynn Farnol will handle U. A. and 20th Century and Charles Curran, the Rivoli.

Death Delays End Of FWC Bankruptcy

Los Angeles, March 26.—Discharge of the Fox West Coast trustees from bankruptcy, slated for early April, will be delayed several weeks because Attorney W. B. Carmen has been called to Twin Falls, Minn., by the death of his father. The final trustees' report upon which the circuit's discharge from bankruptcy hinges will be held up.

"U," Pantages Win Coast Damage Suit

Hollywood, March 26.—A $150,000 damage suit against Universal Newsreel and Pantages Theatre has been dismissed by Judge P. Sproulin in the Superior Court. Doris Prieslar, the

(Continued on page 14)

Collapse of Cleveland's Dual Ban Looms with Circuit Break

Cleveland, March 26.—Double features loomed ominously on the local horizon today with the opening of Max Lefkowich's University Theatre showing "The Little Minister" and "Father Brown, Detective." In some circles, this is seen as a move toward the resumption of duals since Lefkowich is the first local independent circuit owner to break the single feature agreement which has until July 8 to go.

Lefkowich signed the agreement and then was faced with the opposition of six subsequent run houses which were not affected by the agreement, one of these, the Alhambra, being in direct opposition to his University. As a result of this, Lefkowich has returned to double bills.

The five other houses now showing duals because they opened after the agreement went into effect are the Metropolitan, Family, Temple, Erie and Rex.

Speed on NRA Bills Sought By President

Washington, March 26.—Speeding up of the new recovery legislation was asked yesterday by President Roosevelt to prevent a flight from the codes which has become apparent in many sections of the country.

Correspondence between the President and Donald R. Richberg, made public today by the NRA, disclosed that violations of the labor provisions of codes have been increasing "because," according to Richberg, "of the mistaken feeling that the NRA

(Continued on page 14)

Decision Held On Erpi-Para. Proposed Deal

Petitions for orders authorizing the Paramount Publix trustees to proceed with the settlement of Erpi's $1,900,000 claim against Paramount and the settlement of litigation against Marks Bros., former Chicago theatre operators, and the Continental Illinois bank were taken under consideration by Special Master John E. Joyce following hearings yesterday.

The Erpi settlement provides for allowance of the claim of $1,200,000 and the negotiations of new recording license and equipment service

(Continued on page 4)

Reveal Early Para. Bankruptcy Plans

Cravath, de Gersdorff, Swaine & Wood, special counsel for Paramount Publix, have advised counsel for the Paramount trustees that bankruptcy

(Continued on page 4)

Report Terms Set For Para.'s Board

H. A. Fortington, John D. Hertz, Stephen Callaghan and Floyd B. Odlum, representatives on the new Paramount board of directors of the so-

(Continued on page 4)

John H. Harris Returns to Harness; to Rebuild Chain

Pittsburgh, March 26.—John H. ("Johnny") Harris will assume active charge of the Harris Amusement Co. on April 19 and immediately thereafter will launch plans to rebuild the circuit, once the kingpin in this area, into its former position of power and prestige.

Inactive since 1930 under the deal by which Warners purchased the circuit founded by the late John P. Harris, the contract forbidding the younger Harris' direct participation in the theatre field is about to run out. In the meantime, however, the Harris

(Continued on page 5)

Changes Made In Copyright Pact Measure

Penalty Boosted; Court Appeals Widened

By BERTRAM F. LINZ

Washington, March 26.—Disclosing a number of changes, including the elimination of the minimum penalty for infringement by exhibitors, a new draft of the State Department's copyright bill, which would make the United States a member of the International Copyright Union, has been laid before the Foreign Relations Committee of the Senate.

The modifications in the measure were the result of conferences with interested industries, held by the department officials last month after the committee had refused to consider the bill until these industries had criticized it.

With the elimination of the minimum penalty, the bill increases the

(Continued on page 14)

Brandt, RKO, Loew Talk Scales, Duals

Harry Brandt, sponsor of the plan to eliminate duals and boost admissions in the local area, will meet with Leslie E. Thompson of RKO and Charles C. Moskowitz of Loew's at 4:30 o'clock this afternoon on preliminary details.

Although it is planned to hold a mass meeting of all exhibitors in the territory, the independents' attitude will be predicated on moves by the circuits. It is understood many unaffiliated exhibitors will go along on the plan, provided the circuits take the first step to abolish twin bills and advance prices.

Predict Early Tax Vote in California

Sacramento, March 26.—A vote is predicted this week by Chairman Riley of the Assembly Revenue Taxation Committee on three administration measures—the $17,500,000 income tax bill, an increase in the bank corporation taxes from two to four per cent

(Continued on page 14)

Four Holdovers in Big Broadway Week

Four holdovers and switching of "Ruggles of Red Gap" from the Paramount to the Rialto this morning are the bright spots on Broadway. "The

(Continued on page 16)

MOTION PICTURE DAILY

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Brandt Takes Bronx Spot in House Race

Continuing the competitive move for theatres, Harry Brandt has taken over another Bronx theatre in the neighborhood of Springer & Cocalis houses.

Brandt would not divulge the name of the house yesterday, but admitted the location.

Horlacker's Will Return

Horlacker's Film Delivery Service of Philadelphia shortly will reopen a New York office and shipping depot, returning to this territory after an absence of five years, during which the time the company had a working arrangement with Stern's delivery service.

Under the plan, films and advertising material will be picked up by Horlacker's own men here for points as far south as Norfolk, Va., and as far upstate as Buffalo. James Clarke, president of the National Film Carriers Assn., is head of Horlacker's.

Take Rosenblatt Film

Du World Pictures has acquired distribution rights from the Palestine American Film Co. for Cantor Josef Rosenblatt's "The Dream of My People."

Warners Hold Connolly

HOLLYWOOD, March 26.—Bobby Connolly, as a result of his work in "Go into Your Dance," has been signed to a new contract by Warners.

Insiders' Outlook

By RED KANN

PRODUCTION at large has just passed through what potentially, at least, was an extremely narrow squeak. The scene was Los Angeles and the champion of the industry in this case Universal and its newsreel. It appears a woman named Doris Prieslar had sued the company, as well as the Pantages, charging that clips of the death of "Baby Face" Nelson had resulted in the loss of her child. She was an expectant mother when she saw the film. The suit was for $150,000 in damages. The court ordered the claim thrown out, hinging its attitude largely on the fact that the nature of the newsreel was fully advertised outside the theatre. . . .

▼

Interesting because the plaintiff herself was shown to be guilty of contributary negligence, the point goes considerably beyond in that a judgment for the suing party, in the opinion of production executives, might have set a precedent against the future filming of thrill and horror pictures or thrill and horror sequences. Production minus either or both obviously would have thrown a millstone of considerable weight around creative enterprise in Hollywood, not to figure what a terrific letdown it would have been with large segments of audiences through the nation. . . .

▼

Mailbag stuff from Arnold J. Bernstein:

The Connecticut protest against the militaristic propaganda contained in recent news clips mentioned on the front page of your issue of March 21 raises an important issue which should be brought to the attention of every exhibitor.

I refer to the exhibitor's right to control the uses to which his own screen may be put. For practical purposes, the exhibitor must delegate to the producer and distributor his control of the type and form of entertainment to be shown on his screen. But the exercise of this delegated power should be limited to forms of *entertainment.*

No one denies that the exhibitor has a legitimate cause for complaint when the producer attempts to turn his screen into an advertising medium. I submit he has a far better reason to complain when his screen is being converted into an active agent of propaganda. An awful responsibility is being cast upon him. And when the forces, generated by the flood of propaganda he is unwittingly aiding in disseminating, drive America into the next war, it will be too late for him to realize his responsibility.

The exhibitor has a right to insist that his screen be used solely for purposes of entertainment and education. He has a duty either to accept the responsibility involved in its use for propaganda or to protest such use.

This has to do with the protest lodged by the Wesleyan League for Industrial Democracy and the Peace Action League of that college against alleged militaristic propaganda in Hearst Metrotone clips. Now that Bernstein has had his say, what other ideas are lurking about in typewriters and ink bottles awaiting an airing? . . .

▼

Late, but so far as this column's checking up system has been able to discover, new. Nevertheless: When Nick Schenck was on the coast, not this time but on his previous visit, he previewed "David Copperfield." What he saw caused him to issue a statement commending the picture. As some other executives go, there was no thrill in that. As Schenck and his reticence go, his remarks meant plenty. The understanding beyond this has it that the head of Loew's and M-G-M, so impressed was he, thereupon gave the studio carte blanche and permission to go the limit on future big pictures. The way Metro makes them, that limit is something. Make no mistake about it. . . .

▼

Back in London, Hugh Walpole submitted to an interview with a reporter for *News of the World,* a Sunday newspaper with a tidy circulation of about 3,000,000. It had to do, naturally enough, with his experiences on the Gold Coast, including this:

But what with hanging round the studio and being asked to say his piece at various conferences, he inevitably found himself seated before a typewriter with the job of inventing twenty or so lines of extra dialogue.

Ideas came easily. He found the words seemed to flow well. At the end of an hour, on his own admission, he sat back and took quite a lot of pride in his first contribution to motion picture art.

In fact, on due consideration he was reluctantly driven to the conclusion that the dialogue which he had just fashioned was perhaps a little better than he had ever heard in a cinema. Whereupon he patted the manuscript fondly and sent it to David Selznick, the production chief in charge of "David Copperfield."

Next morning Walpole was early at the studio, anxious to receive the bouquets which he felt convinced Selznick would shower on him for his brilliance. He went to Selznick's office. It was empty, but on the desk he noticed his manuscript. It was besmirched with blue pencil, and across the top in bold writing was inscribed the one word, "lousy."

▼

Pathe News maintains its new broadcasting idea is apart and separate from the news dramatization which has made "The March of Time" so popular an air feature. That, the supposition goes, is designed to avoid what might smack of ether competition. April 8, marking Pathe's debut, will show what it shows. . . .

▼

California's proposed income tax rate, if grafted to current state and Federal imposts, would make the total seventy-six per cent on incomes of $1,000,000. If it ever comes to pass, Hollywood will blossom forth with a new crop of tragedians. . . .

▼

Time reports RKO offered General Douglas MacArthur $30,000 a year to leave army service for its own. Nothing beyond by way of explanation why and for what? . . .

▼

McKinnon in *The Boston Record* reports this marquee adornment on a New Hampshire theatre:

"One Night of Love."
"Quintuplets."

Fight on Greenthal In Ampa Simmering

Opposition to Monroe Greenthal as candidate for the Ampa presidency is simmering in the form of a committee. The insurgent group objecting to the U.A. exploitation head running for the office was slated to meet yesterday at the M.P. Club, but only a few men gathered and the session was called off.

The next move by the objectors will be to protest formally against Greenthal at the next closed session. One of the reasons for dropping the committee idea is that no one had been chosen to run against the U.A. candidate. Another reason is that some of the men opposing Greenthal are doing business with the company and fear their relationships do not permit an open stand.

One of the prime movers against Greenthal is Louis Goldberg, who is not with any company at present.

Radio Sets Brazil Deal

RKO Radio has closed a deal for distribution of the entire 1934-35 lineup in Brazil by Irmaos Ponce of Rio de Janeiro. R. K. Hawkinson acted for Radio. It is the third consecutive deal with this distributor.

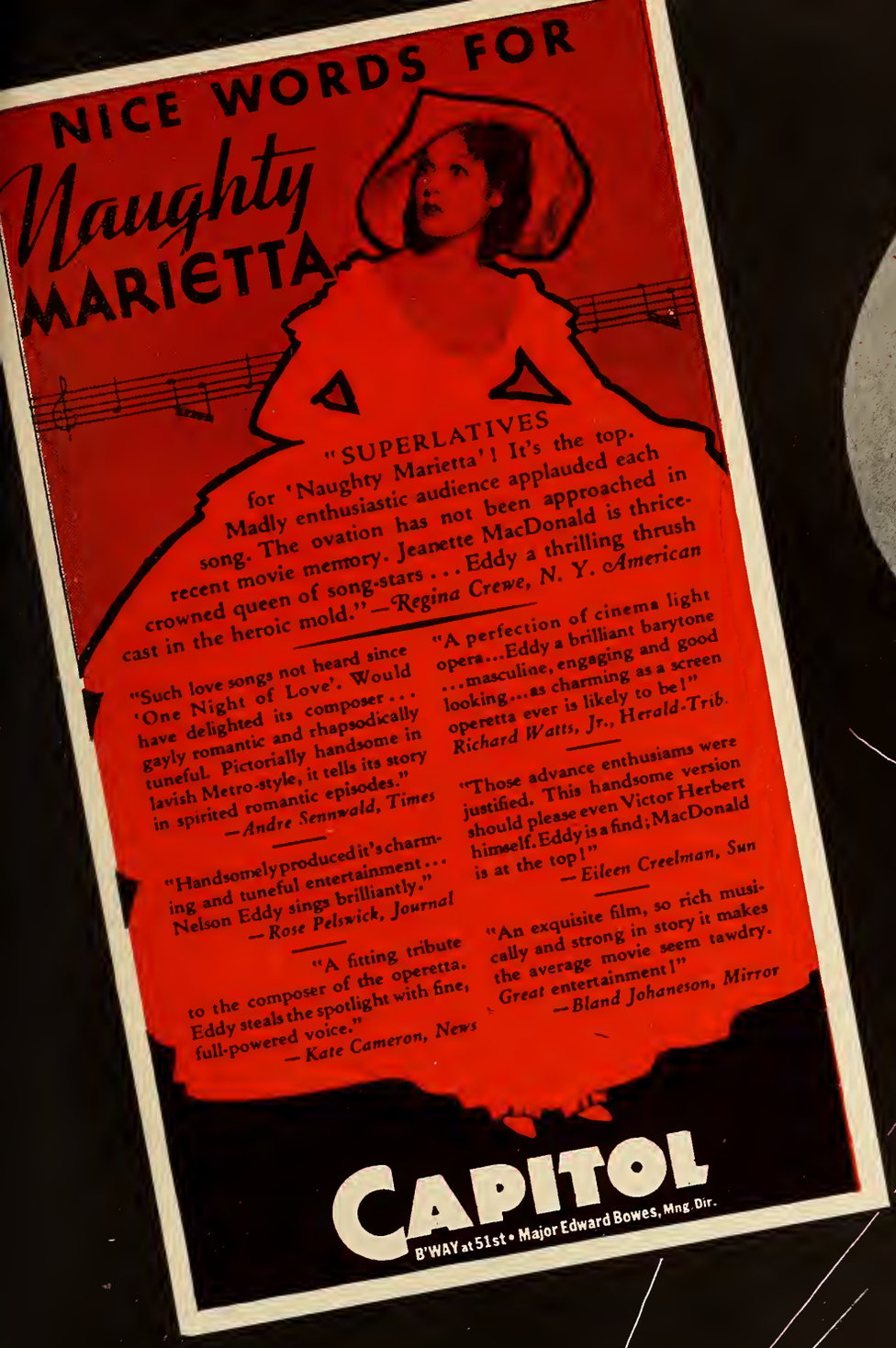
Hays En Route to Coast

Will H. Hays left for the coast yesterday for a 10-day visit at M.P.P.D.A. Hollywood headquarters and for conferences with production heads.

To Show "Mississippi"

Another preview show will be held at the M.P. Club Sunday night. The picture is "Mississippi."

NICE WORDS FOR *Naughty* MARIETTA



"SUPERLATIVES for 'Naughty Marietta'! It's the top. Madly enthusiastic audience applauded each song. The ovation has not been approached in recent movie memory. Jeanette MacDonald is thrice-crowned queen of song-stars . . . Eddy a thrilling thrush cast in the heroic mold." —*Regina Crewe, N. Y. American*

"Such love songs not heard since 'One Night of Love'. Would have delighted its composer . . . gayly romantic and rhapsodically tuneful. Pictorially handsome in lavish Metro-style, it tells its story in spirited romantic episodes." —*Andre Sennwald, Times*

"A perfection of cinema light opera...Eddy a brilliant barytone ...masculine, engaging and good looking...as charming as a screen operetta ever is likely to be!" *Richard Watts, Jr., Herald-Trib.*

"Handsomely produced it's charming and tuneful entertainment... Nelson Eddy sings brilliantly." —*Rose Pelswick, Journal*

"Those advance enthusiams were justified. This handsome version should please even Victor Herbert himself. Eddy is a find; MacDonald is at the top!" —*Eileen Creelman, Sun*

"A fitting tribute to the composer of the operetta. Eddy steals the spotlight with fine, full-powered voice." —*Kate Cameron, News*

"An exquisite film, so rich musically and strong in story it makes the average movie seem tawdry. Great entertainment!" —*Bland Johaneson, Mirror*

CAPITOL

B'WAY at 51st • Major Edward Bowes, Mng. Dir.

THE FIRST HOME RUN OF THE SEASON!



NAUGHTY MARIETTA
starring JEANETTE MacDONALD and NELSON EDDY with Frank Morgan, Douglass Dumbrille. Music by Victor Herbert. A W. S. Van Dyke Production. Book and Lyrics by Rida Johnson Young. Produced by Hunt Stromberg. A Metro Goldwyn-Mayer Picture.

Decision Held On Erpi-Para. Proposed Deal

(Continued from page 1)

agreements. The settlement was agreed upon four months ago, as reported exclusively in MOTION PICTURE DAILY of Nov. 19, and the new recording and servicing agreements have been negotiated meanwhile.

Ralph Vatner, attorney, who said he represented Paramount stockholders, was the only objector to the Erpi claim settlement who appeared at the hearing. He stated that the $500 per reel recording fee was "excessive" and declared that Paramount could obtain similar recording rights from RCA and others at half that cost. He estimated that the domestic recording fees of Paramount, at that rate, would approximate $3,000,000 annually.

Counsel for the Paramount trustees replied that all other large producers pay the same fees as those proposed in the new recording license agreement for Paramount. Vatner countered that other producers are under contract and cannot avoid paying royalties of that amount, while Paramount, in its bankruptcy proceedings, could disavow its Erpi contract.

Terms Published on Feb. 4

On Feb. 4 MOTION PICTURE DAILY published the terms of the new Paramount-Erpi recording license agreement, at which time it was stated that the old standard rate of $500 per reel had been abandoned for dubbed versions, foreign versions and trailers for new rates amounting in some instances to reductions of 80 per cent. The $500 per reel royalty remains, however, for features, shorts and newsreels.

Vatner was given until today to file an affidavit in support of his objections, and counsel for the Paramount trustees have until Friday to file an answering affidavit.

The Marks Bros. litigation centered about Paramount's claims to recover part of a $146,208 fund held in escrow by the Continental Illinois Bank as a guarantee of repurchase by Paramount of company stock issued in 1929 for acquisition of the Marks Bros. Chicago theatres. Under the settlement Paramount is to receive $56,218 of the fund and discontinue all litigation against Marks Bros. and the bank. Marks Bros. will receive the balance of the fund but will still be prohibited from reentering the Chicago theatre field until 1944, as stipulated in the original theatre purchase agreement.

Extend Lasky Hearing

Special Master John E. Joyce yesterday extended the time for the taking of depositions in connection with Jesse L. Lasky's $282,000 salary claim against Paramount Publix until May 14.

The extension was granted to permit the conclusion of efforts to settle the claim. Tentative settlement terms already have been agreed upon but if they are not consummated counsel for the Paramount trustees will proceed to the coast in May to take the depositions of Lasky, Sam Katz, Ralph Kohn and others.

William A. Brady Thumbs Pages of Theatre History

By J. M. JERAULD

William A. Brady thumbed the pages of film and theatre history yesterday at the Motion Picture Club —gently at times; at others with a swift flourish illumined with biting sarcasm. He paraded personalities and events with that easy grace which has always distinguished him as a public speaker, touching upon incidents that had become almost legendary to some of his hearers.

It was a blend of anecdote, of lament over the decline of the theatre, of flashing comment on the events of recent days, of prophecy. His hearers were fascinated. They gave him a rising ovation when he finished. He nominated himself as dean of pictures as well as the theatre.

Louis Nizer introduced him as a man "who had played bits with Booth." Booth died in 1891.

"I see so few gray hairs before me," Brady began, "that I will address myself to the youngsters."

Got Call from Wilson

He told how Woodrow Wilson had summoned him to the White House during the World War and had asked him to help bolster Allied morale by sending pictures of America's war preparations. He gave films credit for helping stave off revolution in Vienna after the armistice.

In striking phrases he lamented the decline of the theatre, saying that the spoken drama has disappeared in 14 of the 48 states. He hoped the theatre would not bow out completely.

"Films have been lucky," he said. "When silent pictures were dying, sound fell into producers' laps; when smut was killing them the Legion of Decency fell into their laps. Who would have thought a few years ago that 'David Copperfield' would be a sensation? I played Uriah Heep to empty seats a generation ago."

Brady even had a good word to say for Hollywood, although he admitted that at the start of the clean film drive he took 150 plays to the coast and sold one—"Way Down East."

"There has never been such competence, such complete mastery of details assembled in one industry before," he went on; "I wish we had it in the theatre."

He hurled a few barbed darts at censorship and related how the industry had sent sent him to 46 states to oppose censorship in 1920 and his record was 100 per cent. "They refused to pay me $15,000 to spend 24 hours in Albany," he said, "and a law was enacted."

His historical comments were impressive. In 1892, he said, he took James J. Corbett to Orange and made a six-reel fight picture in six days under Thomas A. Edison's direction. He called it the first "fight film ever publicly exhibited."

"In 1896," he continued, "I arranged for the first pictures ever made under electric lights—the Jeffries-Sharkey fight at Coney Island. Fights have played an important part in the history of pictures. At the Carson City fight between Corbett and Fitzsimmons we photographed the whole bout. It was shown in every country in the world and grossed $2,000,000."

Leaning forward on the table (he was seated throughout the talk), he said earnestly: "This is the first time in 15 years I have had the honor of addressing a large group of film men. I hope I will have the privilege of doing it again before I pass out."

Women played an important part in the program. Faith Baldwin talked humorously on her experiences in Hollywood. Magistrate Anna Kross spoke feelingly of her opposition to censorship as an attack on democracy; Rita Weiman said she hoped producers would use playwrights and novelists in adapting their own works to the screen. Mrs. Achmed Abdullah and Mrs. James J. Farley took bows.

Westerns Gain

Because of the demand for westerns, Universal is considering increasing the Buck Jones outdoor pictures next season from six to eight, which would bring the schedule up to 44 for 1935-36.

Reveal Early Para. Bankruptcy Plans

(Continued from page 1)

was contemplated by Paramount as early as July 1, 1932, it was disclosed yesterday in a petition for settlement of a claim for services rendered by the Cravath firm, which was filed with Special Master John E. Joyce yesterday. Paramount's petition for an equity receivership was not filed until Jan. 26, 1933.

The Cravath claim is for $25,142 for services which it states were rendered early in 1933 to Film Productions Corp., a Paramount subsidiary, and for other services, most of which were in the nature of "a contemplation of bankruptcy," according to the petition. For earlier work of the same nature, the Cravath firm has been paid approximately $77,000. This work included the formation, from July, 1932, to Jan., 1933, of the so-called "picture group" of Paramount subsidiaries, which includes Paramount Pictures Corp., Paramount Productions, Inc., Paramount Pictures Distributing Corp. and Paramount International Corp. The inference is that these subsidiaries were formed in anticipation of bankruptcy for the parent company.

The petition proposes the allowance in full of the $25,142 claim and the settlement of an additional $20,000 claim for $10,000 and the release of Paramount from all claims by the Cravath firm arising out of the services for which the $77,000 fees were paid. A hearing on the petition has been set for Friday before Joyce.

The Cravath firm was also awarded $15,000 by the Federal bankruptcy court last year.

Report Terms Set For Para.'s Board

(Continued from page 1)

called Fortington creditor group, will have two- and three-year terms on the board apportioned among them, it was reported yesterday.

By-laws of reorganized Paramount provide for the division of the 16 directors into three groups, one group to have a one-year tenure, a second group a two-year tenure, and the third, a three-year tenure. Annual elections of directors will be held after the third year.

Leading creditor groups are said to be in agreement on allotting of the two- and three-year terms to the four Fortington nominess. The remaining 12 directors are expected to have their tenures designated by the creditor groups some time next week.

Meanwhile, creditor confirmation of the Paramount reorganization plan is being speeded toward a final stage which may be reached within the next few days. Assents to the plan by holders of Paramount Broadway bonds, which have been lagging behind other creditor classifications, reached 59 per cent of the $8,875,000 total amount outstanding. Thus, approximately $5,240,000 of Broadway bonds have assented to the plan, as compared with the $5,976,000 required.

Paramount Publix and Paramount Famous Lasky bondholders and general creditors of Paramount, of whom two-thirds, or about $34,000,000 of claims, are required to assent to the plan, have already received assurances from large holders that the necessary amounts will be filed in advance of the final court hearing on the plan, April 4.

Ask Leave to Hold Old Pacts of Para.

A petition asking leave for the Paramount Publix trustees to adopt 181 executory contracts made prior to the company's bankruptcy, in order that they may be assumed by the new Paramount company on its reorganization, was filed yesterday with Special Master John E. Joyce.

Among the contracts to be adopted are many covering Paramount theatre operations which were made at the time various circuits were acquired throughout the country. They include fulfillment of contracts made with Saenger, Rickards & Nace, Publix Northwest and Minnesota Amusement Co., Dent Theatres, A. H. Blank, Southern Enterprises, Fitzpatrick-McElroy, Famous Players Canadian, Olympia, M. & P., Jefferson Amusement Co., Walter S. Butterfield and B. & K.

Also to be adopted are nummerous contracts involving long term film franchises with affiliated circuits; many contracts for foreign distribution of Paramount product, theatre lease guaranties by the parent company, Erpi licensing pacts and contracts with authors and agents. A provision of the Paramount reorganization plan calls for assumption by the new company of only those executory contracts of the old company which are adopted by the trustees.

A hearing on the petition has been set for Saturday before Joyce.

Emanuel Cohen Here

Emanuel Cohen is in New York.

John H. Harris Is Back in Harness

(*Continued from page* 1)

family has continued activity in exhibition and today operates 16 houses headed by the downtown Harris Alvin. Senator Frank J. Harris is the head of the company and will continue after John Harris' return. Associated with him in the planned reorganization and expansion will be old-time Harris men, including John T. McGreevy, James G. Balmer and George Tyson, the latter Harris' assistant from 1930 to 1933 when he was zone manager for Warners.

The Harrises are Pittsburgh's leading theatrical family. The original circuit was founded by John P. and Harry Davis who were not alone partners but brothers-in-law through the marriage of the elder Harris to Eleanor Davis. When John P. died in 1925, D. A., John H. and F. J. Harris continued expanding the circuit finally to sell out to the Warners in '30.

Harris Hiking Prices

PITTSBURGH, March 26.—With the price cutting war at its height, John Harris has started moves to boost admissions at downtown first runs to their former level. Harris started the move at the Alvin, with Loew's following at the Penn, which last week cleaned up on Eddie Cantor in person and "Sequoia" on the screen.

If revision is successful, Loew's will drop vaudeville at the Penn, now charging 35 and 25 cents for matinees and 40 cents evenings.

Skouras Pact Delayed

With several matters yet to be discussed in connection with the 10-year operating contract with National Theatres for Fox West Coast, Charles Skouras does not plan to get away until the middle of next week.

S. R. Kent, president of National Theatres and Fox Film, leaves for the coast today for a two-week visit at the studio to talk over new production. W. C. Michel, vice-president of Fox, will sit in on the contract conference for Kent.

Benedict in Eckels Job

HOLLYWOOD, March 26.—S. Barret McCormick, advertising and publicity director for Radio, said last night that Howard S. Benedict, who recently joined the company, was on his way west to succeed Eddy Eckels as publicity and advertising head at the studios. The latter will be placed on exploitation temporarily.

Guild Signs Mamoulian

The Theatre Guild here has signed Rouben Mamoulian to direct the musical stage presentation of "Porgy," which Dubose Heyward wrote and which was presented in a Broadway theatre as a legitimate piece two years ago. Mamoulian, now in Hollywood, is expected here shortly.

Lackey to Para. Apr. 20

HOLLYWOOD, March 26.—William Lackey joins Paramount on April 20 as a supervisor, working under Harold Hurley. He has been with Monogram the past two years. A better job at higher pay is offered by Lackey as the reason for leaving Monogram.

Purely Personal

CARL E. MILLIKEN and HELEN E. HUGHES of the Hays office; KATHERINE M. BROWN, Radio story editor; ROBERT BASSLER of Fox; AL ALTMAN, talent scout for M-G-M and WILLIAM J. FADIMAN, story editor of Samuel Goldwyn, Inc., will hold forth on how to break into Hollywood at the Astor Friday, when a film round table discussion will be held by the Institute of Women's Professional Relations.

•

W. RAY JOHNSTON leaves tomorrow by plane for Atlanta to spend several days there as the guest of ARTHUR C. BROMBERG, Monogram director and franchise holder for that territory.

•

ETHAN ALYEA, of counsel for the Paramount trustees, has returned from New Orleans where he saw the Saenger reorganization plan through its final court stages.

Quip of the Day

Oklahoma exhibitor, on viewing an announcement by 20th Century proclaiming the forthcoming "Call of the Wild" as London's Greatest Work:

"Hell, another of those English pictures."

J. J. McCARTHY is relaxing, as well as catching up with work following his two weeks' coast trip, at his Mamaroneck home today.

•

JAMES CHRISTIE, RKO division head in Chicago, left for the Windy City after four days conferring with home office executives.

•

BEN PIAZZA, Paramount studio talent scout, arrived in town yesterday to look over Broadway plays.

•

THOMAS X. JONES of the Paris office of Paramount arrives on the *Paris* today.

•

FRANK McCARTHY's wife is recuperating at the Cambridge City Hospital, Cambridge, Mass.

•

C. W. BUNN of Erpi is in Chicago on a business trip. Due back about the end of the week.

•

IKE LIBSON, RKO partner in Cincinnati, is in town for a few days. He plans to leave Friday.

•

WALTER ABEL has postponed his trip to the RKO Radio studios until Saturday.

•

WILLIAM SHAPIRO is definitely set to take the sky route to the coast Sunday.

•

KATHARINE HEPBURN is due to arrive from Hollywood tomorrow.

•

FRED QUIMBY, now on the coast, is due back in four weeks.

•

BUSTER KEATON is in town. Going to London.

•

DAVE LOEW arrived from the coast Monday.

•

WILLIAM A. BRADY's trip to the coast for Fox is off.

BINNIE BARNES isn't going to get a chance to see New York sights. Universal will rush her to the Newark airport soon after she lands from the *Berengaria* today.

•

OWEN DAVIS, JR., is heading for Europe, but not before the fall. It may be for M-G-M.

•

JIM BRENNAN, New Jersey and Washington district manager for RKO, was in town yesterday.

•

JAMES CLARKE and JAY EMANUEL were in from Philadelphia yesterday.

•

. . . *Detroit*

GEORGE McARTHUR the proud papa of an eight-pound baby girl. . . . FRANK JENE, Vitagraph office manager, spending two weeks in New Orleans visiting his mother. . . . Columbia has switched its sales staff around, RAY CLOUD being back in the city, JOE MELLON on the south block and SID TAUBE on the other. . . . BILL BAKER, city salesman for Universal, is on the sick list. . . . COSETTE MERRILL replaces THELMA TAYLOR as assistant to CLIVE WAXMAN at First Division. . . . JULIUS FISCHER, who turned over the Plaza to TOM MOULE, former Kunsky-Trendle general manager, plans a new West Side house. . . . HARRY GOESLINE, Port Huron; LESTER MULL, Ann Arbor, and CHARLES GIBSON, Greenville, Detroit visitors. . . . ANN O'DONNELL of Monarch a laryngitis victim. . . . FREDDIE SCHADER has taken a cut—lost his tonsils. . . .

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. . . *Kansas City*

ED DUBINSKY back from Florida with a healthy tan and tales of the Miami golf courses. . . . JOHN COLUMBUS STAPEL, K. M. T. A. president, threw an impromptu party on Film Row celebrating the organization's increase in membership. . . . DICK BIECHELE, secretary of the K. M. T. A., around town again after the legislative siege at Topeka. . . . C. E. ("Doc.") COOK, Maryville, Mo., exhibtor, a candidate for city councilman there. . . . BEN ADAMS, Warner salesman, wedded to the cashier of the St. Louis branch the other day. . . .

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. . . *Lincoln*

MILTON OVERMAN is hit with the three day measles so the Varsity runs without him . . . ARMIDA, due for a stage show personal, had to cancel because of the flu . . . President C. E. WILLIAMS, Ia.-Neb. MPTOA; Regina Molseed, code secretary, and D. V. McLucas, United Artists exchange mgr., all of Omaha, were here to talk before legislative committees on legislation . . . Shorty Warren, five footer, is the Kiva's new manager.

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. . . *Milwaukee*

SAM PICK, proprietor of the Club Madrid, donated his entire floor show ensemble, including LEE ROTH's orchestra, the Adorables, and the acts for the entertainment in Variety Club's second "Kings for a Day" luncheon with GEORGE LEVINE and CHARLES BROWN on the throne. . . . The first "Kings for a Day" luncheon saw EDDIE WEISFELDT and John Schuyler on the throne with the complete show from WEISFELDT's Riverside furnishing the entertainment. . . .

•

. . . *Pittsburgh*

RAY BOLGER guest-of-honor at John Maloney's Variety Club luncheon. . . . EDDIE CANTOR spoke at pep meeting for Y. M. and Y. W. H. A.'s annual drive for funds. . . . JOE FELDMAN inspecting WB's West Virginia holdings with PERRY NATHAN. . . . J. J. SHUBERT, JR., in town with "Life Begins at 8:40." . . . Three managers, MIKE CULLEN, L. B. COOL and BILL SCOTT, in minor auto accidents all within a week. . . . HARRY HENDEL playing LOUISE BEAVERS for a week at his Granada in local Harlem district. . . . DAVE RUBINOFF's parents had the welcome mat out all week. . . . JOHNNY HARRIS wearing smoked glasses to protect an injured orb. . . . MARTHA SLEEPER here for a day's visit at Carnegie Tech. drama school, where her husband, HARDIE ALBRIGHT, received his early training. . . . BERT STEARN tossing Sunday night dinner and screening of "The Scarlet Pimpernel" for the trade. . . . CHARLIE WASHBURN, with the GEORGE M. COHAN tour at an end, in town ahead of GEORGE OLSEN and due back few weeks later in advance of "Rain From Heaven."

Wall Street

Eastman Pfd. Up on Big Board

	High	Low	Close	Net Change
Columbia vtc	41⅛	41	41⅛	.....
Cons. pfd (1v)	16¾	16¼	16¼	— ⅝
Eastman (5)	118½	117¾	118¼	+ ¼
Eastman pfd (6)	155	155	155	+1½
Fox "A"	9¼	9¼	9¼	.....
Loew's	34¾	34½	34½	— ¼
Paramount	2½	2⅜	2½	.....
Pathe	¾	⅝	⅝	— ⅛
Pathe "A"	12	10½	10½	—1½
RKO	1⅜	1⅜	1⅜	.....
Warner	2⅝	2⅝	2⅝	— ⅛

Technicolor Drops ½ on Curb

	High	Low	Close	Net Change
Technicolor	18¾	18¼	18¼	— ½

Warner Bonds Up ½

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	7⅛	6½	6½	— ¼
Keith B. F. 6s '46	68⅛	68⅛	68⅛	— ⅜
Loew's 6s '41 ww deb rights	104⅝	104½	104½	.....
Paramount B'way 5½s '51	50¼	50	50¼	+ ¼
Paramount Publix 5½s '50	73	72½	72½	— ⅛
Pathe 7s '37 ww	103½	103½	103½	.....
Warner Bros. 6s '39 wd	50¼	50¼	50¼	+ ½

(*v*) *Paid this year on account of accumulations.*

(Quotations as at close of March 26)

Film as Riot Evidence

"Harlem Sketches," a picture of Harlem conditions produced by Leslie Bain of Vanguard Films, has been offered as evidence in the investigation being made by Mayor LaGuardia into the recent race riot in the district.

Extras Gain in February

SACRAMENTO, March 26.—Use of extras gained slightly in February, it was stated here today by the chief of the State Division of Industrial Welfare. The total was up by 149.

Wages reached $76,890, a gain of $8,564.

A GEORGE WHITE



SHOW IS AN EVENT!

Year after year, Broadway theatre-goers eagerly awaited the surprises George White prepared for his annual production. Now he's got the movie public doing the same. And *they're* in for new thrills. Because this year's "Scandals" is 365 times the show that crowded them to the doors last year!

GEORGE WHITE'S 1935 SCANDALS

ALICE FAYE • JAMES DUNN
NED SPARKS

Lyda Roberti · Cliff Edwards · Arline Judge
Eleanor Powell · Benny Rubin · Emma Dunn

GEORGE WHITE

Entire production conceived, produced and directed by George White. Screen play by Jack Yellen and Patterson McNutt. Based on a story by Sam Hellman and Gladys Lehman. Songs by Jack Yellen, Cliff Friend, Joseph Meyer. Additional lyrics by Herb Magidson.



GLORY BE, MR. RUNYON!

The nation's box offices are still blessin' yiz for "Lady for a Day" and "Little Miss Marker"! Now look what they're sayin' about your newest cleaner-upper:

***Motion Picture Daily*: Exciting, well-made entertainment that is CERTAIN to please!**

***Daily Variety*: Just the right combination of sentimental hokum, freshly furbished, and comedy, both homely and slapstick, to give it entertainment range and substantial box office!**

Princess



Carl Laemmle presents

Jean and Chester PARKER MORRIS

in **DAMON RUNYON'S** Collier's Magazine story

A Universal Picture with

LEON ERROL · HENRY ARMETTA

VINCE BARNETT





Directed by David Burton

Leonard Spigelgass, Associate Producer

"Sequoia" and Cantor Smash In Pittsburgh

PITTSBURGH, March 26.—Lent notwithstanding, last week was one of the best all-round sessions Pittsburgh has had in several months, and only a single house failed to touch par. The others were far above, the Penn stepping out with a great $28,000 for Eddie Cantor in person and "Sequoia" on the screen.

At the Fulton, "The Little Colonel" was held three days beyond the second week and in nine days gathered a nice $7,500, while the Alvin was hitting $10,500 with "Life Begins at 40" and keeping it for a second week. "Ruggles of Red Gap" proved a winner at the Stanley, getting around $11,000, which is excellent, and only the Warner alone, with "Captain Hurricane" and "Love in Bloom," was unable to get in the profit column, although not very far behind at $4,800.

Total grosses in five first run houses were $61,800. Average is $42,500.

Estimated takings for the week ending March 21:

"LIFE BEGINS AT 40" (Fox)
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $10,500. (Average, $6,000)

"THE LITTLE COLONEL" (Fox)
FULTON—(1,750), 15c-40c, 9 days, 2nd week. **Gross:** $7,500. (Average, for six days, $4,500)

"SEQUIOIA" (M-G-M)
PENN—(3,300), 25c-40c, 6 days. Stage: Eddie Cantor, Dave Rubinoff, Parkyakakas, the Dicksons, Jau Seiler, Ching Ling Foo troupe. **Gross:** $28,000. (Average, $19,000)

"RUGGLES OF RED GAP" (Para.)
STANLEY—(3,600), 25c-40c, 6 days. **Gross:** $11,000. (Average, $8,000)

"LOVE IN BLOOM" (Para.)
"CAPTAIN HURRICANE" (Radio)
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,800. (Average, $5,000)

"Pimpernel" Pulls $13,000, Montreal

MONTREAL, March 26.—Local theatres got in a nice slice of business last week with St. Patrick's Day providing the opportunity for special diversions during Lent and also with the pro-hockey season in a lull before the opening of the playoffs.

"The Scarlet Pimpernel" headed the march with $13,000 for the Capitol, help for which was provided by "The March of Time." At Loew's, "Man of Aran" was responsible for $9,500. The Princess secured $7,500 with "The Whole Town's Talking." This was the last week of darkness at the Palace, which has been undergoing an overhaul.

Total first run business was $33,500. Average is $29,500.

Estimated takings for the week ending March 23:

"THE SCARLET PIMPEREL" (U. A.)
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. Added: "The March of Time." **Gross:** $13,000. (Average, $9,500)

"ELINOR NORTON" (Fox)
IMPERIAL—(1,914), 25c-30c-40c, 7 days. Stage: "World Cruise." **Gross:** $3,500. (Average, $3,500)

"MAN OF ARAN" (British)
"GENTLEMEN ARE BORN" (Warners)
LOEW'S—(3,115), 30c-34c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $10,500)
PALACE—Closed for repairs.

"THE WHOLE TOWN'S TALKING" (Col.)
"MILLS OF THE GODS" (Col.)
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $7,500. (Average, $6,000)

Hollywood Personals

Hollywood, March 26.—Robert McIntyre, of the Goldwyn producing and casting staff, off on a short vacation. . . . Likewise Freddie Bartholomew. . . . Dixie Lee dyed her hair red to play in "Redheads on Parade"—Bing and the twins like it, so she won't switch back.

Jock Lawrence back from New York. . . . P. J. Wolfson on the M-G-M lot again. . . . Pete Smith has had a sound truck sent to his home at Palm Springs so he can do his work there.

Warners used 800 Chinese extras for three days on the "Oil for the Lamps of China" set. . . . At the same time Radio was using 163 dress extras on "Break of Hearts." . . . Phil Regan has been given a new number in "Crashing Society"—It was written especially for him by Lew Alter and Jack Scholl.

George Marion, Jr., and Jane Storm assigned to do the screen play on "Two for a Night," the next Bing Crosby picture. . . . Genevieve Tobin goes into "Men on Her Mind," getting the spot just below Bette Davis.

Raymond Borzage, 17-year-old nephew of Frank, in the cast of "Stranded" for Warners. . . . Christmas Gess, French actress, in "Crashing Society."

Marian Marsh played hostess to 80 orphans of the L. A. Orphan Asylum, taking the kids to the Gilmore Circus, which stars Tom Mix.

"Roberta" Is Big 2nd Week Detroit Draw

DETROIT, March 26.—"Roberta" continued to be the biggest thing in town in its second week at the Fox, the $21,300 take being $6,300 over par. It was switched to the Adams for a third week.

"Ruggles of Red Gap" was in the big money at $21,200 at the Michigan, and "The Wedding Night" was slightly better than average with $10,100 at the United Artists. Others found the going rough.

Total first run business was $65,400. Average is $60,000.

Estimated takings for the week ending March 22:

"UNDER PRESSURE" (Fox)
"TRANSIENT LADY" (Univ.)
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $3,900. (Average, $5,000.)

"ROBERTA" (Radio)
FOX—(5,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $21,300. (Average, $15,000.)

"WINGS IN THE DARK" (Para.)
"RUMBA" (Para.)
FISHER—(2,975), 10c-40c, 2nd run, 7 days. **Gross:** $4,600. (Average, $5,000.)

"RUGGLES OF RED GAP" (Para.)
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: Five acts vaudeville. **Gross:** $21,200. (Average, $20,000.)

"ALL THE KING'S HORSES" (Para.)
"ROCKY MOUNTAIN MYSTERY" (Para.)
STATE—(3,000), 10c-40c, 7 days. **Gross:** $4,300. (Average, $5,000.)

"THE WEDDING NIGHT" (U. A.)
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $10,100. Average, $10,000.)

"U" Product Meet Set

HOLLYWOOD, March 26.—Officials of Universal will begin a series of discussions of next year's program on Thursday.

Dean Is Heading East

HOLLYWOOD, March 26.—Albert Dean of the Paramount foreign department at the home office, left for New York today.

"Murder" and Carroll Show Cleveland Hit

CLEVELAND, March 26.—A new high of $26,000 was the week's record at the RKO Palace with "Earl Carroll's Vanities" credited with drawing the crowds. The screen attraction was "Murder on a Honeymoon."

"Ruggles of Red Gap" topped $12,000, or $2,000 above average, at Loew's State, while "Roberta" doubled average business with a $12,000 gross in its second week at Warners' Hippodrome. "The Best Man Wins" with a stage show at the Circle, went $200 over the house $3,000 average.

Total first run business was $64,254. Average is $41,000.

Estimated takings for the week ending March 22:

"MYSTERY OF EDWIN DROOD" (Univ.)
ALLEN—(3,300), 25c-35c, 6 days. **Gross:** $2,200. (Average for week, $3,000)

"ROBERTA" (Radio)
WARNERS' HIPPODROME—(3,800), 30c-35c-42c, 7 days, 2nd week . **Gross:** $13,500. (Average, $6,000)

"MURDER ON A HONEYMOON" (Radio)
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: "Earl Carroll's Vanities." **Gross:** $27,554. (Average, $15,000.)

"RUGGLES OF RED GAP" (Para.)
LOEW'S STATE—(3,400), 30c-35c-42c, 7 days. **Gross:** $12,000. (Average, $10,000)

"ENTER MADAME" (Para.)
LOEW'S STILLMAN—(1,900), 25c-35c, 7 days. **Gross:** $3,000. (Average, $4,000)

"THE BEST MAN WINS" (Col.)
CIRCLE—(1,875), 20c-25c-30c, 7 days. Stage: Aunt Jemima, Dick Ware Orchestra and other acts. **Gross:** $5,000. (Average, $3,000)

Would Control Benefits

ALBANY, March 26.—Under the provisions of a bill introduced in the Senate by Thomas F. Burchill, Democrat of New York City, and referred to the Codes Committee, the penal law is amended by making it larceny to conduct a show or other public exhibition advertised for charitable purposes, without turning over to the cause or charity at least 75 per cent of net receipts.

"Roberta" Is Boston Wow; $18,000 Over

BOSTON, March 26. — "Roberta" started a lineup at the beginning of the week and kept it going until the end, with the result that Keith's Memorial grabbed $30,000, over normal by $18,000.

Only one other spot topped par. That was Loew's State where "The Wedding Night" and "Shadow of Doubt" took $11,000, up by $1,000. "Gold Diggers of 1935" reached a par $22,000 at the Metropolitan with a stage show. It snowed Wednesday.

Total first run business was $79,000. Average is $65,000.

Estimated takings for the week ending March 22:

"LOVE IN BLOOM" (Para.)
"CAR 99" (Para.)
FENWAY—(1,382), 30c-50c, 7 days. **Gross:** $3,000. (Average, $4,500)

"ROBERTA" (Radio)
KEITH'S MEMORIAL—(2,907), 25c-65c, 7 days. **Gross:** $30,000. (Average, $12,000)

"THE WEDDING NIGHT" (U. A.)
"SHADOW OF DOUBT" (M-G-M)
LOEW'S STATE—(3,537), 25c-55c, 7 days. **Gross:** $11,000. (Average, $10,000)

"GOLD DIGGERS OF 1935" (Warners)
METROPOLITAN—(4,332), 35c-65c, 7 days. Stage: Dorsey Bros. and Orchestra, Bob Crosby, and big cast. **Gross:** $22,000. (Average, $22,000)

"LOVE IN BLOOM" (Para.)
"CAR 99" (Para.)
PARAMOUNT—(1,793), 25c-50c, 7 days. **Gross:** $4,000. (Average, $5,500)

"CAPTAIN HURRICANE" (Radio)
RKO BOSTON—(3,246), 25c-50c, 7 days. Stage: Parisienne Scandals. **Gross:** $9,000. (Average, $11,000)

Dust Storms Dent Takes in Lincoln

LINCOLN, March 26.—Nothing good last week and every spot below average from $200 to $600. Dust storms, which made breathing almost impossible on the streets, discouraged amusement seekers and the Lenten dent remained as pronounced as ever.

The Stuart, barely able to clip off $2,600, was $500 down on the week with "Sweet Music." The Lincoln, with the "St. Louis Kid," took $1,900, likewise under the mark by $300.

The Orpheum's vaude-picture policy received a sharp setback. "Wicked Woman" and Janet Adler's girl show for three days, followed by "Bachelor of Arts" (four days) was able to get only $1,900. That's $400 down.

Total first run business was $7,300. Average is $9,100.

Estimated takings:

Week Ending March 21:
"WICKED WOMAN" (M-G-M)
"BACHELOR OF ARTS" (Fox)
ORPHEUM—(1,200), 10c-15c-25c, 7 days. Three with Janet Adler's "Revue DeVille" on stage. **Gross:** $1,900. (Average, $2,300)

"ST. LOUIS KID" (Warners)
LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $1,900. (Average, $2,200)

"MAN OF ARAN" (Gaumont British)
"PRINCESS CHARMING" (Gaumont British)
VARSITY—(1,100), 10c-15c-25c, 7 days. Gross: $900. (Average, $1,500)

Week Ending March 22:
"SWEET MUSIC" (Warners)
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,600. (Average, $3,100)

Warners Hold Talbot

HOLLYWOOD, March 26.—Warners have exercised their option on Lyle Talbot for an additional year.

The actor has just completed a role in "Oil for the Lamps of China."

"Shadow" and Mills Troupe Seattle High

SEATTLE, March 26.—"Shadow of Doubt" and the Four Mill Brothers piled up $8,700, over normal by $2,700, at the Paramount last week. This is a record for the house.

In the face of this competition "The Little Colonel" reached $8,600 in nine days at the Fifth Avenue and "Roberta" had a big $5,200 in its second week at the Music Box.

Total first run business was $35,950. Average is $30,500.

Estimated takings for the week ending March 23:

"THE WEDDING NIGHT" (U. A.)
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $4,300. (Average, $4,000)

"THE LITTLE COLONEL" (Fox)
FIFTH AVENUE—(2,500), 25c-40c-55c, 9 days. **Gross:** $8,600. (Average, $7,000)

"AMONG THE MISSING" (Col.)
"WHEN A MAN'S A MAN" (Col.)
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,750. (Average, $4,000)

"ROBERTA" (Radio)
MUSIC BOX—(950), 25c-40c-55c, 7 days, 2nd week. **Gross:** $5,200. (Average, $4,000)

"NIGHT LIFE OF THE GODS" (Univ.)
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by The Trojan Four. **Gross:** $5,400. (Average, $5,500)

"SHADOW OF DOUBT" (M-G-M)
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by The 4 Mills Bros. **Gross:** $8,700. (Average, $6,000)

"Wedding" on Dual Top in Providence

PROVIDENCE, March 26. — Loew's State came back into its own last week to catch $12,200 with "The Wedding Night" and "Times Square Lady," highest score for the week.

"Gold Diggers of 1935" did a par $7,000 at the Majestic and Fay's caught $7,200 with "Transient Lady" and "Talk of the Town" revue, $200 over average. The other vaudeville house, RKO Albee, had a take of $6,500 with "Captain Hurricane" and a revue, "Cocktail Hour."

"Carnival" and "All the King's Horses" were under par at the Strand, bringing in $6,100. Strong opposition from pro and amateur hockey teams and opening of a sportsman's show did some damage to theatres.

Total first run business was $40,250. Average is $40,500.

Estimated takings for the week ending March 21:

"CARNIVAL" (Col.)
"ALL THE KING'S HORSES" (Para.)
STRAND — (2,300), 15c-40c, 7 days. **Gross:** $6,100. (Average, $6,500)

"GOLD DIGGERS OF 1935" (Warners)
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

"TRANSIENT LADY" (Univ.)
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Talk of the Town Revue." **Gross:** $7,200. (Average, $7,000)

"THE WEDDING NIGHT" (U.A.)
"TIMES SQUARE LADY" (M-G-M)
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,200. (Average, $12,000)

"CAPTAIN HURRICANE" (Radio)
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Cocktail Hour" revue. **Gross:** $6,500. (Average, $7,000)

"LITTLE DAMOSEL" (Cameo)
"LONE BANDIT" (Century)
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,250. (Average, $1,000)

Mrs. Baier Plans Fight to End Gifts in Mo. by Law

KANSAS CITY, March 26.—Mrs. A. Baier of the suburban Lindbergh here says she is planning to ask a state representative to introduce a bill in the Missouri Assembly banning preiums at theatres or making it illegal to give added inducements when playing a picture day and date with equally priced houses not adopting the practice.

Mrs. Baier said the spread of premiums creates a condition unfair to other theatres and she believes special legislation necessary because of the failure of efforts to prohibit the practice through code machinery.

A poll of local suburban exhibitors at the present time would find a majority favoring outside inducements, it is concluded from the existing trend.

An attempt recently was made in the Missouri legislature to prevent the operation of cash nights, bank nights and similar gift enterprises, but it got no further than a committee, which killed the bill.

Historical Record Compiled from Film

KANSAS CITY, March 26.—History as the motion picture has recorded it is the topic of a pictorial feature titled "Unreeling History" starting in the *Kansas City Star's* rotogravure section.

Prepared by John C. Moffitt, film editor, the feature will be released through the Bell Syndicate. Compilation was a work of several months and resulted in a collection of about 1,000 stills. The feature will run a year, it is estimated.

Keith's Cincy Scale Up

CINCINNATI, March 26.—Coincident with inauguration of the 52nd anniversary of Keith stage shows, the RKO Shubert has increased evening prices to 42 and 55 cents, including tax, for balcony and lower floor. The scale since the house opened March 1 has been 35 and 42 cents from 1 P. M. to closing.

Mascot to Start Four

HOLLYWOOD, March 26.—Mascot will reach a production peak in April with four pictures slated to go into work by the 25th. They are: "One Frightened Night," "City News," "Anything Once" and "Confidential."

Para. Signs O. R. Cohen

HOLLYWOOD, March 26.—Paramount has signed Octavus Roy Cohen to write a story around the character, "The Virginia Judge," which Walter C. Kelly has made famous. Kelly will play the part in the picture.

Miller's Father Dies

KANSAS CITY, March 26.—Beverly Miller, National Screen Service representative, is mourning the death of his father, Dr. W. C. Miller, at Labadie, Mo.

Get Vigilant Cartoons

Trans-Oceanic Film Export Co. has acquired foreign distribution rights on a series of 13 one-reel cartoons produced by Vigilant Pictures.

Star Dust

Hollywood, March 26. — "Whitey," the cat who played the role of Hannibal in "Chasing Yesterday," is being lined up for a long-term ticket at RKO on the strength of that performance.

The feline was purchased for six bits by Henry East, her owner, but East has spent 175 bucks grooming her for stardom. It is the cheapest deal on record here.

Which reminds of what will become of that black cat used in all of Marlene Dietrich's pictures now that the Von Sternberg-Dietrich combination has split?

Eastman's 1934 Net Up to $14,503,247

Eastman Kodak reports a substantial rise in income for 1934 over the 1933 total. Consolidated net for the parent company and all its wholly owned subsidiaries totalled $14,503,247, equal to $6.28 per share. For 1933 the net was $11,119,004, or $4.76 per share.

Sales have gained both in this country and abroad, according to Frank W. Lovejoy, president. Earned surplus at the end of 1934 was $80,600,102, compared with $76,595,941 the year before. Current assets total $91,522,874.

A summary of changes during 1934 was given as follows: Profit on silver bullion, $1,550,046; profit on exchange, $624,294; investment appreciation, $726,667; unemployment reserve fund, $393,626; released reserves, $142,864; other credits, $65,676.

B. F. Keith Loss in 1934 Cut to $136,035

For 1934 B. F. Keith Corp. reports a loss of $136,035 after Federal taxes, depreciation, amortization, interest and other charges. In 1933 the loss, after the same charges, was $580,387.

Current assets are listed as $882,010, including $776,861 in cash. Current liabilities are given as $346,693. Total assets on Dec. 31 were $21,046,423.

Bomb Is Threatened; German Film Banned

TORONTO, March 26.—A sensation developed here when W. S. Brady, proprietor of the Madison, received a bombing threat by mail if the picture "Germany Awakes" were presented as scheduled.

The immediate outcome was the cancellation of the engagement and the Ontario Government took further action, through the censors by withdrawing official sanction of the film, thus placing it out of circulation insofar as this province is concerned.

The picture was to have been presented under the auspices of the Deutscher Bund Kanada, a local German social organization, which had already sold approximately 1,000 tickets for the run.

Pre-Release Dates Hit by Group in Wis.

MILWAUKEE, March 26.—The Independent Theatres Protective Ass'n. has gone on record as being opposed to pre-release dates and has notified exchange managers to that effect. The organization's stand is aimed primarily at the Wisconsin Amusement Enterprises.

The association is requesting exchanges to adhere to the 1933-34 clearance schedule, which makes no reference to pre-release dating. The group will also make an effort to outlaw duals, premiums and similar practices.

Canton Bus Strike Hits Theatre Trade

CANTON, O., March 26.—Theatre receipts, especially at the downtown houses, are being affected by a strike of 145 city bus drivers. The strike has paralyzed the city's transportation system, compelling approximately 30,000 riders to seek other means of transportation.

Mayor Arthur Trumbull has forbidden private motorists from picking up passengers.

Charter Color Classics

ALBANY, March 26.—Color Classics, Inc., New York City, has been chartered with $40,000 capital in $10 shares to deal in moving picture machines. Walter H. Bond, William Arthur Babson and Aurora M. Viehbrook are directors and subscribers.

More Duals in Lincoln

LINCOLN, March 26.—A third house here went to double features last week, when the Varsity, taking the cue from the Kiva, also an L. L. Dent spot which went dual a couple of weeks ago, put up signs saying the bargain film showing would go in for a trial. J. H. Cooper's Sun also shows duals.

O'Brien Unit in Arizona

HOLLYWOOD, March 26.—Director Eddie Cline and a troupe of 60 have gone to Phoenix, Ariz., to film "Cowboy Millionaire," featuring George O'Brien and Evelyn Bostock. The Sol Lesser unit will remain at the Arizona location for three weeks.

Col. Holds Mae Marsh

HOLLYWOOD, March 26.—Columbia has picked up another six-month option on the contract of Mae Marsh. Miss Marsh is currently working in "In Spite of Danger," in which she has the top feminine spot opposite Wallace Ford.

Selling Early in N. O.

NEW ORLEANS, March 26.—From all indications the selling season here will close earlier than usual, since exhibitors, both circuit and independent, are showing an eagerness to buy and already have the season well in swing.

1st Annnual SHOW OF S

- an exhibition of ideas and materials that bring the dollars into the theatre box offices

4 Days
April 1-4

The Show of Showmanship will be on view at the Motion Picture Club 1560 Broadway, New York for four days starting Monday, April 1 and ending Thursday, April 4. Doors open from 10 AM to 10 PM

ADMISSION FREE

HOWMANSHIP

See the Quigley Award Entries from all parts of the world • advertising and exploitation campaigns from managers in the field • reproductions of ticket-selling fronts and lobby displays • original poster and lobby designs • novelties and accessories • national tie-ups, including window displays, national magazine advertising and accessories • stills • styles in newspaper advertising • engraving processes • lithographs • short subject exploitation • national advertising • press books • ideas

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Speed on NRA Bills Sought By President

(*Continued from page* 1)

may not be extended and that the Government may not be inclined at the present time vigorously to enforce code requirements."

Ordering the Recovery Administration to exert its "full power" to insist upon and obtain compliance, the President, charging bad faith on the part of those attempting to lengthen hours or reduce wages contrary to code requirements, announced that he had requested the Department of Justice to take prompt and vigorous action to prevent or punish violations.

He also suggested that the situation be brought to the attention of Congress so that the recovery legislation could be accelerated.

FWC to Seek Delay Or Clearance Shift

Unless changes are made in the Los Angeles schedule as a result of its petition, Fox West Coast will demand that Campi delay indefinitely putting it into effect, it was learned yesterday.

Charles L. O'Reilly, Sidney Justin and Paul Lazarus, members of Campi's clearance and zoning committee are studying the 29-page report by John C. Flinn, who visited each of the situations involved when he was directed by Code Authority personally to investigate the F.W.C. petition. Flinn's report gives an analysis of the situation without recommendations.

Some of the members of the clearance committee had not completed the Flinn report yesterday. The schedule is slated to go into effect Sunday. It will be one of the main items on the calendar at tomorrow's Campi session.

While schedules for Kansas City, New Haven and Milwaukee are on the calendar they will be passed up. Consensus of opinion of Campi men is that they want to see how the coast plan works out before others are adopted and put into operation.

There are about 30 appeals ready for Campi decisions. Appeal committees meet three times a week and have been able to catch up with the number of appeals on the docket. Cases are heard from three to four weeks from the date Code Authority receives them. Committees hearing appeal cases are being given a vacation this week. Hearings resume Monday.

Cullman Insists on Rule Against Reade

Although Walter Reade, in a letter to the local grievance board, admits distribution of "service passes' at the Astor, a practice which has since been stopped, Howard S. Cullman, trustee of the Roxy, is insisting that the board hand down a decision in his favor next Tuesday.

Reade contends that he has been ill during the past three weeks and that a new manager was responsible for issuance of the passes.

K. C. Premium Ideas Get Strange Slants

KANSAS CITY, March 26.—The premium craze has given birth to some fantastic ideas among exhibitors, it was revealed when a few of the new wrinkles were sprung on John C. Flinn, Campi secretary, presiding at a round table here late last week.

One exhibitor arose to inquire if, with each paid admission, it would be permissible to give a free ticket to another theatre under the same operation.

Another query fired at Flinn was if it would be okay with him if, instead of giving dishes, a theatre handed out coupons good for merchandise at a neighborhood store.

By the time the exhibitors concluded their cross fire of questioning Flinn looked as if he could do with a couple of aspirins.

Picker Makes Plea For RKO Clearance

Eugene Picker of Loew's yesterday put up a strong fight for maintenance of the present seven-day clearance held by RKO's Strand and Columbia, Far Rockaway, and Alden, Jamaica, L. I., over Century's Fantasy, Rockville Center. Loew's has the Hillside, Hillside, which would ultimately be affected by the decision in the event the clearance is eliminated by the local board.

After two and three-quarters hours of arguing, with several members opposing Picker's stand, the session was adjourned until tomorrow.

Alfred E. Steers, impartial member, celebrated his 75th birthday yesterday and withdrew from the deliberations shortly before its breakup to attend a dinner in his honor.

Four Ad Cases Are Put Over by Board

Four of the five premature advertising complaints on the calendar at the local grievance board were postponed yesterday. The complaints put over until the next session were filed by Century Circuit against Sam Baker's Hollis and Island, Hollis; Linden, Jamaica; Bellaire, Bellaire, L. I.

Dave Weinstock's case against Louis Feld of the Treat, Newark, was decided in the complainant's favor. Weinstock has the Broad, same city.

Assert Bank Night Deals Gain in Hub

BOSTON, March 26.—Contracts have been signed for more than a dozen theatres, according to James Kennedy, giving bank nights a foundation in the New England territory where tango and screeno also have foothold. The grievance board has not been called upon as yet to decide on a case regarding the legality of bank nights.

"U," Pantages Win Coast Damage Suit

(*Continued from page* 1)

plaintiff, charged that seeing Baby Face Nelson shot dead while she was an expectant mother caused her baby to be born dead.

The court ruled that the nature of the reel was fully advertised outside the theatre and ordered the jury to return a verdict in favor of the defendants.

Early Ascap Trial May Be Sought Here

(*Continued from page* 1)

Amen, special assistant to the Attorney General, Bennett and Arthur Schwartz of the Nathan Burkan office, counsel for Ascap. At the conference Bennett asked an immediate trial of the case but was told that no judges were available now and that the Federal court calendars were crowded with cases regarded as of equal importance.

Yesterday Judge Knox's order directing the striking out of all portions of Ascap's answer relating to the hitsory of the organization, its background and reasons for being was handed down, opening the way to trial as soon as a date can be obtained. The action was taken on the grounds that much of Ascap's 60-page answer to the government's complaint was improper or irrelevant.

Judge Knox also denied Ascap's motions for leave to take the depositions of nummerous exhibitors and agents, contending that these might not be needed in view of the striking out of much of the answer. The depositions were wanted to substantiate statements made in the answer. Ascap, however, was given leave to reinstate its motion for depositions if it feels they are still needed to support what remains of the answer.

Predict Early Tax Vote in California

(*Continued from page* 1)

to raise $11,000,000, and a tax of one per cent on real estate transfers to raise $10,000,000.

Democrats are uniting with the Progressive block to put through a compromise program which would place the income tax levy budget at between $30,000,000 and $35,000,000. The administration bill calls for a rate one-third of the Federal scale—1.3 to 21 per cent, the highest maximum in any state and four times the average in 24 states using income taxes. The average minimum and maximum in these 24 states is 1.4 to 5.4 per cent. Florida has no income tax, and New York's tax runs from two to six per cent.

A 21 per cent state tax added to a Federal maximum of 63 per cent would make a total of 84 per cent on a net income of $1,000,000 a year.

Harms Injures a Leg

OMAHA, March 26.—Gus Harms, portly member of the Scott Ballantyne supply firm, injured a leg severely while in a Sioux City, Ia., hotel last week.

Pick "Werewolf" Title

HOLLYWOOD, March 26.—"Werewolf of London" will be the final title of Universal's thriller based on Robert Harris' story of that name. It has been called "The Unholy Hour."

Columbia Shifts Title

HOLYWOOD, March 26.—Columbia has dropped the working title of "Gimpy" and has picked "The Unwelcome Stranger" for the release name of Jack Holt's next.

Changes Made In Copyright Pact Measure

(*Continued from page* 1)

maximum to $10,000, but gives the courts greater leeway. It provides, not for the payment of proven damages and profits, but for such sums as the court believes "shall be sufficient to prevent their operation as a license to infringe and as shall be just, proper and adequate in view of the circumstances of the case." Further, the bill carries the right to appeal such cases to higher courts, not now given.

As amended, the measure includes in the right to use copyrighted material in the production of pictures the right to exhibit the resultant films, thus protecting the exhibitor. The protection given authors against mutilation or undue change in their words is retained, but with a provision permitting producers to make changes necessary to conform with customary standards of the industry.

The proposed differentiation between photoplays and other types of pictures is dropped, and newsreels are given the protection accorded newspapers and are protected against injunctions which would prevent their exhibition. Because of the fact that the 56-year copyright period proposed in the bill would remove some works from the public domain, a provision has been incorporated to prevent the bringing of charges of infringement, after the withdrawal of a work from the public domain, for its use while in that category.

New regulations surrounding the securing of copyright require the deposit of five prints from scenes of pictures and provide that no action for infringement may be maintained until the plaintiff has complied with all requirements for deposit of copies and registration.

Search for Florida Studio Sites Grows

MIAMI, March 26.—The search for possible studio sites in the event the industry is driven out of California by the success of the high tax program pending in the legislation there went on apace in Florida today.

Following a conference at the Alcazar Hotel here between Fred Pelton, M-G-M representative, and Morris Helprin, representing Joseph M. Schenck, and representatives of 13 Florida districts, the film men were taken today to inspect sites in St. Petersburg and Tampa, with other cities to follow. A special plane has been chartered for the purpose.

"Economic reasons are now, to a great extent, looming considerably to influence the industry's move to Florida because of the possible lower basic commodity costs," according to Pelton, who adds that "this may be even more important than pending legislation in California."

Seek New Board Setup

HOLLYWOOD, March 26.—A motion was passed at a meeting of the Songwriters' Protective Ass'n. last night that by-laws be changed to provide for a self-perpetuating board of directors.

Day-after-Day
EXCELLENCE

EASTMAN Super-Sensitive "Pan" Negative has played a part in productions that marked veritable milestones in cinematic progress. Yet its success in these outstanding pictures is based upon the same dependability it offers cameramen and producers every day in the year. Unfailing, day-after-day excellence is the quality that makes this film the natural choice for the screen's greatest ventures. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
Panchromatic Negative

K. C. Men Will Open Capitol in Detroit

DETROIT, March 26.—The Capitol, 3,400-seat house here, is to be opened Easter Sunday by interests operating the Tower in Kansas City. This is understood to be the first step in a gradual expansion program in which theatres will be added in key towns and operated on a policy which has been successful in Kansas City, combination stage shows and first run pictures at a low price scale.

The tariff at the Capitol has been set at 20c-25c-35c, and the stage shows will be vaudeville with a band and a line of girls. Formerly operated by Publix-Kunsky, and for a few weeks last fall by an independent, the house has been dark since last November.

A corporation is to be formed with William Reinke and S. Bernard Joffee of Kansas City and Nate Block of St. Joseph, Mo., as the factors. These men combined a year ago to open the Tower in Kansas City, and the house clicked with a vaudeville-picture policy at 25 cents. Reinke and Block are here arranging for the opening.

Four Holdovers in Big Broadway Week

(Continued from page 1)

Little Colonel," heading for an $85,000 gross, is being held at the Music Hall. "Naughty Marietta" is slated for another week at the Capitol. It will probably gross $50,000 for the first stanza, which ends tomorrow night.

"The Mystery of Edwin Drood" was good for $13,000 at the Rialto, while Walter Reade is finding business good enough at the Astor and Mayfair to keep "It Happened One Night" and "The Man Who Knew Too Much" another week. The Astor will wind up tomorrow night with about $10,000, while the Gaumont British film at the Mayfair will corral about $13,000 for the week ending this afternoon. Third week of "Ruggles of Red Gap" at the Paramount tallied $30,000.

Okla. Court Won't Act in Trust Case

OKLAHOMA CITY, March 26.—Holding that picture theatres are subject to the anti-trust laws of Oklahoma, the Supreme Court here today refused to break up an alleged film trust in Pottawatomie on the ground that district courts and county attorneys have no jurisdiction in such a case.

Clarence Tankersley, county attorney, brought suit against L. C. Griffith, Paramount Publix, Universal, Regal Theatres and the Griffith Amusement Co., alleging that they controlled the leasing of films and had put A. B. Momand, theatre owner, out of business through an illegal combination in violation of the Oklahoma anti-trust laws.

Hodges, Hickson West

A. J. Hodges and D. C. Hickson, northeast and southeast operating superintendents, respectively, of Erpi, leave New York today by plane for Hollywood, the former to become technical and commercial contact executive for the company with the large studio licensees, and the latter to serve with General Service Studios in an executive capacity.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"It's a Small World"

(Fox)

HOLLYWOOD, March 26.—Depicting life in Hope Center, Louisiana, this comedy of native and local flavor is good average entertainment.

Spencer Tracy and Wendy Barrie wreck their cars while detouring in Louisiana and are towed into a village where Raymond Walburn is everything from judge and hotelkeeper to barber and game warden. Charged with negligence, reckless driving and other misdemeanors, the pair go on trial in Walburn's court before a jury that acquits the girl but finds Tracy guilty. He pays the fine, which proves to be the first of a long series of charges imposed by Walburn. Tracy then has himself appointed special court officer so he can prevent Miss Barrie, against whom he has a damage claim, from leaving town. The romance between the pair is thwarted several times, but love triumphs.

Despite the slim story the picture has many laughs. The locale and characters are different and a warm folky quality pervades.

Irving Cummings' directorial talents turns this into unusual comedy channels. Photography and production are excellent. All supporting roles are well played, highlighted by Virginia Sales as a slavey, Charles Sellon as a deaf farmer and Irving Bacon as a garage owner. It should satisfy, especially in neighborhoods.

Production Code Seal No. 709. Running time, 68 minutes. "G."

"Sons of Steel"

(Chesterfield)

HOLLYWOOD, March 26.—"Sons of Steel" reaches only the fair mark on the entertainment chart. However, it should prove passable screen fare for neighborhood clientele. Direction and performances are good, but the story somehow fails to rise to its potential peak.

The story revolves around two brothers in separate walks of life and their sons. Holmes Herbert, a socialite, and Walter Walker, steel mill owner, are the brothers and William Bakewell and Charles Starrett their respective sons. Bakewell is raised in a society atmosphere and Starrett is adopted into the family of a steel worker portrayed by Richard Carlyle and Florence Roberts. Both boys attend the same college and wind up working in the steel mill, Bakewell as executive and Starrett, a machinist. The climax arrives when the steel workers strike and Starrett, suddenly discovering that Walker, the owner of the mill, is his father, manages to send the men back to their jobs.

A thin thread of romance is supplied by Polly Ann Young, as a stenographer. Direction by Charles Lamont is a high spot in the film with all performances measuring up to par. Charles Belden did a good job on the dialogue and continuity.

Production Code Seal, No. 448. Running time, 64 minutes. "G."

"New Adventures of Tarzan"

(Burroughs-Tarzan Enterprises)

HOLLYWOOD, March 26.—This production, aimed at children's matinee trade, shows an expedition bent on stealing jewels from natives, which may not be the thing for children; hence there is plenty of need for selling to get a break.

The story moves slowly, starting in Africa, with Herman Brix, as Tarzan, enlisted from the jungle to join an expedition to the Mayan ruins in Guatemala. More than half of the footage is devoted to the sea trip of the party from Africa to Central America, with the heavy attempting to steal the map from the expedition head. The action speeds somewhat when the party arrives at Guatemala and races the heavy to the ruined city, where a tribe of wild natives fights vainly to protect the gems from the intruders.

Brix, playing Tarzan as athlete, swimmer and tree swinger, is unconvincing in the dramatic episodes.

The photography and scenery are good.

Wilbur McGaugh's direction is uncertain. He never seemed to be sure whether he was making a feature or a serial.

No production code seal. Running time, 73 minutes. "G."

"Private Worlds," last night's preview at the Paramount, was reviewed by wire from Hollywood on March 6.

"I'll Love You Always," Friday's opener at the Roxy, was reviewed by wire from Hollywood on March 21.

Short Subjects

"Borrah Minevitch & His Rascals"

(Vitaphone)

Although Borrah Minevitch and his band of harmonica playing boys have appeared in several shorts of this type, this one is nevertheless novel entertainment. It has plenty of music and lots of comedy of the first order.

Minevitch's musical presentations include "Railroad Sam," "Oceans of Love," "Campesita" and "Won't You Buy My Violets?" all done in fine style.

Highly recommended. Production Code Seal, No. 332. Running time, 11 mins. "G."

"Laughing with Medbury in Hollywood"

(Columbia)

Jack Oakie is the only star shown in this subject, and only because he happened to be coming out of a restaurant, but Hollywood itself is covered so thoroughly that this is a very interesting reel. All the freak restaurants, homes and other points of interest in the town itself are shown to the accompaniment of Walter Futter's comical comments.

To be recommended. Production Code Seal, No. 515. Running time, 10 mins. "G."

"The Tin Man"

(Roach-M-G-M)

Thelma Todd and Patsy Kelly get lost while driving in the country and stop at a lonely house to 'phone for help. Inside they encounter a crank inventor who turns a mechanical man loose on them. Both girls suffer many embarrassing moments, finally escaping after the robot turns on his own inventor when things go haywire.

Amusing. Production Code Seal, No. 495. Running time, 19 mins. "G."

"Windy"

(M-G-M)

Charles (Chic) Sales here presents another of his perfect characterizations, this time it is an old desert rat with a great love of children. He is barred from the school grounds in his home town and is reinstated after saving one of the children from a snake.

It isn't the story, but the way Sales talks and acts that makes this a short subject to be highly recommended. Reviewed without production code seal. Running time, 9 mins. "G."

"Jamaica"

(Van Beuren-Radio)

The latest member of the Vagabond Adventure series presents a beautifully photographed and comprehensive view of the island of Jamaica. The reel includes shots of Kingston; native streets, homes and farms; sugar plantations and mills and banana plantations. Off-screen dialogue is supplied by Alois Havrilla, radio announcer.

Satisfactory. No production code seal. Running time, 11 mins. "G."

Harold R. Franklin Dies

PORTLAND, March 26.—Harold R. Franklin, 39, manager of the Rialto, Spokane, is dead here following a pneumonia attack.

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 73 NEW YORK, THURSDAY, MARCH 28, 1935 TEN CENTS

Skouras Not Expected to Buy into Met

Schenck, Fox Theatres May Split Shares

While no formal decision has been made by Skouras Theatres as to acceptance or rejection of the standing offer under which the company may purchase a large block of the new stock of Fox Metropolitan Playhouses after reorganization of the latter, it is now considered unlikely that the offer will be accepted.

According to reports, Joseph M. Schenck, who becomes president of reorganized Fox Met, favors a stock equity for Skouras in the new parent company and advanced the offer to make a block of the stock available. The new company will issue only 10,000 shares of new stock, which will be held equally by Fox Theatres and Schenck. It is understood that

(*Continued on page 4*)

Extras Charge Cut In List Was Unfair

HOLLYWOOD, March 27.—The extra registration situation looked blacker here today when the latest development revealed a six-page letter of protest had been mailed to Compliance Director Sol A. Rosenblatt in Washington by the Hollywood Picture Players Ass'n., Picture Players' Alliance and The Troupers, Inc., stating that unfair tactics had been used in selecting only 1,000 extras for the

(*Continued on page 4*)

Brandt Renamed as Head of the ITOA

Harry Brandt was unanimously re-elected head of the I.T.O.A., yesterday at the annual voting of the unit. Bernard Barr was elected first vice-president. He had no opposition. Charles Schwartz beat Dr. Leon Greenfield to the second vice-presidency and Maurice Brown was renamed to the secretarial post. Leon

(*Continued on page 2*)

Gains in Fight on Frisco Bank Nights

SAN FRANCISCO, March 27.—Herman Cohen of the United Artists today won a major point in his efforts to restrain 31 theatres here from holding bank nights when the grievance board ruled in his favor against six

(*Continued on page 6*)

Western Film Demand Gains; More Planned

Re-Issues Being Put Out For Week-End Bills

Following demands by exhibitors throughout the country for more action films, several major distributors will increase the number of westerns next season.

Paramount, which released about five for the current season, will most likely boost the number to nine or 10. Three or four in the new series will be made from Zane Grey novels.

Columbia is set to distribute eight Ken Maynards in 1935-36 and may reissue eight Tim McCoys. During the present season 16 outdoor films have been released, eight of which were Tim McCoys and eight Buck Jones re-issues.

Universal, which has six from Buck Jones currently, is planning to increase

(*Continued on page 6*)

Expect Ruling Today In Century-RKO Case

Decision on the Century-RKO clearance issue in Long Island is expected from the clearance board today at the deliberations which were adjourned Tuesday after two and three-quarter hours.

The record of the eight hearings and summation runs to 1,469 pages.

(*Continued on page 4*)

New Delay in Sight For L. A. Schedule

Presaging a delay in putting the Los Angeles schedule into operation, the Campi clearance and zoning committee today will ask for more time to study John C. Flinn's 29-page report on Fox West Coast's petition for

(*Continued on page 4*)

Loew Picks Site

Chicago, March 27.—Loew's initial theatre-acquisition move here involves construction of a theatre and business block costing $200,000. The theatre will seat 1,500, it was learned unofficially today.

The lease will be signed within the next few days. Thomas Lamb, the architect, has sketches prepared for submission to New York as soon as the deal is closed.

RKO-Loew's For Dual End, Scale Boosts

RKO and Loew's are in favor of hiking admissions and abolishing duals in the local area, it was stated yesterday following a meeting between C. C. Moskowitz and Marvin Schenck of Loew's, Leslie E. Thompson of RKO and Harry Brandt, president of the I.T.O.A.

Brandt, sponsor of the plan, reported satisfactory progress after meeting the major circuit executives, and stated that a meeting of all important affiliated and independent circuit heads

(*Continued on page 4*)

Para.-Erpi Terms Called Exorbitant

An affidavit attacking the terms of Erpi's proposed new recording license agreement with Paramount as "arbitrary and exorbitant" and declaring that RCA victor would submit a bid for Paramount domestic recording which would be $300,000 per year less than Erpi's terms was served on counsel for the Paramount Publix trus-

(*Continued on page 6*)

No Earthquake, Just Safe

St. Louis, March 27.—Benjamin Paulter, manager of the King Bee, lives on the floor above the theatre entrance. The other night vibration of the floor under his bed woke him and he thought St. Louis was having its first earthquake, so he headed for the fire escape on the street side. What he saw there made him change his mind and rush to the telephone.

A gang of men was trying to roll the theatre safe up planks onto a truck. Even the truck had been stolen, the police found after they had frightened the burglars away with their sirens. The safe was intact.

Quick Action To Be Sought On Ascap Suit

Government Pleased by Cuts in Complaint

WASHINGTON, March 27.—Department of Justice officials today definitely decided to press for an early trial of the government's monopoly action against the American Society of Composers, Authors & Publishers and declared tonight that "the government will use every effort" to bring the case to trial without delay.

Throughout the day officials of the department were studying the ruling handed down by Federal Judge John C. Knox in New York on Tuesday which accepted the government's motion to strike out irrelevant material from Ascap's answer to the government's bill of complaint. Highly satisfied with the success of their effort to keep the case confined to major

(*Continued on page 4*)

Approval of Allied Plan Seen as Sure

Creditors' acceptance of the Allied Owners' Corp. plan of reorganization appears certain at today's hearing before Federal Judge Robert Inch in Brooklyn, despite the fact that up to yesterday the necessary two-thirds of $9,127,000 of Allied's first mortgage bonds outstanding had not yet assented to the plan. The deficiency,

(*Continued on page 6*)

House in Mo. Votes 2% Sales Tax Bill

JEFFERSON CITY, Mo., March 27.—After a month's bitter fighting, the House today passed the two per cent sales tax, to be passed on to the consumer, but defeated an emergency clause to put the measure into effect immediately.

Admissions, advertising and other services come under the provisions of the tax measure. If the bill passes the Senate, where it faces several obstacles, an attempt probably will be made to submit it to the vote of the people.

Report California Film Bills Doomed

SACRAMENTO, March 27.—Indications have been given that the Governor will veto any so-called "puri-

(*Continued on page 6*)

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Brandt Renamed as Head of the ITOA

(*Continued from page* 1)

Rosenblatt was elected treasurer and Dave Schneider was named sergeant-at-arms.

The new board of directors, 15 in all, is as follows: Morris Fleischman, Leo Brecher, Hyman Rachmil, Herman Eisenstadt, Louis Schiffman, John Benas, Jack Hattem, Al Cooper, Rudolph Sanders, Morris Goodman, Ben Roman, Dave Weinstock, Bernard Pear, William Yoost and Dave Davis.

An advisory committee of three to aid the board of directors will be named shortly. It will consist of Louis Nelson, Dr. Leon Greenfield and Louis Meyers. Fleischman in all probability will be named chairman of the board of directors. An installation dinner will be held soon. Nelson is in charge of the affair and will announce the date later.

Sold to Warners

"The March of Time" has been placed with the Warner Philadelphia zone houses, first and subsequent runs, beginning with the third release. The deal was closed by Ted Schlanger for Warners and by Harry Thomas, Fred McConnell and Sam Rosen for the producer.

Consolidated in Drive

Consolidated Amusements on April 1 starts a six-week business drive with bonuses for theatre managers showing the best results.

Purely Personal

SERGEI SOUDEIKINE, ALBERT JOHNSON and BORIS ARONSON, well known scenic designers, have been engaged as art directors for the Music Hall by W. G. VAN SCHMUS.

•

LAURENCE RILEY is off for the coast via the motor caravan route. There, he will do some scrivening for Paramount and work on his next play, "Cardboard Lover."

•

EVELYN POE has been signed to a long-term contract by Radio and reports to the coast May 1. The William Morris Agency handled the deal.

•

DAVID SARNOFF, RCA head, has been honored with the Cross of the Legion of Honor by France for his work in the radio field.

Quip of the Day

Ned Depinet, in an expansive and friendly mood yesterday:

"Herb Yates is preparing for a general meeting of the stockholders of Consolidated Film Industries on Thursday."

"What do you mean preparing? What is he doing about it?" someone asked.

"He's spending the afternoon in the gym," replied Depinet.

JOHNNY DOWD made his debut at the M. P. Club yesterday. He was accompanied by CHARLES MCDONALD.

•

ED KUYKENDALL arrived last night from Columbus, Miss., and Washington to attend today's Campi meeting.

•

SOPHIE TUCKER, just back from Miami, is busy rehearsing for her opening at the Hollywood April 4.

•

JOE MOSKOWITZ plans to take a much needed vacation shortly, following which he will go to the coast.

•

AL SHERMAN is "ghosting" a life story of NOAH BEERY for syndication by the General Press Bureau.

•

ANDY SHARICK, MOE KOFFLEMAN, BILL KAMER and JAMES JORDAN are going in for gymnasium work.

•

EDDIE CANTOR winds up his air broadcasts April 28 and plans to leave for the coast about May 3.

•

H. M. DOHERTY of Warners is now a member of Governor LAFFOON'S army of colonels.

•

SOPHIE KERR'S novel "Thanks for Your Kind Efforts" has been bought by Fox.

•

C. W. BUNN of Erpi is due back from a mid-western business trip today.

•

MILT KUSELL sails Saturday for a two-week vacation on the *Rotterdam.*

•

SI SEADLER started his spring ping pong training yesterday.

•

M. A. LIGHTMAN is due in from Memphis Monday.

•

SAM HARRIS is due in from Hollywood next week.

HERB YATES, NED DEPINET, MERLIN AYLESWORTH, MAJOR LESLIE THOMPSON, HERMAN ROBBINS, SAM DEMBOW, JR., and HARRY GOETZ were among those who found the surroundings at "21" pleasant yesterday.

•

BORRAH MINEVITCH and his Harmonica Rascals have been signed by SAMUEL GOLDWYN for a role in EDDIE CANTOR'S next picture. The William Morris Agency handled the deal.

•

PHIL RYAN, in from the coast on that new deal of his, spent all of yesterday downtown. Ditto on today's performance.

•

SAM DEMBOW, JR., in pleasant gray and warm purple, was a sartorial treat yesterday.

•

GEORGE DEMBOW is touring the south and from there may go to the coast.

•

BEN AMSTERDAM, New Jersey exhibitor, is vacationing in Miami.

•

. . . Kansas City

Judge BERT ROGERS of Olathe, Kan., is very much tickled with the recent story in MOTION PICTURE DAILY about his boy, Buddy. . . . BILL REINKE of the Tower made a flying trip to Detroit and Chicago to give some acts the once over. . . . HARRY D. GRAHAM, Universal d.m., back on the scene after a sojourn in N'Orleans and other points South. . . . EDDIE GREEN, Metro salesman, in California to attend his father's funeral. . . . LUPE VELEZ stage headliner at LAWRENCE LEHMAN'S Mainstreet. . . .

•

. . . Pittsburgh

The weekly Monday luncheons at the Variety Club have been turning them away and MORTY HENDERSON is all smiles. . . . GEORGE SEIBEL, who covers the shows for the Hearst paper, the *Sun-Telegraph,* in New York catching the new plays. . . . The town's getting its first in-person glimpse of WALTER HUSTON in "Dodsworth" since he played here in "Desire Under the Elms." . . . HAROLD COHEN has been battling the flu all week, but still on the job. . . .

•

. . . Salt Lake City

WINIFRED SHAW is appearing at the Paramount in conjunction with "Gold Diggers" . . . FORTUNE GALLO'S San Carlo Opera Co. to return to Salt Lake April 5-6 . . . LON T. FIDLER, division manager for distinctive pictures, spending a few days here before returning to Denver headquarters . . . W. J. KUPPER, western sales manager for Fox, been visiting with CHARLES WALKER . . . JACK RUE, Universal exchange manager, back from a trek throughout Idaho . . . ROMERO and ADELIA, tango artists, headline artists in "Rio Nights," stage show, drew crowds to the Victory, as did EDUARDO DELGADO, baritone known as the "Bing Crosby of the Argentine."

Sandrich Term Extended

HOLLYWOOD, March 27.—Radio has taken up an option on the services of Producer Mark Sandrich for an additional six months. His first under the new agreement will be "Top Hat," co-starring Fred Astaire and Ginger Rogers.

Greenthal Not Named For Ampa Job: Finney

Declaring that MOTION PICTURE DAILY'S story yesterday on Monroe Greenthal's nomination for the presidency of the Ampa was contrary to fact, Edward Finney, chairman of the nominating group, stated he has been aware of a rival faction which threatens to oppose whatever ticket is planned by the official group, but not against any individual.

Finney further adds that the nominating members were considering Greenthal for the post of president because of his splendid work on the unemployment committee in addition to his handling of meetings in the absense of William Ferguson, incumbent. It is also stated that the committee has come to no decision on the new slate. Finney says he understands that Greenthal has been offered the presidency by the opposition group.

However, it is understood Greenthal will not accept either nomination because of the nature of his work at U. A., which requires that he be out of town at frequent intervals.

Ask Maryland Fee Boost

ANNAPOLIS, March 27. — Fees charged by Maryland censors will be increased from $2 to $3.50 for each 1,000 feet of master print and from $1 to $2 for each additional print, if a bill introduced in the Senate by Senator J. David Baile, Republican, of Carroll County, becomes a law. The measure has been referred to the Finance Committee.

Refuse to Bar Picture

NEW ORLEANS, March 27.—The U. S. Department of Justice has refused the request of the German consul here that "Hitler's Reign of Terror" be barred from showing at the Wonderland. The consul insisted Germany was grossly misrepresented in the film.

Re-Sign Ken Goldsmith

HOLLYWOOD, March 27.—Ken Goldsmith, who supervised "Little Men" for Mascot, has been re-signed to supervise "Harmony Lane." The picture, which deals with the life of Stephen Foster, is scheduled to start early next month.

Schenck, Phillips Leave

Joseph M. Schenck, William Phillips and Harry Goetz left for the coast yesterday to attend the preview tomorrow of "Les Miserables." The trio picked up Al Lichtman in Chicago.

Closed Ampa Meet Today

Today's Ampa meeting at the Motion Picture Club will be closed, the session being devoted to committee reports on the Naked Truth Dinner set for April 27.

Gets Mascot Pictures

Arthur Sanchez of Transoceanic Film Export Co. has closed a deal with Mascot for the distribution of the latter's pictures in Venezuela.

N. & R. Acquire Fortway

Nelson and Renner have added the Fortway, Brooklyn, to their string. Lou Preston is general manager.



"...and when I left Hollywood, my little Ruby said to me, 'Al', she said, 'you deliver this personally to the boys back East!' So here I am – – – and here's our little present for you. Sonny boy, take this to the projection room and find out what the Jolsons can do when they get together!"

Skouras Not Expected to Buy into Met

(Continued from page 1)

each is willing to dispose of a minimum of 1,000 shares to Skouras and the offer has been submitted by the latter to Hayden, Stone & Co. for action. Present indications are that no action will be taken by the investment house and it is understood that Skouras Theatres will not undertake purchase of the stock without outside financing.

Both Skouras and Randforce will have stock participation in the subsidiary operating companies of Fox Met, although their 10-year operating contracts with the new company have not been finally closed yet. Eventual liquidation by Fox Theatres of its entire equity in Fox Met appears likely, inasmuch as Fox Theatres is in receivership and its liquidation or reorganization may be asked by creditors.

Meanwhile, the Fox Theatres-Schenck plan appears virtually certain to go through the creditors' hearing on April 12 without serious opposition or the presentation of a competitive plan. Saul E. Rogers, attorney, representing undisclosed interests, stated last week that he would not offer an alternative plan unless he could better the terms proposed in the Fox Theatres-Schenck plan. It is almost certain that this will not be done. Rogers is the only known principal interested in presenting a competitive plan at this time.

Extras Charge Cut In List Was Unfair

(Continued from page 1)

list now awaiting Rosenblatt's approval. It is also charged the proceedings were contrary to the NRA.

The letter, drafted by Frank Woods, first secretary of the Academy, claims that 2,000 equally qualified extras were excluded from the list and that this violates the code of fair practice in that the code doesn't authorize an active extra list. The letter also formally asks that registration sub-committee and Campi action be eliminated and registration rules be made public.

It is further requested that Article 3, Section 4, of the code be clarified. This section deals with employes on location.

Eugene H. Marcus is now in Washington representing the three groups in the negotiations. The general feeling is that the extras will appeal to producers and the Central Casting Office ff not given a sympathetic ear at the capital.

Opera for Radio City

The production of three operas and a ballet on the stage of the Music Hall is being planned for the near future, according to W. G. Van Schmus, managing director. Richard Strauss' "Salome," Gounod's "Faust" and Smetana's "The Bartered Bride," in condensed versions, are the operas planned. The ballet will have Respighi's "Pines of Rome" as the music.

Quick Action To Be Sought On Ascap Suit

(Continued from page 1)

issues, Department officials decided to press forward with the case rather than to permit it to go over to the fall term of court.

Whether the government's next step will be the filing of a certificate of necessity, or some other action calculated to hasten trial of the suit, could not be learned definitely. However, formal action for a prompt hearing of the case is expected within the next few days and the seeking of a certificate of necessity to compel the setting of an immediate trial before three Federal judges has been suggested by department officials as a possibility. Owing to the crowded Federal court calendar in New York and the unavailability of trial judges, an effort to obtain a certificate of necessity might be met with an advancement of the Ascap case to a preferred place on the trial calendar in order that it might be heard by one judge instead of the three who would have to be assigned if the certificate of necessity was obtained.

Chicago Board Stops Alger's Film Supply

CHICAGO, March 27.—The local grievance board today issued a film stoppage order against E. E. Alger, operator of the Peru and nine other houses downstate, as a result of a complaint filed against him on Sept. 25 by Publix Great States on reduced admissions through giveaways and other such practices. The order, effective April 5, is the first of its kind here.

Alger ignored a Feb. 14 order of the board that he desist. He was given notice to appear March 12 and 26 to show cause why his service should not be stopped. Meanwhile Campi upheld the local board.

The stop order was issued following Alger's failure to appear before the board yesterday. He informed the board by letter that he was in touch with Compliance Director Sol A. Rosenblatt regarding a rehearing of his case.

New Delay in Sight For L. A. Schedule

(Continued from page 1)

revisions. The Code Authority secretary returned from Hollywood Sunday night.

Flinn submitted his report to Charles L. O'Reilly, Sidney Justin and Paul Lazarus for study late Monday afternoon. Because of other business the trio has not been able to fully digest the contents in time for this morning's session. The committee will ask that it be given another week or two to go over the analysis before reporting to Campi.

The schedule is slated to go into effect Sunday, according to a previous vote by Code Authority. Whether this will be carried out with the exception of those situations contested by F.W.C., or adopted generally with changes, if any, to come later, will be decided today.

Wall Street

Most Rise on Big Board

	High	Low	Close	Net Change
Columbia vtc	41⅞	41½	41⅜	+ ¾
Consolidated	4⅜	4⅛	4⅜	— ⅛
Cons. pfd (1v)	16½	15⅝	16¼	.....
Eastman	120½	118½	120½	+2¼
Eastman pfd	155	155	155	.....
Loew's	35	34⅜	35	+ ½
Loew's, pfd.	105½	105½	105½	+ ½
Paramount	2⅜	2¼	2¼	— ¼
Pathe	⅝	⅝	⅝	.....
Pathe "A"	12⅜	11	12⅜	+1⅞
RKO	1½	1¼	1½	+ ⅛
Warner	2¾	2⅝	2¾	+ ⅛
Warners pfd	16¾	16¾	16¾	.....

Technicolor Gains ¾ on Curb

	High	Low	Close	Net Change
Sentry Control	¼	¼	¼	.....
Technicolor	19¼	18½	19	+ ¾

Warner Bonds Show Rise

	High	Low	Close	Net Change
General Theatre Equip. 6s '40	6⅞	6½	6½	.....
Loew's 6s '41 ww deb rights	104⅝	104½	104½	.....
Paramount B'way 5½s '51	50⅞	50⅞	50⅞	— ⅜
Paramount F. L. 6s '47	70⅞	70⅞	70⅞	— ⅝
Paramount Publix 5½s '50	72	71½	72	— ½
Pathe 7s '37 ww	103½	103½	103½	.....
Warner 6s '39 wd	51¼	51	51¼	+1

(v) Paid this year on account of accumulations.

(Quotations as at close of March 27)

Expect Ruling Today In Century-RKO Case

(Continued from page 1)

In addition, there are numerous exhibits by both sides. Eugene Picker, who put up a strong fight against independent members of the board for maintenance of RKO's seven-day clearance over the Century Fantasy, Rockville Center, was home yesterday with a sore throat, but will be on hand today.

No vote was taken at Tuesday's session, the deliberation revolving around various principles involved. At one time Leo Abrams, chairman, was in doubt on a certain point and had to call John C. Flinn for a clarification.

Blank Gets Stay on Bank Night Ruling

DES MOINES, March 27.—A. H. Blank, president of the Central States Theatre Corp., has secured an injunction from Federal Judge Charles A. Dewey against outlawing his bank nights by the local grievance board. The stay is also directed at Fox, M-G-M, RKO, Paramount, Universal and Vitagraph.

The board has issued a cease and desist order against Blank, claiming the cash prizes he was giving away formed a rebate of part of the admission price.

A spokesman at Campi yesterday said that Blank had appealed the decision of the Des Moines board, but that at the same time his appeal reached New York by mail a wire arrived notifying Campi of his suit.

Annual Meeting Today

Stockholders of Consolidated Film Industries, Inc., will meet in annual session today.

RKO-Loew's For Dual End, Scale Boosts

(Continued from page 1)

will be called within the next few weeks further to discuss the move. About 30 will attend.

With the I.T.O.A. representing practically all of the smaller exhibitors in the territory, the unit is on record for elimination of twin bills and advancement in admissions and is now anxious to get the larger theatres to agree to approve the idea. All houses will go single bill at the same time, if the plan is adopted.

Complainants Must Prove Competition

CLEVELAND, March 27.—The grievance board has made a ruling that hereafter complainants must prove they are competitors of houses against which they are filing complaints.

Statements covering the competition angle must be included in the complaints, as well. This is to carry out a rule of Campi that only competitors are entitled to hearings.

The board has lifted its stop film service order against the Ohio, Toledo. Jack O'Connell, owner, has agreed to maintain admissions at the contract level.

Drop Boston Complaint

BOSTON, March 27.—The grievance board has dismissed a complaint filed by Edward T. Bloomberg, operator of the Strand at Gloucester, in which he charged that M. & P.-Publix is monopolizing product of five major distributors. He is expected to file an appeal.

New code signers in this territory are: Victory Amusement Co. for the Victory, Casino and Olympic, Lawrence; Abraham Goodside, Strand, Portland; Netoco-Marblehead Theatre Corp., Sanford Theatre Co., Thomas A. McNulty of the Warwick, Marblehead, and Waltham Amusement Co.

College Takes Appeal

CHARLOTTE, March 27.—An appeal to Campi has been taken by Winthrop College from the grievance board decision that it cannot show pictures not previously shown in Rock Hill, S. C., theatres and cannot charge admission to persons outside the college.

Gift nights and giveaways have been banned by the grievance board in Rhodes Brothers' houses at Mooresville, F. C. Hanes at Lenoir, and Harold Kay at North Wilkesboro.

For Taxation Purposes

Universal's application now before the New York Curb Exchange for permission to list 250,000 shares of new common stock does not tie in with new financing, according to company executives, but concerns revamping of the company's structure for taxation purposes.

Mills on "Time" Staff

A. K. Mills, formerly on the publicity staff of Batten, Barton, Durstine & Osborn, has joined The March of Time Co. as assistant to Ralph Rolan, vice-president in charge of advertising and promotion.

Out today

MEDDLERS SEEK TO GRAB SCREEN TO FINANCE "WELFARE WORK"

In

MOTION PICTURE HERALD

Western Film Demand Gains; More Planned

(Continued from page 1)

the series to eight. An announcement to this effect is expected at the annual sales convention in Chicago starting May 25.

Exhibitors all over the country feature westerns on week-ends above other types of pictures. This applies to the big city runs as well as small towns. In New York, westerns are great Saturday and Sunday matinee attractions for juveniles and it is not unusual for neighborhood houses to put on an action film as a third feature for the first two shows.

Some independent exchanges get so many calls for the westerns that branch heads have reopened the vaults for features two and three years old.

Para.-Erpi Terms Called Exorbitant

(Continued from page 1)

tees yesterday by Ralph Vatner, attorney, for William Yoost, an exhibitor who states that he owns $23,000 of Paramount bonds.

The affidavit recites that the RCA Victor bid would save Paramount $3,000,000 during the life of the proposed contract. It also contends that various Erpi overcharges against Paramount should be offset against the Erpi $1,900,000 claim which the trustees propose to settle for $1,200,000. The affidavit recites that Erpi may be liable to Paramount for treble damages of $50,000,000 under the anti-trust laws, citing, for substantiation, the Delaware Federal court ruling in the case of Warners, Duo Vac and General Talking Pictures against A. T. & T., Western Electric and Erpi. The affidavit also states that Erpi's patents should be listed individually in the licensing agreement for Paramount's protection in the event any of them are held to be invalid. Counsel for the Paramount trustees have until Friday to reply.

Vatner is counsel for the American Society for the Protection of the M. P. Theatre, an organization which has launched bitter attacks on the "big electrics" and Erpi in particular in recent years.

Approval of Allied Plan Seen as Sure

(Continued from page 1)

however, was expected to be made up in advance of today's hearing.

Sufficient assents have been received from general creditors having approximately $4,900,000 of claims and from the holders of the $1,747,000 of Allied debentures outstanding.

The plan provides for the outright purchase by Loew's of the Kings, Pitkin and Valencia for $12,875,000 with payments spread over 25 years but subject to earlier completion on a discount basis. Also, while the plan does not contain the settlement provisions of Allied's large claim against Paramount Publix, it has a reservation providing for approval of the proposed settlement by the creditors. The settlement itself is a separate pact calling for the leasing by Paramount of the Brooklyn Paramount, the Paramount at Glens Falls, N. Y., Paramount at Fremont, O., and the purchase of the Alabama, at Birmingham. It also provides for a cash payment to Allied of $150,000 and the allowance of the balance of Allied's claims on a general creditor's basis at $5,000,000.

Looking 'Em Over

"Traveling Saleslady"

(Warners)

Although Joan Blondell and Glenda Farrell are given top billing in this one, it is that grand trouper and excellent comedian Hugh Herbert who provides practically all the entertainment by his antics. Cast as an absent-minded inventor, Herbert had last night's Strand audience roaring at his every scene. Chiefly because of his work and because of an excellent cast, this film is recommended as more than satisfactory.

The yarn has Miss Blondell as the daughter of a toothpaste manufacturer (Grant Mitchell) who goes over to her father's competitor with Herbert and his invention, known as "cocktail toothpaste," when she is refused a job by her parent. To convince her father that she can work she goes on the road and makes a phenomenal success as a saleslady. In the meantime she meets William Gargan, ace salesman for her father, and they fall in love, but continue to fight in a business way. The windup is satisfactory, with the lovers in each other's arms and the rival companies merging.

Director Ray Enright keeps the film moving at a fast pace, inserting Herbert every time it starts to lag to give it added impetus. F. Hugh Herbert and Manuel Seff are to be commended on their screen play. The photography of George Barnes is good.

Others in the cast, all of whom turn in swell jobs, include Ruth Donnelly, Johnny Arthur, Al Shean, Bert Roach and Joseph Crehan.

Production Code Seal No. 665. Running time, 60 minutes. "G."

"Moscow Laughs"

(Amkino)

Believe it or not. In "Moscow Laughs" the Soviets have turned out a film entirely devoid of propaganda. That, it must be admitted, is quite an achievement—for the Soviets. The Russians are revealed in a gay mood in this one. Moscow laughs. It's about time it did.

This time the Muscovites have gone about producing entertainment purely and they have not done badly at it.

"Moscow Laughs" is a melange of comedy and music sprinkled with irony. Some of the music is rather good and the photography effective, the exterior shots being especially good.

The story tells of a musical herdsman who is mistaken for a famous composer by a well-to-do young woman. Smitten with him, she invites him to her home. When the fellow is told to play for the guests he picks a tune on his herdsman's pipe. His flocks, attracted by the familiar strains of the instrument, break into the house and make a mess of things. When his identity is learned he is put out, and the romance between him and the girl is ended.

Later, in Moscow, the young musician by pure chance finds himself at the head of a jazz orchestra after a series of difficulties. Things look bright for him in the end.

The chief trouble with the film is that it lacks the polish and smoothness found in the musical entertainment turned out in Hollywood.

Leonid Utesov, Lubov Orlova and M. P. Strelkova are the principal players. The cast is capable. Direction is credited to Gregory Alexandrov and the music to I. O. Dunayevsky. Kinocombinat produced.

There are English subtitles in profusion.

No production code seal. Running time, 90 minutes. "G."

Blow to Del. Sunday Bill

DOVER, Del., March 27.—The House miscellaneous committee reported unfavorably today on a bill permitting Sunday shows after 1:30 P. M. The measure calls for a referendum vote. A bill permitting Sunday amusements in New Castle County after 9 P. M. was reported unfavorably by the House revised statutes committee.

Gains in Fight on Frisco Bank Nights

(Continued from page 1)

Nasser Bros. houses and two Fox West Coast theatres, ordered to end the practice. Nasser immediately filed an appeal, while F.W.C. accepted the ruling.

The Nasser houses are the New Mission, New Fillmore, Royal, Alhambra, American and Castro. The F.W.C. theatres are the El Capitan and Rialto. The cases involving these theatres were heard on March 19.

Today the board resumed hearing Cohen's complaints against Golden State and Levin Theatres, witnesses including Robert McNeil, Cohen and Ben Levin. The board held that a downtown house not holding bank nights was affected by any neighborhood house doing so.

The board's ruling was seen as an indication of complete victory for Cohen in all other cases. The hearing will be continued on April 1.

All defendants are understood being approached now by a group from their own ranks with plans that all discontinue bank nights as soon as the board shows it can enforce cease and desist orders.

"Colonel" Is Only Draw in Slump at K. C.

KANSAS CITY, March 27.—The beginning of Lent sent grosses down, "Little Colonel," in a second week at the Uptown, being the only attraction to better average, taking $4,100 against $3,500 par.

Total first run business was $29,300. Average is $30,500.

Week Ending March 20:

"ROBERTA" (Radio)

MAINSTREET — (3,100), 15c-25c-40c, 6 days, 3rd week. **Gross:** $5,500. (Average, $5,500 for 6 days)

"LOVE IN BLOOM" (Para.)

NEWMAN—(1,800), 25c-40c, 6 days. **Gross:** $5,500. (Average, $5,500 for 6 days)

Week Ending March 21:

"THE WEDDING NIGHT" (U. A.)

MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $7,200. (Average, $8,000)

"NIGHT LIFE OF THE GODS" (Univ.)

TOWER—(2,200), 25c, 7 days. Stage: Allen & Kent, Ames & Arno, Johnny Hyman, Jack Goldie, Jack Carson, others. **Gross:** $7,000. (Average, $8,000)

Week Ending March 22:

"THE LITTLE COLONEL" (Fox)

UPTOWN—(2,000), 25c, 7 days, 2nd week. **Gross:** $4,100. (Average, $3,500)

New Orleans to Vote On Daylight Saving

NEW ORLEANS, March 27.—As a result of efforts of exchange men and exhibitors the Commission Council has decided to submit daylight saving time to a citywide referendum April 23. Theatre interests were supported by organized labor.

Norman Carter, representing exhibitors, said the time change would cut business by 20 per cent. Theatres, he said, are now contributing $8,000 monthly to the city's relief rolls. He predicted advancement of clocks would mean heavy cuts in this amount.

Report California Film Bills Doomed

(Continued from page 1)

fying" bills which provide for boards of control.

Two more administration bills have been reported out of committee with recommendations for passage. They will come up with the income tax measure later this week or early next week. One boosts the rate on bank corporation franchise from two to four per cent to raise $10,000,000, and the other calls for an eight-hour day for female office workers.

California Tax Row Features Paper Ads

SACRAMENTO, March 27.—Edwin Pickett of this city, head of an insurance firm, has taken the fight against high income taxes into the newspapers in the form of ads directed at members of the Legislature.

The idea is to prove that if the bill is passed the film industry will move to Florida. Joseph M. Schenck is quoted.

"The next speech will be a DANCE!"



We're positively *speechless!*
No orators for the Big Night!
Music and high jinks aplenty!
Hot tunes, rousing entertainment!
TICKETS LIMITED TO 1,000—



Tickets from PAUL BENJAMIN, National Screen Service, 630 9th Ave. Reservations will be made as tickets are paid for. Check or cash with order.

NAKED TRUTH DINNER

AMPA

SAT. NIGHT—APRIL 27th, 1935

$7.50 PER PERSON

HOTEL ASTOR

"THAT'S NEWS!"



"BECAUSE THEIR SHORTS ARE REAL CLASS M-G-M GETS PLAUDITS" *says* JAY-EMMANUEL PUBLICATIONS

Laurel-Hardy; Pete Smith; Charlie Chase; Todd-Kelly; Our Gang; M-G-M Musical Revues (*Technicolor*); **M-G-M Cartoons** (*Technicolor*); **Crime Doesn't Pay; M-G-M Oddities; Fitzpatrick Traveltalks** (*Technicolor*)

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 74 NEW YORK, FRIDAY, MARCH 29, 1935 TEN CENTS

Parent Groups Aim an Attack Upon Theatres

Will Go After Shows for Civic Auditoriums

That the National Congress of Parents and Teachers intends to sponsor a movement to force booking of pictures into schools and church and civic auditoriums in competition with theatres is indicated by Mrs. A. Raymond Klock, motion picture chairman of the District of Columbia Parents and Teachers Assn.

This is one of the organization actively backing the Pettengill anti-block booking bill. The bill is only an "entering wedge," Mrs. Klock states in a telegram to Terry Ramsaye, editor of *Motion Picture Herald.*

Seeking some light on the aims of the Parent-Teacher group, which has been conducting an active campaign

(*Continued on page 2*)

McCarthy Says New Films Top 'Em All

J. J. McCarthy, whose name, even in this generation of showmen, still is linked with the roadshowing of such pictures as "Birth of a Nation," "The Covered Wagon," "Way Down East" and others regarded in conservative quarters as box-office successes, is back from Hollywood where he was shown new product which recalled roadshow days and the pictures that made them possible.

At the top of the list of the new pictures shown him, McCarthy places

(*Continued on page 6*)

Four Are Named for Consolidated Board

Ben Goetz, J. E. McPherson, J. W. Coffman and M. J. Siegel were elected to the board of Consolidated Film Industries for three-year terms at the annual meeting of stockholders of the company yesterday.

Coffman succeeds J. D. Egan and Siegel succeeds George W. Yates, whose terms expired. Goetz and McPherson were reelected.

Columbia to Stress Stars Next Season

Columbia plans to bolster its star lineup and increase the number of specials next season. For the current program, the company has 10

(*Continued on page 6*)

Federal Housing Loan Limit Boost to $50,000 Predicted

By BERTRAM F. LINZ

Washington, March 28.—Legislation increasing from $2,000 to $50,000 the amount which may be loaned to business properties, including theatres, under the Federal Housing Act is expected to be approved by Congress in the near future.

The increase has already been given the support of the House and officials of the Housing Administration anticipate that support will also be gained in the Senate, which will make passage easy.

Administration officials have consistently contended that the $2,000 maximum has made impossible any extensive use of the government's assistance by business men, whereas it is felt that a $50,000 maximum will open a wider field.

Majors Agree To Duals for K.C. Houses

KANSAS CITY, March 28.—With the single exception of Paramount, all distributors have agreed to permit double billing unreservedly in Kansas City, it is reported by the I. T. O., which has a committee interviewing exchanges on the subject. In selling this season's contracts major companies adopted a stand sharply restricting the practice.

Whether the present restrictions will be lifted depends, it is said, on whether all exhibitors are willing to agree not to play duals on the singles spot, but to delay them 28 days. The latter proviso was offered in return for dualing privileges.

Fox Midwest has opposed indiscriminate double billing, but is reported willing to go along with the independents in this instance, since the clearance penalty is provided.

Paramount, the sole holdout among the distributors, gives as its reason

(*Continued on page 7*)

Clearance Now Live Topic in London Area

By BRUCE ALLAN

LONDON, March 18.—Meeting recently, a joint committee of London exhibitors and representatives of distributors thrashed out problems arising from the fact that the London release is at present not uniform—theatres south of the Thames getting their prints a week after those on the north bank.

Originally made necessary by demands of print economy, the north-south split of releases is regarded as bearing hardly on big neighborhood houses on the south side, which are in competition with West End houses on the other bank.

An easy solution is not foreseen, many exhibitors dissenting from a policy, believed in favor with some distributors, by which there would be a definite classification of first or later runs, enabling prints to be economised without territorial classification.

Premiums Sweeping K. C.; In 60% of Detroit Houses

DETROIT, March 28.—Sixty per cent of the theatres in Detroit are giving away premiums, a checkup shows. Many out-state houses, although a much smaller percentage, are also using them. A year ago less than 10 per cent of the Detroit houses had giveaways.

Exhibitors giving away chinaware, kitchenware, etc., say that it is pack-

(*Continued on page 4*)

KANSAS CITY, March 28.—Spreading to the majority of independently operated suburban theatres in the last few weeks, the premium vogue will reach its peak here about April 20 when Fox Midwest plans to inaugurate a coupon scheme at its local theatres, including the first run Uptown.

Another convert to the giveaway idea is Jay Means, head of the I.T.O.,

(*Continued on page 4*)

Fox Wavering On Tri-Ergon Court Appeal

Supreme Court's Time Limit Is Midnight

The possibility that William Fox will ask for a rehearing by the U.S. Supreme Court of the American Tri-Ergon patent litigation will continue up to the stroke of midnight tonight, when the time in which the rehearing may be petitioned expires, it appeared yesterday.

Fox was reliably reported to be wavering between asking a rehearing of both the double print and flywheel patents or the flywheel patent alone. Within the last few days, according to these reports, he has favored petitioning the rehearing of the flywheel patent only, but yesterday his attitude leaned toward the inclusion of both patents.

Inquiries at the offices of Ward, Crosby & Neal, Fox's attorneys, in whose hands the rehearing petition would be placed, were met with the statement that "no decision has been reached yet." The statement was in response to inquiries as to whether any rehearing petition at all would be sought.

Gaumont Calls Off Big Booking Deals

LONDON, March 28.—Kinematograph Renters' Society has won a signal victory as a result of its boycott of Gaumont British following the recent so-called acquisitions of

(*Continued on page 7*)

Depinet's Demurrer To Be Heard Monday

While trial of the St. Louis indictments of major companies and executives for conspiracy will probably be postponed beyond the tentative trial date set for next Tuesday, arguments on the demurrer to the indictment of Ned E. Depinet, RKO distribution

(*Continued on page 7*)

Studios Will Move, Regardless: Schenck

LOS ANGELES, March 28.—Joseph M. Schenck, upon his arrival here by plane today, said the industry, fighting for self-preservation, is going ahead with plans to move out of California, regardless of the outcome of

(*Continued on page 4*)

MOTION PICTURE DAILY
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Ferguson to Assist Showmanship Exhibit

William R. Ferguson, president, representing Ampa, has accepted appointment to the general arrangements committee for the Show of Showmanship to be held at the Motion Picture Club, starting Monday. Ferguson's acceptance completes the list of film and theatre advertising heads whose companies are planning exhibits.

The show, sponsored by *Motion Picture Herald* and Motion Picture Club, will also include Quigley Award entries and other theatre advertising campaigns submitted to the Managers' Round Table Club.

Invitations have been extended to theatremen, home office staffs, advertising agency executives and others. The show will run for four days, daily from 10 A.M. to 10 P.M.

Schlesinger Renews

HOLLYWOOD, March 28.—Leon Schlesinger, producer of "Looney Tunes" and "Merrie Melodies," has signed a new three-year distribution contract with Warners.

See End of British Tax

LONDON, March 28.—Removal of the six-penny tax is regarded as certain when the new government budget is adopted on April 15.

Eckman Here Shortly

LONDON, March 28.—Sam Eckman, Jr., managing director of M-G-M here, is preparing for his annual visit to New York.

Insiders' Outlook

By RED KANN

REPUTED circuit opposition to the first of two shorts made by Pathe for the Federal Housing Administration on the ground of unnecessarily included advertising plugs carries little genuine merit. This opinion is ventured on the strength of a personal investigation of the subject matter itself. These are the first two of three shorts, you will remember, which are to be supplied exhibitors without charge all for the sake of familiarizing the public with what can be done under the provisions of the FHA. . . .

▼

The films are extremely interesting, running the field as they do from why and how to modernize kitchens, living rooms, attics, plumbing and kindred matters snuggling closely to the hearts and hearths of millions of the citizenry throughout the United States. There is an occasional boost by way of direct mention of contributing sources, it is true, but such mention at no point is blatant or, in this opinion, is it apt to project the exhibition end of the industry into an armed camp. . . .

▼

One episode gives credit to the Home Institute maintained by the *New York Herald-Tribune,* but "The March of Time," it is the fair thing to point out, threw its Hauptmann verdict story to the *New York Daily News.* Another credits the decorating department at Macy's for suggestions on how to make 1930 living rooms look more like 1935. Yet, in its opening release, "The March of Time" indulged in a swell little ballyhoo for "21", that deluxe, one-time speakeasy now converted into a restaurant swank enough to attract many of your important film notables for lunch every day. . . .

▼

This space believes the eyebrow raising indulged in by certain of the circuits is a bit strained in the case of the FHA. Were the facts to justify their reluctance to play the subjects as they stand, we believe a measure of tolerance might well temper their decision. But the facts do nothing of the sort. There is to consider also in a matter like this the public service which widespread screening time afforded these subjects will foster. This industry, with a comforting and comfortable record of such service behind it, certainly should not entertain defection by any of its important units at this time. . . .

FROM MOTION PICTURE DAILY, March 14:

WILMINGTON, March 13.—The Standard Capital Corp. has been formed here, with a capitalization of $1,500,000, to finance production. In the incorporation papers, J. Cheever Cowdin, New York financier, is listed as president; Lawrence W. Fox, Jr., vice-president, and Margaret Sullivan, secretary-treasurer. The board of directors is comprised of George Armsby, Garrettson Dulin, Daniel M. Sheaffer, Samuel W. Atkins and J. Russel Forgan.

A flock of high and fancy, as well as influential names, these. If you get a kick out of coming events, their shadows and the like, remember what appears immediately above. For Standard Capital, which is doing no talking, is involved in (1) a deal for the purchase of one of the major companies and (2) a general financing program which will run into millions. Number two plan would supplant a now active moneyed group which is changing its spots what with some of this and a lot of that brewing in Washington. . . .

▼

Trouble on the wing along Euclid Avenue and its offshoots. The Cleveland boys, who consistently refuse to hang well together, are in a dither again over the duals situation. The original agreement ruling twins out was wet in the first instance in that it failed to plug the backdoor method by which new exhibitors, not bound by the covenant, might further gum the complex theatre situation which has a persistent habit of prevailing in that city. But now that Max Lefkowich, who signed the pact, has walked out on it, who knows where the mess will go or how far. If there is any lesson at all in what is currently taking place there, it is the emphasis anew which stamps itself on the obvious inability of groups in this industry to make a decision and then stand pat. . . .

▼

More tragedians looming up out Hollywood way. The new California income tax program, when added to the Federal maximum of sixty-three per cent, would sock $1,000,000 incomes to the merry tune of $840,000. Who was it who said it was blessed to be poor or a tune to that effect? . . .

Curtis, Fiske Fly East

LOS ANGELES, March 28.—John Curtis and William M. L. Fiske, 3rd, left by plane for New York today to attend a First Division director's meeting on Monday. Nicholas M. Ludington, president, will leave Sunday.

Parent Groups Aim an Attack Upon Theatres

(*Continued from page* 1)

for the bill, Ramsaye sent the following wire to Mrs. Klock:

"Would you be good enough to give us your opinion of the Pettengill bill and indicate if you think it is the proper keynote of approach on a program of progress in dealing with the motion picture?"

Mrs. Klock replied: "The passage of the Pettengill bill would be an opening wedge for a broader program which would put churches, schools and civic organizations on a business basis with motion picture theatres, giving them equal opportunity to rent and exhibit the better class of photoplay. In present circumstances the theatres have every advantage over many beautiful and well equipped school and civic auditoriums. There is no reason why school, church and civic organizations should be barred as customers for the many good films now being exhibited.

"We do not want block booking. The National Congress of Parents and Teachers has decided on a policy which would permit the selection of the better types of motion pictures for exhibition in church and school halls and civic auditoriums.

Sees Benefit to Welfare Work

"If the Pettengill bill becomes law, community organizations would have the same renting and selection privileges as motion picture theatre operators. Much splendid welfare work can be financed in every community from the proceeds of motion picture exhibition in church, school and civic auditoriums. Passage of the Pettengill bill would also bring about a wider distribution of the better photoplay."

Commenting editorially on the telegram, Ramsaye says in the current issue of *Motion Picture Herald*:

"The National Congress of Parents and Teachers is hereby declared to be contemplating forcible entry, entry by law, into the picture business to engage in exhibition in competition with the existing institution of the screen.

"The motion picture mechanisms necessary to the art are on the open market, available to all who desire to make motion pictures. The National Congress of Parents and Teachers and all friends and affiliates have an entirely free oportunity to engage in the production and distribution and exhibition of any and as many motion pictures of any sort, as they may desire.

"That opportunity is not sufficient. They prefer invasion, expropriation, a special license to take from the exhibitor's box-office the amusement merchandise on which the whole industry exists."

Blumberg in 'Frisco

SAN FRANCISCO, March 28.—N. J. Blumberg, general manager of the RKO circuit, is here on his theatre inspection tour.

Zanuck Completes List

HOLLYWOOD, March 28.—Completion of "Les Miserables," "Cardinal Richelieu" and "Call of the Wild" winds up 20th Century's program.


He's Headed For Another Box Office Championship!
Alvin, Pittsburgh: First week without stage show, but tremendous business assures holdover.
Wisconsin, Milwaukee: Substantially ahead of great "County Chairman" grosses.
Fox, Philadelphia: Set for second week as it leads "County Chairman" and "Judge Priest."
Buffalo, Buffalo: Far ahead of anything else in town.
Warfield, San Francisco: Packing them in faster than "Judge Priest" or "County Chairman."
State, Richmond: Flood of ticket-buyers prompts manager to predict 3-week run.
Uptown, Toronto: Beating "The County Chairman," day for day.
New, Baltimore: Powerful box-office pace indicates certain holdover.
WILL ROGERS
in
'LIFE BEGINS AT 40'
with ROCHELLE HUDSON, RICHARD CROMWELL, GEORGE BARBIER, Jane Darwell, Slim Summerville, Sterling Holloway.
Produced by Sol M. Wurtzel
Directed by George Marshall. Suggested by Walter B. Pitkin's book. Screen play by Lamar Trotti.
FOX

Studios Will Move, Regardless: Schenck

(Continued from page 1)

the state's tax program, as a protective measure against the possibility of detrimental legislation in the future.

The producer, who was accompanied by Al Lichtman, William Phillips and A. C. Blumenthal, stated the industry would locate wherever it would be assured that at no time in its existence would it be threatened by tax legislation.

Schenck, who asserted he had received invitations from Florida, New York, Connecticut, New Jersey, North Carolina and Delaware with assurances no tax burdens would be placed on studios, proposed an amendment to California's constitution guaranteeing studios an equitable taxation system.

He said that if the high tax program goes through, Hollywood and neighboring communities would lose thousands of film workers and a payroll of $100,000,000 yearly to some other state.

Campi Delays Action On Code Amendments

Campi yesterday noted receipt of a letter from Ed Kuykendall, president of the M.P.T.O.A., asking for a meeting between the M.P.T.O.A. committee on code amendments and Code Authority to discuss proposals adopted at the New Orleans convention.

Because of the heavy calendar, Campi tabled the matter for another meeting when a definite date for the conference will be set. Kuykendall appeared at the regular session yesterday, but did not bring up the matter.

Several matters which were taken up yesterday were put over until today when Campi reconvenes. The budget for last month was passed, but will be released later.

No appeals were heard.

Nathan Yamins presided in the absence of S. R. Kent. Felix Jenkins alternated for Kent. Others attending included Charles L. O'Reilly, Gordon C. Youngman, Harold S. Bareford, Sidney Justin, Felix F. Feist, E. T. Gomersall, Edward Golden and Deputy Administrator William P. Farnsworth. Phillip Maguire of the NRA legal department in Washington sat in on the meeting in an unofficial capacity.

Clarification Sought On Cameramen Hours

Clarification of working hours for newsreel cameramen under the code will be undertaken by a committee of four appointed by Deputy Administrator William P. Farnsworth following a meeting of newsreel companies and unions held in New York on Wednesday, it was learned yesterday.

The code now provides that newsreel cameramen may not work more than a total of 320 hours in eight weeks. The point at issue revolves around an interpretation of how those hours are spent.

Jack Connolly of Pathe News and Albert J. Richards of Paramount News are representing all five reels. Lou Krouse is representing the I. A. T. S. E.. and O. B. Johnson, the New York City cameramen's union.

Premiums Sweeping K. C.; In 60% of Detroit Houses

(Continued from page 1)

ing their houses on premium nights and is resulting in increased revenue.

Most of the houses give premiums two nights a week, although several are giving away kitchenware on two nights, and dinnerware on two nights. One key spot is using premiums six nights a week, kitchenware on Mondays and Tuesdays, a boudoir set on Wednesdays and Thursdays and kitchenware on Fridays and Saturdays.

A year ago there was one premium distributor here. Now four have offices.

Weisman Denies an Offer of Met Stock

Milton C. Weisman, receiver of Fox Theatres, yesterday denied a report published in MOTION PICTURE DAILY to the effect that Fox Theatres stood ready to dispose of a part of the Fox Met stock interest to Skouras Theatres which it will receive in the event of adoption of the pending plan of reorganization for Fox Met.

Representatives of Skouras Theatres, when asked to comment on the Weisman denial, stated that "while no definite proposal has been made, and could not be until this reorganization plan has been confirmed, Joseph M. Schenck, who becomes president of Fox Met under the plan, has expressed a willingness to see Skouras Theatres have an interest in the new parent company as well as in the subsidiary operating companies. Whether or not Weisman shares the same views is immaterial. He is without authority to make such an offer except with the approval of the court with jurisdiction over Fox Theatres."

Coast Clearance Up Before Campi Group

William T. Powers, attorney, and Edward Alperson, film buyer for Fox West Coast, yesterday appeared before the Campi clearance and zoning committee to present additional data in connection with its petition on the Los Angeles schedule.

Charles L. O'Reilly, Paul Lazarus and Sidney Justin, the committee, had not completed reading of the 29-page report by the coast clearance and zoning board, but wanted to hear further arguments on the 13 situations protested by F. W. C. The committee is slated to report to Campi on both the circuit's petition and the board's analysis today.

Century Case Off; Eugene Picker Ill

Due to the illness of Eugene Picker, affiliated circuit member of the local clearance and zoning board, the second meeting scheduled for yesterday to decide on the Century protest against RKO for elimination of the present seven-day clearance the Strand and Columbia, Far Rockaway, and Alden, Jamaica, have over the Fantasy, Rockville Center, has been put over until next week.

Kent Reaches Hollywood

HOLLYWOOD, March 28.—Sidney R. Kent arrived here today.

(Continued from page 1)

who starts distributing kitchenware at his Oak Park in a few days. Means was the storm center of a dispute not long ago in which he fought the practice and conducted a vote banning premiums which later was declared illegal. He said he is forced to the measure because his theatre is "surrounded" by competitors running 10-cent nights and giving premiums.

Only a half dozen suburban theatres are still trying to resist the gift wave, and some of these may be compelled to adopt similar devices before long.

Ferguson Asks for Secrecy on Ticket

William R. Ferguson, president of the Ampa, yesterday advised both the official nominating committee and the opposing group to maintain strict secrecy on slates to be proposed. He also told the committee to check up on candidates for acceptance before proposing names. All slates must be in the hands of Mel Heymann, secretary, by April 4. Elections take place April 25, two days before the Naked Truth Dinner at the Astor.

Various committees reported progress on the big affair. Paul Benjamin stated there were only 300 tickets left. Next Thursday will be an open meeting, the last in Ferguson's regime.

Brandt Takes House In Jackson Heights

Branching into new competitive areas, Harry Brandt has taken over the Colony, Jackson Heights, L.I., a territory dominated by Skouras and Century. The I.T.O.A. head last week took over another Bronx theatre in a Springer & Cocalis neighborhood.

Brandt has a deal on for four additional theatres. According to reports, Springer & Cocalis has negotiations on for the same theatres. Brandt hopes to close within the next few days.

Limiting his circuit to the local area, Brandt has turned down a deal made by Fox Theatres to operate the Nelson, Springfield, Mass., the Fox, Detroit, and the Fox, St. Louis.

Set RKO-M. & S. Hearing

Resumption of arbitration hearings on the RKO-Meyer & Schneider breach of lease charges involving film playing policies at the Hollywood and Apollo has been tentatively scheduled for Monday.

Goldwyn in English Deal

LONDON, March 28.—Samuel Goldwyn, who arrived on the *Olympic*, has closed a deal with Alexander Korda to make scenes of English artists for "The Goldwyn Follies."

Fadiman Under Knife

William Fadiman, eastern story editor for Samuel Goldwyn, yesterday was rushed to the Harbor Sanitorium for an appendicitis operation. His condition was reported "very satisfactory" last night.

Connecticut Lining Up Battle on Bills

NEW HAVEN, March 28.—J. B. Fishman, president of the M. P. T. O. of Connecticut, has called a special meeting of the organization for next Tuesday to discuss five bills pending in the legislature which are inimical to the industry.

On April 9 the Legislature will have on the calendar two bills, one for a five per cent tax on gross admissions and another seeking a 50 per cent increase in the seating tax. The seat tax now ranges from 25 cents to $8 a day.

On April 12 three bills will come up. They are: Two men in a booth, compulsory control projection device for each machine in a booth and a censorship bill.

Theatre men are worried over these five measures. Considerable attention is also being focused on the dog racing bill which comes up in the assembly on April 10.

Vetoes Connecticut Racing

HARTFORD, March 28.—Gov. Wilbur L. Cross vetoed the horse racing bill today on the ground that its gambling provisions would have made the state a "partner" in exploitation of its people. The veto was sustained in the House.

Consolidate Sunday Bills in Harrisburg

HARRISBURG, March 28. — Representing a consolidation of several open Sunday bills introduced earlier in the session, a new bill has been presented in the House by Assemblymen Louis Schwartz and Charles Melchiorre of Philadelphia and Thomas W. Barber of Erie.

It calls for a referendum in each municipality at the next municipal elections in November. If passed, Sunday shows will be permitted after 2 o'clock.

Another measure provides for 24 hours of rest each week for projectionists.

Independents File Schreiber Answers

DETROIT, March 28.—Attorney David Newman has filed briefs for the independent exchanges in the suit brought by Jacob Schreiber in Federal court, charging Co-Operative Theatres of Michigan, Inc., and the local exchanges with conspiracy to prevent him from getting product for his Colonial.

Briefs have been filed by the plaintiff and all others will be filed by April 1. The court has indicated that a decision will be given promptly after filing of these briefs.

Louis Paul to M-G-M

HOLLYWOOD, March 28.—Louis Paul, who won the O. Henry short story contest award last year, has been signed by M-G-M.

Edna May Oliver and Elizabeth Allan have been given new long term contracts, too.

Miss Sullavan Loaned

HOLLYWOOD, March 28.—Margaret Sullavan will do her first picture away from Universal on a loan to Paramount for "So Red the Rose" in exchange for Carole Lombard, who does "April in Paris" for Universal.

HERE THEY COME

FOR YOUR
1935-1936
BOX OFFICE
UNIVERSAL
ANNOUNCES

1ST

The

HUNCHBACK

of

NOTRE DAME

WITH AN ALL STAR CAST



1 THE HUNCHBACK OF NOTRE DAM

2

3

4

5

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8

WATCH FOR THE OTHERS

McCarthy Says New Films Top 'Em All

(Continued from page 1)

"Les Miserables," Darryl Zanuck's refinement of Victor Hugo, starring Fredric March and Charles Laughton.

"It is one of the greatest pictures I have ever seen," McCarthy pronounced with emphasis, placing both hands on his desk and showing no fingers crossed.

"I have made 15 trips to Hollywood," he continued, "and I saw more good pictures this trip than I have ever seen before."

Other new product that came in for praise from him included Fox's "Life Begins at 40" and "Doubting Thomas," with Will Rogers, the two forthcoming Janet Gaynor pictures, "The Farmer Takes a Wife" and "Dante's Inferno," 20th Century's "Richelieu," with George Arliss, and M-G-M's "Naughty Marietta."

McCarthy, who is head of the Advertising Advisory Council of M. P. P. D. A., said that Lupton Wilkinson will remain on the coast for a minimum of three months reorganizing studio publicity methods in conjunction with member company officials. If Wilkinson likes the post and prefers to remain in Hollywood permanently he may do so, it was said. A principal phase of the work will be the strengthening of control over the release of stills, giving closer supervision of the releases to the actual heads of studio publicity.

Astoria Studio for Para. News, Is Plan

Eastern Service Studios will terminate its tenancy of the Astoria studio immediately on confirmation of the plan of reorganization for Prudence Bonds, Inc., holder of the first mortgage of $930,000 on the property. The new plan provides for leasing of the studio by Paramount News.

Counsel for the Paramount trustees yesterday filed a petition with Special Master John E. Joyce for leave to join with Prudence in the latter's amended plan of reorganization, which calls for a $33,250 deposit by Paramount News as a guaranty of lease performance and embodies other minor amendments to the original plan. The Paramount News lease on the studio runs to July 1, 1941, at $133,000 per year. The Prudence reorganization plan, in addition to this, provides for the release of Paramount from all claims arising out of defaults on the mortgage, the discontinuance of litigation against Paramount News and of a foreclosure action on the studio mortgage begun by Prudence in 1933.

Olympia Theatres' Claim Order Signed

An order allowing the claim of Olympia Theatres' stockholders against Paramount Publix at $1,824,562 upon delivery to Paramount of 52,234 shares of Olympia common stock and 6,509 of preferred was signed yesterday by Federal Judge Alfred C. Coxe.

The order expedites the reorganization of Olympia by averting the possible opposition to a plan of reorganization for the circuit which would make no provision for the claims of stockholders.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"People Will Talk"

(Paramount)

HOLLYWOOD, March 28.—Depending alternately on dialogue and situations, this is an amusing farce with Charlie Ruggles and Mary Boland as an ideally married couple who find their daughter, Leila Hyams, quarreling with their son-in-law, Dean Jagger, over the latter's attention to Ruthelma Stevens on the young couple's first wedding aniversary.

When Miss Hyams leaves her husband and returns home, Miss Boland tells Ruggles they, too, must quarrel to show the youngsters how foolish fighting is. This staged fight starts innocently, but reaches serious proportions when Ruggles becomes involved with the vamp, Miss Stevens, and comes to a climax when the pair, during an innocent drinking bout, are later discovered asleep in the country club cloakroom.

Matters straighten out when Jagger arranges the fake kidnapping of Ruggles and Miss Boland. Ruggles, discovering the ruse first, puts on a grand fight with himself, while Miss Boland, sitting blindfolded, thinks he is beating up a large gang.

Director Alfred Santell has pointed up the dialogue in the scenes where the action lags and has made the lines secondary where the situations provide their own laughs. Herbert Fields has adapted from the Sophie Kerr stories, and F. Hugh Herbert introduces some old gags, but for the most part has done an excellent job.

The supporting cast, which includes Edward Brophy, as a wrestling promoter, and Stanley Andrews, as an irate husband, is convincing.

The picture is well suited to round out a bill with a more serious feature.

Production Code Seal No. 671. Running time, 73 minutes. "G."

"Mister Dynamite"

(Universal)

HOLLYWOOD, March 28.—Marked by sparkling dialogue and farcical situations, this good mystery comedy loaded with laughs and suspense does credit to Dashiell Hammett's original. Thoroughly entertaining all the way, it seems certain to click in most spots. Three murders and a suicide lift it out of the ordinary mystery category with the solution equally involved, however.

Edmund Lowe, who runs out of town regularly for shady activities with his companion, Jean Dixon, also slightly shady, annexes fat revenues for knowing lots and talking little. When Verna Hillie is suspected of murder, however, Lowe changes his tune and tries to solve a triple murder legitimately.

He finally finds himself in a tri-cornered romance with Miss Dixon, Miss Hillie and Esther Ralston, with the women doing most of the romancing, Lowe using them to solve the crimes. Miss Ralston finally is found guilty of murdering her husband, Victor Varconi, and the other victims.

Miss Hillie's heart is broken when Lowe gets shipped out of town again with Miss Dixon, which is all right with the latter duo.

Alan Crosland's direction is keyed well for suspense and laughs, with all performances good, as is George Robinson's photography.

Production Code Seal No. 692. Running time, 70 minutes. "G."

"Vagabond Lady"

(M-G-M)

HOLLYWOOD, March 28.—A brisk comedy romance, keynoted by sparkling fun, this runs the gamut of popular entertainment. Speed in witty situations and action together with surprise situations, give it a character usually appealing to family and select audiences.

Refreshingly taking liberal theatrical license, the yarn is built up on familiar but uniquely handled triangle premise. Reginald Denny, proud of his family traditions, entrusts the care of his secretary-sweetheart, Evelyn Venable, to his madcap, irresponsible brother, Robert Young, while he takes a business trip. The idea is that Young's wild antics will convince the girl that Denny is the only person possible for her marital consideration. Everything happens as expected. As he gradually falls in love, Young gives the girl a hectic time via a carnival night, boat ride route. The girl's amazement is heightened by the feeling that her janitor father, Frank Craven, is abetting Young's romantic ambitions. Rushing back to Denny for peace and safety, Young is hilariously hin-

(Continued on page 7)

Wall Street

Loew's Pfd. Gains on Big Board

	High	Low	Close	Net Change
Columbia vtc (c1)	41¼	40¾	40¾	— ⅝
Cons. pfd (1v)..	16½	16¼	16¼	.....
Eastman	120¾	119⅞	120½	.....
Fox "A"	9¼	9¼	9¼	.....
Loew's (2)	35⅜	34⅞	34⅞	— ⅛
Loew's, pfd (6½)	106	106	106	+ ½
Paramount	2⅜	2¼	2⅜	+ ⅛
Pathe	⅝	⅝	⅝	.....
Pathe "A"	11¾	11½	11½	— ⅛
RKO	1½	1⅜	1½	.....
Warner	2¾	2⅝	2⅝	— ⅛

Trans Lux Rises ½ on Curb

	High	Low	Close	Net Change
Technicolor	19¼	18¾	19	.....
Trans Lux (.10k)	2¾	2¾	2¾	+ ½

Para. Publix Bonds Show Gain

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ..	6⅝	6⅝	6⅝	+ ⅛
Loew's 6s '41 ww deb rights	105	104½	105	+ ½
Paramount B'way 5½s '51	49¾	49¾	49¾	— ¼
Paramount F. L. 6s '47	71¼	70¾	70⅞	.....
Paramount Publix 5½s '50	72½	72⅛	72½	+ ½
Pathe 7s '37 ww..	103⅜	103⅜	103⅜	— ⅛
Warner Bros. 6s '39 wd	51¼	50¾	50¾	— ½

(v) Paid this year on account of accumulations.

(Quotations as at close of March 28)

Columbia to Stress Stars Next Season

(Continued from page 1)

specials in the group of 40 features, exclusive of eight westerns. Next season's schedule will probably find the list of specials doubled with more money spent generally on the balance of the program.

Prior to the departure of Jack Cohn and Abe Montague for the coast Sunday, all home office executives held a special session to discuss the picture and star situation. From the results shown so far this season, the consensus was for a substantial increase in the "big" picture group and a need for additional stars.

It's understood that the star angle will be stressed in the new season's sales policy. Jack Cohn and Montague are due back from the coast early next week by plane. They are now conferring with Harry Cohn on the 1935-36 lineup and convention plans.

Color Pictures to Disburse $116,982

Color Pictures, Inc., which dissolved recently, has $116,982.86 available for distribution as a result of sale of 5,513 shares of Technicolor stock. This amounts to 52 cents per share on the shares outstanding at the time of the dissolution.

Stockholders have been instructed to surrender at the Bank of the Manhattan Co. the receipts which they received for their shares when dissolution occurred, so that checks can be mailed to them.

Chaplin Names Picture

HOLLYWOOD, March 28. — Charles Chaplin has selected "The Masses" as the title of his present picture now in work under the name of "Production No. 5."

Purely Personal

WALTER ABEL, recently starred here in the Broadway hit, "Merrily We Roll Along," has finally left for the coast to report to Radio.

•

PAT REIS, HOWARD DIETZ's secretary, kissed BILL FERGUSON in public yesterday when the Ampa president gave her a fountain pen for her birthday, which was Wednesday.

•

THORNTON DELEHANTY, film critic on the *New York Evening Post,* sets sail from this port on March 31. Objective: England and the Continent.

•

JOSEPH S. HUMMEL, general foreign sales manager for Warners, sails tomorrow on the *Rex* for a four-month tour of European offices.

Quip of the Day

Louis Nelson of the Nelson & Renner circuit dropped into the Paramount exchange around the noon hour for rebate on his contract.

He didn't get far when Henry Randel, Brooklyn manager, told him the reductions department was closed for the day.

"Furthermore," Randel said, "it's a losing proposition so we've decided to drop it altogether."

HOWARD S. CULLMAN, trustee of the Roxy, was in Albany yesterday conferring with GOVERNOR LEHMAN.

•

GEORGE KURLANSIK of the Allentown, Allentown, Pa., was in town yesterday on a premium deal.

•

ED LEVY of New Haven was a visitor yesterday. He claims he came to town to buy his wife a spring outfit.

•

BUDDY KUSELL picked a rainy day yesterday to get out of bed after being down eight days with a cold.

•

CHARLES GOODWIN of Philadelphia was around the Film Center Bldg. and premium houses yesterday.

•

HARRY H. THOMAS, who has been down with a cold the past two days, is expected back at his office today.

•

KATHARINE BROWN, eastern story editor for Radio, leaves today for the coast. She will be away three weeks.

•

FRANK FARLEY, European story scout for Paramount, has arrived on the coast.

•

The MOE SILVERS are blessed eventing.

•

AL FRIEDLANDER arrived from the coast yesterday by plane.

•

HARRY D. BUCKLEY has returned from a three-day visit to Pittsburgh.

•

. . . Cleveland

LEW WASSERMAN, the Circle's manager, has booked ANN PENNINGTON as the added stage attraction. . . . FRANK PHELPS of the Warner home office gang, in town for a couple of days. . . . NAT WOLF, Warner zone manager, chaperoned by DAVE HALPER and SID DANNENBERG, made a tour of the southern part of the state. . . . A new record gross was hung up when the RKO Palace receipts added up to $26,000, with EARL CARROLL'S "Vanities" on the stage sharing honors with "Murder on a Honeymoon." Previous record was held by FRED WARING. . . .

•

. . . St. Louis

Exhibitors seen along the Row in the last few days included CLAUDE A. GREENLEE, JR., New London, Mo.; ED CLARK, Mattoon, Ill.; BOB CLUSTER, Johnston City, Ill.; Mr. and Mrs. GEORGE KARSCH, Flatriver, Mo.; D. GILLI, Carlyle, Ill.; JOE HEWITT, Robinson, Ill.; MIKE ENRICO, Benld, Ill.; H. OLSEN, Washington, Mo.; LEON JARODSKY, Paris, Ill.; EVERETT HAYES, Sullivan, Mo.; THEODORE COLEMAN, Mount Carmel, Ill.; HARRY TANNER, Pana, Ill., and ROBERT M. WILSON, Jackson, Mo.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Vagabond Lady"

(*Continued from page 6*)

dered by his pal, Forrester Harvey, who arrives in time to talk brother Denny out of marrying the girl.

Under Sam Taylor's direction the laughs come fast, featuring the boy's father, Berton Churchill, and Frank Craven as well as Young, Miss Venable and Harvey. As usual, Young charms and pleases and Miss Venable is surprising. Denny does well with a hard-to-handle role. Ferdinand Gottschalk and Dan Crimmins are in for small character parts. Frank Butler's original screen play is a gem of wit and humor.

No code seal. Running time, 75 minutes. "G."

Looking 'Em Over

"Shot in the Dark"

(*Chesterfield*)

Three murders are committed in this one under far-fetched situations and audiences are apt to be more concerned with solving their own mystery of what is happening on the screen than they are with the picture itself. What little entertainment is present is overshadowed by excessive dialogue and a lot of dashing here and there by the principals.

Adapted from the *College Humor* serial, "The Dartmouth Murder Mysteries," the yarn has Charles Starrett assisting his father, Robert Warwick, in solving the murder of his college roommate. A fellow student is about to reveal some important evidence and falls dead, killed in the same manner as the first victim. Warwick and Starrett then dash back and forth between a college professor's home, a dormitory and the village inn and wind up at a deserted roadhouse. Here they solve the second crime and another man is murdered. The last death clears up all the crimes.

As fare for small towns and neighborhood houses this may be suitable.

Charles Lamont's direction starts out satisfactorily, but it appears he let things get away from him. M. A. Anderson's photography is good. Others in the cast include Edward Van Sloan, Marion Shilling, Doris Lloyd, Helen Jerome Eddy, James Bush, Julian Madison and Ralph Brooks.

Production Code Seal No. 602. Running time, 65 minutes. "G."

Re-Sign Hall, McCarey

HOLLYWOOD, March 28.—Al Hall and Leo McCarey, directors, have been given new tickets at Paramount. Hall is working on the new Mae West picture at present and McCarey is mentioned to direct "The Milky Way," though not definitely set as yet.

Gaumont Calls Off Big Booking Deals

(*Continued from page 1*)

Union Cinemas and the Hyams group, totalling about 50 houses.

K.R.S. contended it was only a booking deal and refused to do business with Gaumont British. Today Gaumont British formally disassociated itself from these theatres. They return to their former independent status.

Depinet's Demurrer To Be Heard Monday

(*Continued from page 1*)

head, will proceed on Monday in St. Louis as scheduled.

Depinet's demurrer is being made on the ground that the indictment does not state sufficient facts to indicate the commission of a crime by him. Bruce Bromley of Cravath, de Gersdorff, Swaine & Wood, special counsel for Depinet, was scheduled to make the argument, but will be prevented from doing so by required court appearances elsewhere. In his absence the demurrer will probably be made by O. C. Doering of the William J. Donovan law firm.

Majors Agree To Duals for K.C. Houses

(*Continued from page 1*)

that it wants to protect its first run here, the Newman. However, the committee was informed the company will release a limited number of pictures for twin bills.

According to Jay Means, I. T. O. president, legally and in accordance with Campi rulings duals cannot be prevented from playing on the spot designated for singles, but the exhibitors are willing for the balance of this year to set them back 28 days.

Recently Warners conceded its features might be dualled by subsequents when played with stage shows at the RKO Mainstreet and Tower, first runs, but not after they have been shown alone at a first run. Columbia and Universal, at first designating only certain pictures for dualling, later permitted the practice on all features with a 28-day delay in clearance. Other companies insist on single billing of all pictures that receive a first run, but otherwise they may be dualled at subsequents when available. Until this year the practice has been permitted on practically all product.

The I. T. O. committee, headed by C. H. Potter, and including Ed Hartman, Rube Finkelstein, J. F. Rigney and J. W. Cotter, is continuing its work in an effort to obtain agreement on all sides.

Milwaukee for Dual Ban, Price Boosts

MILWAUKEE, March 28.—A plan for a general increase of prices in Milwaukee and the elimination of premiums is being worked out by a committee of the I. T. P. A. of Wisconsin members, consisting of Charles Washicheck, chairman; B. K. Fischer, Ross Baldwin, E. Langemack and James Keefe.

The plan is contingent upon the downtown situation and it is hoped to secure the cooperation of Warners and Fox.

Canton on Duals 100%

CANTON, March 28.—All nine houses here are showing duals this week for the first time. Loew's went on a dual basis for the second time in five years. The Palace has been using the policy occasionally.

Talk Cleveland Ban Today

CLEVELAND, March 28.—At the request of local exhibitors a hearing will be held Friday morning on an injunction to stop duals at the University. Pending a meeting of the exhibitors' association in the afternoon other theatre men are holding in abeyance a threatened move to go dual.

Asther Hearing Monday

HOLLYWOOD, March 28.—The hearing scheduled for yesterday before the Academy Conciliations Committee on Nils Asther's Universal contract was postponed until next Monday. The studio held Asther in default on two picture deals while the actor was in Europe when he was wanted for work. It is understood it is now ready to compromise on one film.

See it..

AND YOU'LL SELL YOUR HEAD OFF!

Ask your FOX Exchange for a screening of . . .

"$10 RAISE"

Don't form any opinions about it . . . before the showing.

Make it a party . . . with your wife, your friends, her friends . . . or anybody else who's ever asked for a raise. *(Note to the boss: And who hasn't?)*

If you don't laugh till you ache at the headaches of the timid Romeo hero . . . we've never seen a comedy.

And if you don't decide to back it with every trick in the bag . . . we've never seen a showman!

"$10 RAISE" with Edward Everett Horton, Karen Morley, Alan Dinehart, Glen Boles. Produced by Joseph Engel. Directed by George Marshall. Screen play by Henry Johnson and Louis Breslow. Story by Peter B. Kyne.

FOX

The Leading Daily Newspaper of the Motion Picture Industry

MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 37. NO. 75 NEW YORK, SATURDAY, MARCH 30, 1935 TEN CENTS

Purely Personal

EDWIN L. MARIN, M-G-M director, and the missus will be hosts at a cocktail party at their apartment at the Warwick this afternoon prior to their leaving for the coast. DOROTHY MACKAILL, IRENE BORDONI, VINCENT LOPEZ and ROBERT YOUNG and his wife will be among the guests.

•

PAUL KOHNER, in charge of European production for Universal for the last two years, left for Universal City yesterday. His wife, LUPITA TOVAR, who has appeared in a number of Continental pictures, accompanied him.

•

JACK SHEA of Feiber & Shea returned yesterday from a 10-day trip to Ohio and Pennsylvania looking over some of the circuit's theatres.

•

SAMUEL GOLDWYN has signed NICK PARKYAKAKAS, who has been featured on the EDDIE CANTOR broadcasts, for a role in the latter's next film.

•

HARRY BERNSTEIN, real estate head of M-G-M, denies the company has purchased a site near Asbury Park for a studio.

•

SAM RINZLER, JOE HORNSTEIN and EDWARD SCHNITZER left yesterday for a week-end at Atlantic City.

•

WALTER FUTTER arrives in town Monday from the coast. On one of his usual seasonal visits.

•

SAMUEL GOLDWYN is on his way back from England on the *Olympic*. He gets in Tuesday.

•

WILL ROGERS, accompanied by MRS. ROGERS and daughter MARY are at the Waldorf.

•

YVONNE PRINTEMPS and PIERRE FRESNAY sail today for France on the *Paris*.

•

MORRIS HELPRIN, U. A. publicity chief, arrives from Florida on Monday.

•

SIDNEY SAMUELSON and NATHAN YAMINS go to Minneapolis today to

(Continued on page 2)

"Colonel" Is $84,000 Draw at Music Hall

First week of "The Little Colonel" at the Music Hall ended with a gross of $84,000. "Woman in Red" at the Roxy hit $26,000. About $2,000 under the expected figure. "Living on Velvet" at the Palace garnered $7,500.

"Roberta" opened for full week stands at RKO neighborhood houses

(Continued on page 2)

Senate Bill In to Extend NRA 2 Years

Provides Monopoly Curb, But Is Only Tentative

By BERTRAM F. LINZ

WASHINGTON, March 29.—Extension of the Industrial Recovery Act for two years from June 16, so amended as to apply only to interstate industries and restricting the exemptions from the anti-trust laws, is provided for in a bill introduced in Congress today by Senator Pat Harrison of Mississippi.

Harrison, who is chairman of the Finance Committee, emphasized that the measure is purely tentative and subject to amendment should this be found necessary as a result of the investigation of the operation of the law which his committee is now making.

(Continued on page 4)

Judge Delays Action On Cleveland Duals

CLEVELAND, March. 29.—Common Pleas Judge Dempsey today postponed until tomorrow a hearing on a petition for a temporary injunction against the University now playing duals in order to have time to read two earlier decisions involving the single feature agreement.

These earlier stays were granted by Judges Skeels and Corlett, but

(Continued on page 4)

Court Move to Stop "Fury" Cuts Looms

Judge M. A. Musmano of Pittsburgh is disturbed over reports that the New York censor board contemplates cuts in "Black Fury." He

(Continued on page 4)

Wotta Town!

Columbus, Miss., March 29.—This town now has two claims to fame. It's the home of Ed Kuykendall and a man got lost here.

Having arrived from Jackson, Miss., the stranger found a boarding house and went out to see the sights. They blurred his vision, so the next day he inserted an ad in the local paper asking help in finding that boarding house.

Legislative Fights Acute In 4 States

Legislative battles are now acute in four states—Tennessee, Pennsylvania, Michigan and Delaware. In Tennessee and Pennsylvania admission tax bills are stirring general agitation; in Michigan it's a censorship bill modeled after the Ohio law, and in Delaware exhibitors are battling a dog race measure.

Tenn. Fights 10% Tax

MEMPHIS, March 29.—Exhibitors converged on Nashville this week to fight the proposed 10 per cent amusement tax which has been favorably

(Continued on page 3)

Seek Theatre Fight On Taxes via Films

PHILADELPHIA, March 29.—Theatre men are urged by the Independent Exhibitors' Protective Ass'n in its latest bulletin to take advantage of the opportunity afforded by their

(Continued on page 3)

Start of Coast Clearance Meets New Postponement

After three and a half hours of discussion on the Fox West Coast petition with its clearance and zoning committee, Code Authority yesterday unanimously ruled that the plan will not go into effect Sunday, as originally scheduled, and at the same time invited any and all coast exhibitors objecting to the schedule to be heard in New York at a future date.

The Los Angeles clearance and zoning board was notified by John C. Flinn to invite theatre owners affected by the plan to get together and agree on a date for the Campi hearing.

After the regular Code Authority session on Thursday, Charles L. O'Reilly, Paul Lazarus and Sidney Justin, the clearance and zoning group, met with William T. Powers, attorney, and Edward Alperson, film buyer of F.W.C., from 4 P. M. to 12:30 A. M., during which time Alperson suggested that all sides be heard on the plan before it is put

(Continued on page 4)

Fox Petitions For Rehearing On Tri-Ergon

Asserts Court Erred in Flywheel Ruling

By CLARENCE LINZ

WASHINGTON, March 29.—William Fox, in a last minute effort to establish the validity of one of his two litigated American Tri-Ergon patents, filed a petition here today for a rehearing by the U. S. Supreme Court of the Wilmer & Vincent and Altoona Publix case, involving the so-called flywheel patent.

Today was the final day on which Fox could make his application. No petition for a rehearing of the Paramount Publix case, involving the double print patent, was filed. Thus, Fox serves notice, by not contesting the Supreme Court ruling holding this patent to be invalid, that he has

(Continued on page 2)

Charles Skouras on Coast to End Drive

LOS ANGELES, March 29.—Although he was not due until next week, Charles Skouras arrived late tonight by plane from New York. He wanted to be on hand for the windup of the 13-week drive at Fox West Coast houses which ends Sunday night and

(Continued on page 4)

Objections to More Para. Claims Heard

Motions to expunge claims against Paramount Publix totaling $191,972 were taken under advisement by Special Master John E. Joyce following a hearing yesterday.

The claims included that of Tobis-Tonbild for $111,119; Warner Bros.,

(Continued on page 3)

Para. Trustees Shy Off Answer to Erpi

Unless directed to do so by Special Master John E. Joyce, counsel for the Paramount Publix trustees will not answer the affidavit attacking the terms of Paramount's new domestic recording license agreement with Erpi. The attack was made by Ralph Vatner, representing a Paramount bondholder, who, the trustees' counsel contends has not been granted the right to intervene in Paramount's reorganization proceedings and hence has no legal standing.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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Wall Street

Loew's, Inc., Gains ½ on Big Board

	High	Low	Close	Net Change
Columbia vtc	40⅛	39¾	39¾	—1
Cons.	4⅛	4⅛	4⅛	— ¼
Cons. pfd (1v)....	16¾	16½	16½	+ ¼
Eastman (5) 120½		119½	119¾	.....
Eastman, pfd. ..155		155	155	.....
Fox Film "A"....	9½	9⅛	9½	+ ¼
Loew's, Inc. (2)..	35⅜	34½	35⅜	+ ½
Paramount Publix	2½	2⅜	2⅜	.....
Pathe	⅝	⅝	⅝	.....
Pathe "A" 12		11¾	11¾	+ ¼
RKO	1⅜	1⅜	1⅜	— ⅛
Warner Bros. ...	2¾	2⅝	2⅝	.....

Small Losses on Curb

	High	Low	Close	Net Change
Technicolor 19		18½	18⅝	— ⅜
Trans Lux (.10k)	2½	2½	2½	— ¼

Paramount F. L. Bonds Up ⅛

	High	Low	Close	Net Change
General Theatre Equip. 6s '40 ..	6½	6½	6½	— ⅛
General Theatre Equip. 6s '40 ctf	6⅝	6½	6½	— ⅝
Loew's 6s '41 ww deb rights 104¾		104¾	104¾	— ¼
Paramount F. L. 6s '47 71		70¾	71	+ ⅛
Paramount Publix 5½s '50 72		72	72	— ½
Warner Bros. 6s 6s '39 wd	50½	50½	50½	— ¼

(k) Paid this year. (v) Paid this year on account of accumulations.

(Quotations as at close of March 29)

"Scandals" for Roxy

"George White's 1935 Scandals" has been booked into the Roxy starting April 26.

Purely Personal

(*Continued from page* 1)

be on hand for the Allied Theatres of the Northwest two-day session, which opens Monday.

•

RUDY VALLEE, EDDIE CANTOR, "BEE" LILLIE, JOE PENNER, LOU HOLTZ, JACK BENNY, MORTON DOWNEY and JIMMY DURANTE, plus his old playmates, CLAYTON and JACKSON, were among those who performed at the Newspaper Guild's benefit show at the New Manhattan last night.

Quip of the Day

Madelyn Killeen, songstress and comedienne currently playing the Loew circuit, tells the story of the thespian who was called to the witness stand. On cross-examination, he was asked:

"What do you do?"

A—"I am an actor."

Q—"What kind of an actor?"

A—"Probably the greatest actor in the world."

Upon returning to counsel's table, his lawyer asked why he had made such a jackass of himself by telling court and jury he was the greatest actor in the world.

"But, my dear fellow, I was under oath. I had to tell the truth," was the rejoinder.

JOE SEIDELMAN, also pen in hand, from Honolulu:

"Just a 'look and see' trip, but may do some 'business' in Australia. Suva next stop. Then Fiji, Auckland and Sydney. Back before you know it."

•

EDWARD GOLDEN plans to leave for a tour of Monogram branches shortly in connection with the W. RAY JOHNSTON sales drive.

•

HAL HODE is having himself a time stooging for a jeweler these days and his friends' comments are something to hear.

•

EDMUND MANTELL is going to Palestine with his wife sometime in June. He's a Bronx exhibitor.

•

MONROE GREENTHAL has enriched himself with two new suits which he bought at one crack.

•

ED KUYKENDALL left for his home in Columbus, Miss., after the Campi session yesterday.

•

HARRY THOMAS returned to his office yesterday after a two-day absence.

•

HARRY RATHNER is back from a 10-day tour of midwest exchanges.

•

HELEN KANE sails today for the coast on the *Santa Elena.*

•

GEORGE CUKOR plans to wind up his vacation here next week.

•

DAVE BLUM, of all things, has gone in for wireless telegraphy. Says he's preparing for the revolution and wants to be set if and when.

Junior Adds Lustre To Pettijohn Name

Two buttons popped off the Pettijohn vest at the Hays office yesterday—upper buttons, of course—when news arrived from Pinehurst that C. C. Pettijohn, Jr., 16, had qualified in the North-South golf tournament. And how he qualified!

He had the same score as Walter Hagen—154 for the 36 holes of the two days' play. He did 18 holes yesterday in 72, the last nine in 33 which equals the tournament record. Charles Picquet was an enthusiastic coach.

First Division List To Be Set Next Week

Conferences on production plans and sales of First Division Prod. start Monday when the board of directors will hold the first of a series of meetings which are expected to last a week. John A. Curtis, vice-president; George Jackson Hill, Jr., a partner, and Frank Look, secretary of the production unit, are in town for the session, and Nicholas M. Ludington, president, will arrive by plane Monday. Al Friedlander and William M. L. Fiske, representing the exchange division, are also in from Hollywood to attend. Henry Hobart,' in charge of production, may arrive next week.

No total of pictures has yet been definitely decided, Curtis stated yesterday. He said the company was negotiating with a number of producers and stars and would make an announcement of all details following the sessions. Curtis denied that the remaining two of four Hoot Gibson westerns are being turned over to another producer.

"Colonel" Is $84,000 Draw at Music Hall

(*Continued from page* 1)

yesterday. It will be held two weeks at the Albee, Brooklyn, however.

"Naughty Marietta" at the Capitol tallied $38,000 for the first stanza. Next Friday "West Point of the Air" goes in.

Second week of "The Wedding Night" at the Rivoli ended with $20,500, while the Strand on the second week with "Gold Diggers of 1935" grossed $13,500.

Brower Now Director

HOLLYWOOD, March 29. — Otto Brower has been signed to a term directorial contract by Darryl F. Zanuck, of 20th Century. Brower, formerly with Paramount and Radio, was an assistant on "Call of the Wild."

Cohen En Route Here

HOLLYWOOD, March 29.—Ben S. Cohen, vice-president of Burroughs Tarzan Enterprises, Inc., has left for the east to close remaining territories on the new "Adventures of Tarzan" series. The film is in feature length and available as a 12-episode serial.

Fox Petitions For Rehearing On Tri-Ergon

(*Continued from page* 1)

abandoned thought of attempting to establish the patent as valuable.

In its application for a rehearing of the flywheel patent case, Tri-Ergon contends that the court erred in throwing out the disclaimer in the case and that the result of that action is to create confusion which makes it impossible for the lower courts to determine whether a disclaimer is valid or not when it adds a "new element," and that in deciding the flywheel claim invalid for want of invention, the court made statements not supported by, or in contradiction with, the record.

Cites Other Patent Cases

Discussing the rejection of the disclaimer, the petition cites a number of patent cases to support its contention that "the court recognized the validity of disclaimers in limitation of a claim to a species of a general class covered by the claim" which it holds is precisely the nature of the disclaimer in suit when properly applied. Even if the disclaimer added a new element, as held by the court, disclaimers in other patent litigation which were approved by the court also added new elements to those particular claims, it was declared.

"As a result," it was asserted, "it will be quite impossible for the lower courts to determine whether a disclaimer which adds 'a new element to a combination previously claimed' is valid or invalid," and "leaves the law in hopeless confusion and, consequently, there should be a reargument."

The petition emphasized the allegation that the court's opinion was contradictory to the record, particularly with the demand for the invention, which, it claims, existed as far back as 1913 when Edison attempted to use phonographs in theatres, and claimed that no system proved workable until the Tri-Ergon method was developed.

Question of Public Demand

"Certainly," the petition claimed, referring to other experimenters in sound, 'these people were not interesting themselves and spending their money for the fun of it. There was a great public demand ever since 1921, and yet this court states that there was no public demand until 1926 and that 'when the need arose for a mechanism suitable to move film records with such speed constancy as to produce sound successfully it was forthcoming.'

"It was forthcoming, but from these patentees—and as early as 1921—who were the first to give sound on film sound pictures to the world, and their work has now been appropriated by the great corporations of this country and with impunity under this court's treatment of what, we respectfully submit, was a pioneer invention."

While the court may announce its decision on the petition when it meets next Monday, it is considered unlikely that it will have an opportunity to study the matter before next week. In all probability a decision will be announced April 8.

Legislative Fights Acute In 4 States

(Continued from page 1)

reported out of the recess finance committee of the legislature and is due for immediate action.

M. A. Lightman and Col. Howard Waugh, manager of the Warner circuit here, are among those expected to visit Nashville personally in an effort to stay passage of the measure. Owners and managers throughout the state have been besieging legislators with messages.

Plan Harrisburg Protest

PHILADELPHIA, March 29.—A large group of exhibitors, representing both the M.P.T.O. and the I.E.P.A., will go to Harrisburg Tuesday to protest against the amusement tax bill passed by the House and now before the Senate.

Michigan Censor Bill In

DETROIT, March 29.—A bill providing for a state censorship board of three, to be appointed by the Governor for three-year terms, has been introduced by Representative Edward H. Fenlon of St. Ignace.

Cost of administration would be paid by fees levied on distributors and exhibitors, Fenlon said. The bill is patterned after the Ohio law.

Act on Ohio Walkathon Ban

COLUMBUS, March 29.—The Senate today passed Senator Philip Wolf's bill to prohibit dance marathons, walkathons and other endurance contests lasting longer than 24 hours. House concurrence is expected as there is practically no opposition.

Oppose Delaware Dog Tracks

DOVER, Del., March 29. — A. J. Vanni, Warner zone manager, and A. Joseph DeFiore, president of the Independent M.P.T.O.A. of Delaware and Eastern Maryland, led Delaware exhibitors in the fight against the dog racing bill. Exhibitors from Wilmington, Middletown, Newark, Dover, New Castle, Seaford, Harrington, Rehoboth, Milford, Laurel, Smyrna and Georgetown were at the meeting.

Arizona to Settle Tax

PHOENIX, March 29.—Arizona is calling a special session of its legislature on April 10 to settle the theatre tax situation which was originally scheduled to be heard March 15.

Horlacker Starts Monday

Horlacker Film Delivery Service resumes operations in New York Monday after an absence of five years, during which time the company had an agreement with Stern's to pick up Local shipments for Philedelphia, Baltimore, Washington and Norfolk, Va. This agreement has expired.

Under the new arrangement, three trucks will leave daily for Philadelphia and connecting points. James Clark, president of the National Film Carriers' Ass'n., is also head of Horlacker. Louis Molitch, who inaugurated the interstate service for the company five years ago, is manager of the local office.

Clark was in town yesterday and is due again on Tuesday.

MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

"Four Hours to Kill"

(Paramount)

HOLLYWOOD, March 29.—Constructed a la "Grand Hotel" with the major setting the theatre lounge and smoking room. While the show goes on and during intermissions, this melodrama intertwines for unique and vivid interest Richard Barthelmess, killer on his way to jail; Gertrude Michael, a trusting wife; Ray Milland, a faithless lover; Roscoe Karns, an expectant father; Joe Morrison, an usher studying law; Helen Mack, his sweetheart; Dorothy Tree, an usherette teamed with Noel Madison as a pair of blackmailers; Henry Travers, house manager; Charles Wilson, a detective, and varied personalities of the audience.

Skillful and agile, is this production. It is done with surgical precision emphasizing realistic, cynical qualities rather than romance and heart, which are present, however. The action builds toward a finely suspended, dramatic denouement.

Barthelmess' role, while rich and splendidly portrayed, strives for appeal. Karns nearly steals the show. Others in the cast contribute neat vignettes.

Arthur Hornblow, as usual, produced with dextrous expertness. Mitchell Leisen directed well from Norman Krasna's play, "Small Miracle," and screen play, getting all possible from the same. Music and the photography add to the good production values. Sold as a novel thrill melodrama it should register nicely.

Production Code Seal No. 629. Running time, 76 minutes. "G."

Seek Theatre Fight On Taxes via Films

(Continued from page 1)

own screens to stir propaganda against taxation inimical to the industry.

"Politicians," says the bulletin, "always regard movie theatres as a lucrative 'soft spot' from which to exact levies for every purpose. Newspapers and the radio broadcasting business escape entirely, because the political bigwigs fear their influence with public opinion, but exhibitors, on the other hand, either overlook or fear to take advantage of their powerful weapon with which to overcome an unfair legislative attack on their incomes.

"If politicians believe that theatre men have a just complaint against a proposed tax and that they will present that complaint to the public, you may rest assured that the bill will die in committee or be defeated by vote."

Allied Owners Vote Fixed for April 19

Creditors of Allied Owners Corp. will vote April 19 on confirmation of the company's plan of reorganization which provides for theatre purchase agreements with Loew's and Paramount, it was decided yesterday at a hearing before Federal Judge Robert Inch in Brooklyn.

Although a preponderance of the company's creditors represented at yesterday's hearing indicated sufficient strength for ultimate confirmation of the plan, the adjournment was taken to comply with agreements which permit dissenting creditors to withdraw from committees which favor the plan. Inasmuch as the plan received the tentative approval of the court only a week ago, it was felt that insufficient time had been afforded to dissenting out-of-town creditors for withdrawal. It is expected that a few creditors may withdraw, but not a sufficient number to affect confirmation of the plan on April 19.

Objections to More Para. Claims Heard

(Continued from page 1)

$75,000; Eastman Kodak, $4,740, and minor claims totaling $1,113. Applications also were made and taken under advisement for the reduction of several other small claims, including the reduction of a Fox Film claim for $195.75 to $189, and one of Paramount Prod. against Paramount Publix for $25,000 on which a reduction to $1,500 is asked.

Also taken under advisement was a proposal for allowance of a $25,142 claim filed by Cravath, de Gersdorff, Swaine & Wood, law firm, for services rendered Paramount early in 1933 "in anticipation of bankruptcy."

A scheduled hearing yesterday of a proposal for discontinuance of a contract under which Skouras operates Atlantic States Circuit for Paramount and several St. Louis houses, and one covering a $90,000 payment to Paramount by Skouras during a six-year period, were postponed to April 8.

Para. Scouts After Acts, Specialists

Novelty acts and specialty performers are being sought by Paramount for three new picture. Ben Piazza, talent scout for the company, is in town with Benjamin Glazer, producer, on a two-week search for talent. The pictures for which unusual personalities are sought are: "The Big Broadcast of 1935," "Sailors Beware" and "The Plot Thickens."

Glazer's principal purpose here is to confer with Vinton Freedly on "Anything Goes," which Glazer will make.

Ask Pathe Stock Listing

Pathe yesterday made application to the New York Stock Exchange to list 636,032 shares of $1 par common stock. Pathe's recently approved reorganization plan authorized the issuance of 2,000,000 shares of new common.

"Roberta" Is 3d Week Top On the Coast

LOS ANGELES, March 29.—"Roberta" was a third-week sensation at the Hillstreet. It held up to $12,000, over the first average by $4,000.

Total first run business was $72,225. Average is $91,200.

Estimated takings for the week ending March 27:

"AFTER OFFICE HOURS" (M-G-M)
CHINESE—(2,500), 30c-55c, 6 days. **Gross:** $6,900. (Average, $12,500)

"LITTLE FRIEND" (Gaumont-British)
FILMARTE—(800), 40c-55c, 7 days. **Gross:** $2,000. (Aerage, $2,750)

"SCARLET PIMPERNEL" (U. A.)
4-STAR—(900), 40c-55c, 6 days. **Gross:** $5,900. (Average, $3,250)

"ROBERTA" (Radio)
HILLSTREET—(2,700), 25c-65c, 6 days, 3rd week. **Gross:** $12,000. (Average, $8,000)

"AFTER OFFICE HOURS" (M-G-M)
LOEW'S STATE—(2,500), 30c-55c, 6 days. **Gross:** $9,000. (Average, $14,000)

"RUGGLES OF RED GAP" (Para.)
PARAMOUNT—(3,595), 30c-55c, 7 days. 2nd week. Stage: F. & M. revue, Ann Ronell & Patricia Bowman, Rube Wolf and his orchestra. **Gross:** $13,000. (Average, 18,000)

"LITTLE COLONEL" (Fox)
UNITED ARTISTS—(2,100), 25c-55c, 6 days. **Gross:** $4,900. (Average, $3,500)

"ROBERTA" (Radio)
WARNER BROS. (Hollywood) — (3,000), 25c-65c. 6 days. 3rd week. Gross: $9,125. (Average, $14,000)

"A NIGHT AT THE RITZ" (Warners)
"DEATH FLIES EAST" (Col.)
WARNER BROS. (Downtown)—(3,400), 25c-40c, 6 days. **Gross:** $6,400. (Average, $12,000)

"PRINCESS O'HARA" (Univ.)
"THE GHOST WALKS" (Chesterfield)
PANTAGES—(5,000), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,200)

Allied Minneapolis Meet Starts Monday

MINNEAPOLIS, March 29.—Exhibitors from surrounding states—Wisconsin, Iowa, Nebraska, Montana—will join Northwest Allied in its convention to be held here in the Radisson Hotel April 1 and 2.

Approximately 300 are expected. Abram F. Myers, Sidney Samuelson, H. M. Richey and Nathan Yamins will be speakers.

Al Steffes has again declared he will withdraw as president of the organization and election of officers will be one of the major features of the convention program. Steffes stepped out on a previous occasion, but was later persuaded to take up the reins again.

Delay Roxy Stock Suit

Trial of the Chicago Title & Trust Co. action to recover $1,000,000 from William Fox and Fox Theatres Corp. as a result of defaults on the redemption of Roxy Theatre stock, which was scheduled to begin yesterday in state supreme court here was postponed to April 5. Indications are that on that date the suit will be started for trial beginning April 8.

Fox Met Plan Aided

Permission for Fox Theatres Corp. to present its plan of reorganization for Fox Metropolitan Playhouses was granted yesterday by Federal Judge Martin T. Manton, who has jurisdiction over the Fox Theatres receivership. The date for a creditors' hearing on the plan has been set back from April 12 to April 15.

Coast Zoning Start Again Is Postponed

(Continued from page 1)

into operation. He stressed the fact that there was no immediate necessity for putting the schedule into effect Sunday, since F.W.C. has been co-operating with other exhibitors for the past year and a half waiving protection when the emergency arose.

Alperson offered to devote all of his time for the next three weeks to co-operating with the clearance and zoning committee on the schedule and pointed out that before Campi puts into operation a plan that will be the pattern for the rest of the country it must be workable, fair and equitable to all parties concerned. He also asked that no favoritism be shown.

It is understood F.W.C.'s petition protested 13 clearance situations and that there are about 40 complaints from independent exhibitors which have not yet been heard.

In holding up the schedule, Campi feels that it wants to satisfy all concerned as far as possible, so that there will be no boomerangs later. It is said that the report of the Los Angeles board was insufficient to guide the clearance body and that every exhibitor in the territory should have been given a chance to have his say.

Court Move to Stop "Fury" Cuts Looms

(Continued from page 1)

threatens to seek an injunction if eliminations are ordered.

According to reports, the New York censors regard some of the scenes as inflammatory.

"The board, I presume," says the judge, who is the author of the story, "is particularly concerned about my treatment on the screen of the story of the murder of John Barcosky, a coal miner, sadistically done to death by coal and iron police. This is fact, not fiction, and I cannot understand upon what basis the New York censors can cut this from the story."

Judge Musmano wired the New York board asking its attitude on the story.

When asked about the matter, Irwin Esmond, director of the board, yesterday said that no action had been taken on the picture.

"It was submitted and then withdrawn," he said. "It has just been returned and will be viewed as soon as possible."

Judge Delays Action On Cleveland Duals

(Continued from page 1)

the decisions upheld the validity of signatures to the general agreement. In the present case the court questions whether it has the right to grant a stay.

Attorneys for the University said today they intend to attack the validity of the agreement for the first time. Previous cases have covered only the validity of signatures. The new tack makes the University the complainant rather than the defendant.

Throttle Pushing

By H. E. N.

ATLANTA, GA.

We have often heard, during many years of throttle pushing to the tune of some 350,000 miles, that shop-worn expression: No exhibitor can make a profit by showing one company's product exclusively. William T. Murray, owner of the Rialto which seats 1,000 and is a downtown first-run here, knocks this theory sky high and is doing so well with an exclusive feature policy that he is not afraid to tell the world about it. He neither uses money, gifts, premiums nor double features, but operates and sells with intelligent exploitation campaigns the features that merit them. In addition to the feature, his program consists of a two-reel comedy, "Screen Snapshots," news and cartoon. This set-up was inaugurated in August of 1934 and has continued without interruption ever since. Bill has consistently sold his feature trademark to the public of Atlanta. Oh yeah! we almost forgot to tell you the name of the distributor, Columbia. Murray states "Broadway Bill" ran five weeks; "Night of Love," three; "It Happened One Night," three with a repeat of one. The above set-up has no tricks tied to it and is a flat rental proposition, and Murray takes them all.

"Prints in the Theatre and Money in the Bank" was the slogan inaugurated last June by the Arthur Bromberg sales force, distributors of Monogram for Charlotte, Atlanta, Tampa and New Orleans territories. In appreciation of the good work done by his sales staff, Bromberg is giving his boys two weeks' salary, a trip to the coast, a $10-a-day incidental account, and all expenses paid. A side trip to the Grand Canyon, a boat trip from Los Angeles to San Francisco and a detour to Tia Juana are included. The following sales specialists will make the trip with Bromberg: Charlotte, H. H. Everett, Cy Dillon, Jack London; Atlanta, John Mangham, P. H. Savin, Henry Glover; Tampa, Carl Floyd; New Orleans, Leo Seicshnaydre, Ed. Ortte and H. Y. Harrell. Bromberg, who has just returned from a trip through Florida, states that the outlook for business in that state is bad for the coming summer.

KEY WEST, FLA.

The F. E. R. A. has cleaned up this city and beaches and is now operating the palatial Flagler Hotel. The influx of tourists this winter, under a publicity campaign by the government, has drawn numerous visitors. Senors Juan Carbonell of the Monroe and Bezanilla of the Palace have done very well indeed. Carbonell has opened a swanky night club in the downtown section with atmospheric "Carmens" and husky turtle harpooners in attendance.

EUSTIS, FLA.

Herbert Wales, who has been operating the Eustis for the past five years, has lost his lease. This popular showman plans to go elsewhere.

MORE FROM ATLANTA

Oscar Oldknow, general manager of National Theatre Supply, will let contracts in two weeks for a 1,400-seat suburban house at North Ave. and Techwood Drive. This theatre will be in the center of the new government housing project which is building 3,000 unit apartments here. Triple A construction with balcony, costing $100,000, is planned. The theatre will be known as the Techwood and will open some time this September. Oldknow will leave soon for the coast and will spend the summer at Malibu.

"A Film Clearing House," in which the family of John Ezell and Uncle Claude spring into the limelight with an innovation on forwarding of film that could be well adopted in the Rocky Mountain section and the Northwest. Clinton, Marcia Clyde and John, Jr., have been operating for the past two years, a "Film Forwarding Depot" that is annually saving the exhibitors of this territory thousands of dollars in transportation costs. Daily, this organization picks up all film collected at its depot and ships it via American Railway and Southeastern in lot shipments to all points, thereby cutting express rates 50 per cent. In cities where there are more than one account, shipment is made to one theatre and the lot is then broken up. On the return shipment of film, a saving of 25 per cent of the original forwarding charges is made by theatre. Some 200 accounts are being handled daily by this organization which has never had a missout.

"Dusty" Rhodes, booker for the Roy Martin circuit, tells us about the new theatre this circuit will open some time in May at Sylacauga, Ala. This house will be known as the Ritz and seat 1,000. The Martin circuit now comprises 25 houses.

Love B. Harrell, a well-known figure and attorney in southeastern film circles, has gone back to his first love, the ministry. Rev. Harrell is now associate pastor of the Wesley Memorial Church, this city. Mrs. Harrell is operating a tea-room in conjunction with the church, where well-known figures of the industry may be seen every noon dining. Mrs. Wellingham Wood and Mrs. Violet Edwards, Georgia exhibitors, entertained friends here the other day.

Pickets at Mayfair

Sign Writers' Local No. 230 yesterday began picketing the Mayfair and Astor following a recent switch to non-union sign shops said to have been made by the two houses.

Metropolitan circuit houses recently extended their agreement with the union shops to Oct. 1.

Stephen Albu Passes

DETROIT, March 29.—Stephen Albu, veteran exhibitor, died unexpectedly after an operation for stomach trouble. He had been operator of the Priscilla for the last four years.

Senate Bill In to Extend NRA 2 Years

(Continued from page 1)

It was introduced, he indicated, to quell the threatened flight from the codes which has been reported.

The bill provides that all existing codes shall be extended 90 days within which period they are to be thoroughly surveyed to determine what changes must be made to have them conform to the anti-monopoly and other provisions of the new law.

While the legislation provides that only interstate industries shall be codified, observers in Washington believe that exhibitors will continue under the film code as a result of an interpretation in the bill applying codes to industries which "substantially affect" interstate commerce.

Codes under the proposed law must not promote or sanction the creation or maintenance of monopoly, or of practices destructive of fair competition, eliminate or oppress small industries, or discriminate against them, nor promote or sanction devices for fixing prices or controlling production or distribution which are restrictive of fair competition.

Violations of code provisions would be punishable only by fine.

Charles Skouras on Coast to End Drive

(Continued from page 1)

also confer with Reeves Espy, who leaves F.W.C. tomorrow to join Samuel Goldwyn.

Skouras did not plan to return until the 10-year operating pact with National Theatres had been signed in the east. It's still hanging fire, but Leo Spitz, personal attorney for the Skourases, is handling the washup of the confabs for F.W.C. operating heads. The contract, retroactive to Jan. 1, 1935, will expire Jan. 1, 1945. It calls for a flat salary to both Skouras brothers with a graduating percentage of the profits.

Spyros, vice-president of National and president of Fox West Coast Theatre Corp., is due next week via the air lane. S. R. Kent flew in Thursday and Edward Zabel, Charles' secretary, left New York Wednesday by train, stopping over at Milwaukee to see his parents for a few days before continuing west.

On April 1, F.W.C. will start another 13-week drive.

Conferences on the Skouras Brothers 10-year contract with National Theatres for operation of Fox West Coast and other National subsidiaries are not expected to finish up for another three weeks. Signatures in all probability, will not be affixed until the end of April or the beginning of May. Principal details are set, but variation in the language of some of the clauses is holding up the signatures.

M-G-M Signs Three

HOLLYWOOD, March 29.—M-G-M has signed Byron Russell, John Harrington and Percy Waram.

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